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**Variation of outline permission to
replace approved local centre with
approved centre with housing**

14 December 2020

Dear Ms. Lewis

I refer to your recent request for pre-application advice in respect of the above. In formulating this response I have had regard to comments obtained from the parties listed below:

- Planning Policy
- Environmental Health
- Highways Authority
- Landscape Officer
- Planning Contributions Manager

Outlined below is a preliminary assessment of the proposal, including an indication of the main issues that should be addressed should you choose to submit a formal application. Please note that the views expressed in this letter represent officer opinion only and cannot be taken to prejudice any formal decision of the Council in respect of any application, on which a more extensive consultation would be carried out which may raise additional issues. In addition, the depth of analysis provided corresponds with the scope of information made available to officers.

Relevant Site History

12/0886	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)	Granted with conditions
19/1270	<i>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</i>	Granted with conditions subject to a section 106

**** It should be noted that there are a number of planning applications relating to the Jubilee Park Estate but none specifically for the local centre area but would have implications on the land and proposed local centre.

Site Constraints / Designations

The following LDP allocations or policy definitions apply to the site:

- Housing Allocation H1(54) Jubilee Park
- Local Centre Allocation (LC19)
- Within the Settlement Boundary
- Brownfield Site
- Parking Zone 4
- Affordable Housing Submarket Area Newport West (30%)
- Flood Risk Zone C1
- Natural Accessible Greenspace
- Adjoining TPO woodland.

Relevant Policy Context and material considerations

Local Planning Policy- Newport Adopted Local Development Plan- The following LDP policies are considered to be relevant to the proposed development of this site:

- SP1 – Sustainability
- SP3 – Flood Risk
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP10 – House Building Requirement
- SP12 – Community Facilities
- SP13 – Planning Obligations
- GP1 – Climate Change
- GP2 – General Amenities
- GP3 – Service Infrastructure
- GP4 – Highways & Accessibility

- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- H1- Housing Sites
- H2 – Housing Standards
- H3 – Housing Mix and Density
- H4 – Affordable Housing
- CF12 – Protection of Existing Community Facilities
- T4 – Parking
- T5 – Walking and Cycling
- W3 – Provision of Waste Management Facilities in Development

Adopted Supplementary Planning Guidance

- Planning Obligations SPG – January 2020
- Parking Standards SPG – August 2015
- Affordable Housing SPG – August 2015
- New Dwellings SPG– January 2020
- Trees, Woodland, Hedgerows and Development Sites SPG – January 2017
- Air Quality – February 2018
- Waste Storage and Collection – January 2020
- Wildlife and Development – August 2015
- Sustainable Travel 2020

Officer Assessment

From the submitted information, the enquiry is seeking the Council's advice in respect of the best application procedure and secondly, the principle of the proposed change of use from a commercial aspect of the scheme to residential. I will consider the matters in turn: -

Method of application

The application site is allocated as a housing allocation in the adopted Local Development Plan (H1(54)), it should also be noted that the local centre that forms a part of this plan designation is also a specific allocation in the LDP (LC19). The proposal is for an alternative proposal for the two parcels of land identified in the Outline Masterplan and as approved as part of the Outline Planning Permission for the site. The alternative use proposed is for residential development on an areas amounting to around 1.5ha.

Your cover letter indicates that you consider that a Non Material Application would be sufficient to deal with the changes and that it passes the relevant tests to be considered non material amendment.

The Welsh Government Development Management Manuel indicates the following - Where a change to approved development is so small or insignificant in its planning impacts it is a 'non-material amendment'. There is no formal definition of a non-material amendment because what is a significant change in terms of town and country planning will vary depending on the circumstances of the case. However, in the Council's view, the removal of the proposed local centre, hotel, doctors surgery and replacing it with housing on land around 1.5ha in size would, in itself, be considered a notable and significant change, even when considering it against an outline major planning application of this size.

For instance, a variation to a scheme this size (1.5ha of urban development) would come under Schedule 2, Part 13 (ii) of the EIA regulations and would be a reason why an updated EIA would be required. It is difficult to comprehend that a scheme may require an updated EIA but not be considered a material change to a scheme. Moreover, the change would conflict with an agreed S106 legal agreement and a deed of variation could not be varied under a Non Material Amendment Application.

Notwithstanding the above, Section 96A of the Town and Country Planning Act 1990 allows a non-material amendment to be made to an existing planning permission. The Authority must consider;

1. The scale of the proposed changes and whether they are great enough to cause an impact different to that caused by the original approved development, and whether that change would have a detrimental impact either visually or in terms of local amenity;
2. whether any third party or body would be disadvantaged in planning terms; and
3. if the proposed change conflicts with national or development plans policies.

It is clear that the outline permission granted a maximum of 1200 housing units on the site but the description of the development was also for a local centre with specified uses. In accordance with section (1) above, it is considered that the changes to remove the local centre from the scheme would result in a scheme that is different to that considered under the original approval and would fail this test, even if it was considered not to be detrimental visually or in terms of local amenity.

In respect of part (2) of the NMA considerations, your conclusions are too simplistic in respect of neighbouring impacts. Firstly, there are new neighbours occupying the site from the 2012 approval that were not present when this application was determined originally. In addition, a commercial scheme would have different impacts to a proposed residential scheme and could have greater impacts on third parties but this is not always the case. For instance, there would be more dwellings than commercial units, which would have increased traffic movements, potentially more invasive impacts upon privacy as well as more permanent resident parking. The Council does not have a layout of the local centre scheme, something which should have been provided as part of Condition 6 of the approved outline consent, so it is not possible to conclusively determine that a third party would not be disadvantaged by this material change to the scheme without an application detailing the changes.

In respect of policy consideration, although it is appreciated that it was an allocated site within the Local Development Plan, the Officer's report clearly sets out that the Local Development Plan (LDP) is not adopted and the application was considered under the policy framework of the previous Unitary Development Plan (UDP). In addition, Planning Policy Wales has been revised 5 times since 2013 along with a number of Technical Advice Notes (TANS). Moreover, technical documents such as Flood Consequences Assessments, Ecology and Bat Surveys, Noise Assessments etc, would all be out of date and would need to be amended in order to satisfy updated policy on the related matters.

Officers agreed during a pre application meeting that the best route would be to consider a Section 73 application and a further reserved matters application to incorporate the change. However, on reflection, there are issues with considering this application under Section 73 and the Council's formal advice would now be to submit a new FULL application for the proposed housing change.

The main concerns with a Section 73 application are set out below:-

The Development Management Manual indicates Section 73 applications can be broadly separated into three different application types, based on their intended purpose. These include extend the time limit of an existing permission (commonly referred to as a 'renewal' application), allow 'minor material amendments' to planning permissions and allow the variation or removal of any other condition attached to a planning permission.

In view of this advice as well as recent case law, it is understood that when determining a s73 planning application, the decision maker must not consider the description of the development to which the conditions are attached, because s73(2) expressly requires the planning authority to "consider only the question of conditions". In the instance, you do have consent for 1200 houses and you are not proposing to go beyond that but that is not the area of contention. While there is no statutory definition of a minor material amendment,

the key principle is that it is not open to the local planning authority to vary a condition if that varied means that the terms of the original permission (i.e. the description of development) are changed. By removing conditions referring to and requiring a Local Centre (which would need to be applied to any new consent where there is no Local Centre) this would need to be reflected in a varied description of development.

I acknowledge your view in your updated letter, however, I would contend that the description may allow for flexibility in the numbers of housing or floorspace for the Local Centre, but I would not go as far as to agree that you do not need to provide the Local Centre at all. In addition to the above, the Local Centre is specifically allocated within the Local Development Plan, so the proposing variations would change the nature of the proposed development and also conflict with an allocation in the development plan. As such, whereas the previous application would have accorded with the policies within the LDP, this proposal does not technically accord with the proposed allocation, which would also in effect change the nature of the development.

The second reason I set out to you in my email was with respect to the need for an update to the EIA and I acknowledge this could be included as part of a Section 73 application. However, the position I was trying to convey was why this proposed change would not amount to a minor material amendment. I appreciate that the Jubilee Park scheme was a large scheme, however, a variation to a scheme this size (1.5ha of urban development) would in itself be a major Schedule 2 development that would come under Part 13 (ii) of the EIA regulations as an extension or alteration to an approved urban infrastructure scheme. To that end, it is my view that a variation that would amount to a major schedule 2 development (on its own) would not be considered a non-material change (NMA) to a scheme or even a minor material amendment (Section 73) to an approved scheme.

My third reason was that it would also be a very problematic and complex application. I would stand by this position despite the updated response in your recent cover letter.

A Section 73 application would have to be considered as a new permission but would also have to ensure that all of the previously agreed details are submitted and agreed as part of this permission. By way of assessing a Section 73 application it is the LPA's role to consider whether any physical changes have occurred on site since the approval that would alter the assessment and whether there have been any national or local policy changes since the original approval. If no works had commenced on site, then I would agree this could be a simpler process and possibly dealt with by submitting the already agreed discharge details. However, the site has been substantially redeveloped with a large number of subsequent reserved matters and discharge of condition details having been implemented on site.

Accordingly, the changes on site must be updated in any revised submission to take this into account. In your initial letter there was no consideration of these matters and although I accept from your update that you would be willing to update the necessary information to take, I do not agree that the conditions details agreed already could be transferred easily and simply referenced in any updated conditions. The conditions discharged were submitted prior to works being carried out on site, so the details would be with respect to an undeveloped site rather than the housing estate that currently occupies the land. As such, all of the condition discharge information (alike the updated policy documents) to be transferred would need to be updated to take into account the changes that have occurred on site and to accurately reflect what exists on site at present. Accordingly, in view of the physical changes that have been carried out on site, it would be your role to collate that information and update it rather than rely on the Council to examine all of the previously submitted details. I believe that the work that would be required by you and the applicant to revise the information across the wider site would be more time consuming and complex than submitting a new separate application for just the land in question.

In addition, with so many reserved matters applications being approved along with a number of different pre commencement conditions being discharged via a number of different applicants, it would make it extremely complicated to amend the conditions to refer to the discharge of conditions references in any updated compliance condition. For example, the contaminated land condition (condition 33) on its own has 17 different applications references that have been submitted to discharge the condition. To refer to all the different applications in any compliance condition would be unworkable. I am also of the view that it is poor practice to refer to previously approved details by reference in a condition and would be concerned that the Council would be vulnerable to challenges to the validity of these conditions. To explain, the Section 73 permission would be the relevant consent not the previously granted outline so it could be contended that the agreed condition discharge applications referred to in the condition were submitted to discharge details attached to a

permission that would no longer have any legitimacy (as the works would no longer accord with the originally approved outline permission). So the condition referring to old condition discharge references could be considered unenforceable as it does not relate to the development permitted.

Accordingly, in my view, it would be a much clearer and simpler process to consider the change to this element of the scheme as a new separate FUL or OUT application rather than an NMA or Section 73 application. It might be that the application will need to be considered on updated policies and requirements and the infrastructure would need to be incorporated into the wider housing scheme but this can be detailed in the submission and would have had to be considered under a Section 73 application as well.

Principle of Use

In view of the above method of application, the advice below would be based on a FUL or OUT application being considered for the use of the land as housing.

The site area is of an area that exceeds 1ha, therefore, this would be considered a major residential development application in itself and could be subject to Environmental Impact Assessment as it exceeds the thresholds set out in part 10 (b) depending on how many dwelling houses could be proposed as well as a Pre application Consultation Report.

No details have been submitted that indicate the no. of housing, proposed layout or scale or mix of housing. Accordingly, I would simply set out the following advice in respect of the principle of the development as well as the other material considerations that could be considered and what would need to be provided.

Housing

The Jubilee Park development is a housing allocation in the LDP (H1(54)) and the Local Centre is also allocated as Local Centre LC19. The application site sits within the housing led development of the former Novelis factory, this is a LDP allocation and it is important to note that the outline permission gave consent to up to 1200 units. The residential development of this land is acceptable in principle, if the loss of the community facilities can meet policy requirements. (discussed below)

Policy H2 requires new residential development to be built to high standards of environmental and sustainable design. The New Dwellings SPG sets out the basis against which new units will be assessed, the minimum size of units and amenity space are particularly important factors. The density of the site will need to satisfy policy H3 of the LDP, however justification of a lower or higher density can be justified but this would need to be detailed in any submission

Policy H4 requires a level of affordable housing provision. The site is located within a 30% target area however it should be noted that the outline permission sought a 10% provision. The views of the Planning Contributions Manager to establish the level of affordable housing to be provided has been set out below (see Planning Contributions).

Loss of Community Facility

The outline planning permission allowed the following uses at the sites identified as a local centre in the approved masterplan:

- SHOPS (A1), reduced to 360m² of retail space*
- SPACE FOR OFFICES (B1),
- COMMUNITY FACILITIES (D1),
- A CLINIC OR SURGERY (D1),
- PHARMACY (A1)
- HEALTH AND LEISURE FACILITIES (D2)
- A RESTAURANT AND PUB (A3)
- A LODGE OR HOTEL (C1),

It is important to note that the recent permission for retail at 116 Tregwilym Road (19/1270) has seen the majority of the approved retail floor space at the jubilee park local centre sited at the former garage site on Tregwilym Road. The location of the retail site is such that it is adjacent to the jubilee park development and can serve both passing trade and local residents. The permission was granted with a legal agreement that ensures that the floorspace approved as part of this consent cannot be constructed on the initially agreed location within Jubilee Park itself. Therefore, 360m² of retail space could still be proposed at the local centre within the jubilee park site.

The local centre was proposed initially in the site to serve the immediate neighbourhood and it was considered appropriate for this non-residential section of the scheme to complement and maximise residential amenities. Provision for the doctor surgery/clinic was to serve projected need. The pub and restaurant was deemed as beneficial to the new population as they would have an alternative choice of facilities. It is clear that much effort was made to create a positive place providing more than homes but facilitates to enhance the offer which has clearly worked in terms of the successful delivery of the site seen to date.

It is clear in national policy that this place making approach is critical and therefore a policy concern is likely to be raised over the loss of this remaining positive element of the scheme. Policy CF12 is written to protect existing properties in community use but the inference is clear in the policy frame work that the removal of such facilities should only be agreed where alternative provision is made or it can be demonstrated that the provision is surplus to the needs of the community. Therefore, the loss of the local centre as a whole would only be supported where the removal of the whole or elements of the whole can be justified.

In order to satisfy local policy, the Council would require evidence including the attempts to attract suitable community uses, the marketing of the land for the hotel and pub and a response from the Health board about the proposed surgery/clinic. This should demonstrate the marketing strategy for the sale/lease of the land for these uses as well as details of the interests in the sites for the approved uses. If there was specific interest in the site, details should be provided to set out the reasons interested parties decided not to invest.

Visual Impact

Policies GP2- General Amenity, GP6- Quality of Design of the Adopted LDP 2011-2026, seek to ensure that the development proposals are of a good quality of design and reflect the scale and context of the locality. The scheme should be sensitively designed to mitigate any adverse impact upon the protected built environment and wider landscape features. The above mentioned policies are supported by the advice and guidance set out within TAN12- Design

In general, consideration will have to made to the levels of the site, the existing and proposed housing within the context and ensuring that the scheme takes into account scale, form and height of neighbouring dwellings as well as finishes and landscaping.

It is difficult to make a decision without the understanding of the proposed outline designs for these two areas. From the masterplan agreed as PA 12/0886 both parcels form part of an important group or entrance cluster and create a large public open space, which includes Tregwilym Castle park, Mandrake house and Local centre parcel and the Central Pond and Pub/Restaurant/ Hotel parcel. The Council's Landscape Officer considers that provision of all these spaces in close proximity to each other with the convenient pedestrian links provides a positive cumulative landscape effect and creates important outdoor leisure and recreational asset for the whole development (area with purple boundary)

The replacement of two sites (Local centre parcel and Pub/Restaurant/ Hotel parcel) with housing is likely to result in a more intensive built environment and create a number of fragmented public open spaces for which the positive cumulative effect are likely to be lost. Accordingly, it would be important for any subsequent scheme to take into account the provision of open space in these areas. The provision of the large green space may possibly increase the attractiveness of the whole development from the side of prospective buyers.

Without any details on the layout or potential mix and style of housing, open space and landscaping I am unable provide any further comment with respect to visual impact.

Impact upon Neighbours

With regard to neighbouring impacts, the property adjoins earlier phases of the residential development to most boundaries along with Mandrake House apartments and existing residential dwellings on Tregwliym Road to the North.

The New Dwellings SPG (Aug-2015) sets out tests for loss of light, this relates to neighbours' habitable rooms. In most cases, a proposal that fails both the 45° tests in relation to a single protected window is unlikely to be acceptable. In addition, order to protect privacy, the SPG also indicates that should generally ensure a minimum of 21m between habitable rooms in adjoining properties.

As there are no details of the scheme or positioning I cannot provide any further advice in respect of neighbouring impacts

Flood Risk and Drainage

The site is located within Flood Risk Zone C1, although a Flood Consequences Assessment (FCA) and significant flood works have taken place in relation to this site, an updated FCA will be needed to inform this application as well as details on drainage and ground contamination. As such, clarification as to whether the previous FCA considered highly vulnerable use at these locations and, even if it did, an updated FCA is required to ensure that this new permission can meet the TAN 15 tests and the requirements of policy SP3.

Dŵr Cymru Welsh Water is a statutory consultee in the planning process and we would encourage you to engage with Welsh Water as early as possible in order to address any issues that may arise during the planning/construction process. Dŵr Cymru operates a pre-planning advisory service in order to assess the impact of the proposed development on drainage interests and a written response will be provided. This service operates for a fee and can be submitted via an online enquiry form at <http://www.dwrcymru.com/en/Developer-Services>. Further information can be obtained from the dedicated team of planning officers at Dŵr Cymru on 0800 917 2652.

From January 7th 2019, all new developments of more than 1 house or where the construction area is of 100m² or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers. It also requires surface water drainage systems to be approved by the SAB before construction work with drainage implications may begin. Provided National Standards are met, the SAB would be required to adopt and maintain the approved SuDs that service more than one property.

Your proposals will need to be accompanied by information detailing the sustainable drainage system to serve the development and if this is to include the existing drainage scheme for the area of outline, please provide these details. Separate permission and pre application advice should be sought from the Council's drainage section, follow the link below

<http://www.newport.gov.uk/en/Planning-Housing/Planning/Sustainable-drainage-systems.aspx>

Ecology

Policies SP9, GP5 and GP7 of the Newport local development plan 2011-2026 (adopted January 2015) as well as supplementary planning guidance: wildlife and development (SPG: WD) indicates the development will be permitted where the proposals are designed to encourage biodiversity and ecological connectivity and demonstrate how they avoid, mitigate or compensate any negative impacts to biodiversity, ensuring that there are no significant adverse effects on areas of nature conservation interest including international, European, national and local protected habitats and species, and protecting features of importance for ecology and water quality.

The site has the potential for ecological value but it is also noted that part of the development site has existing trees on site and it adjoins a protected Tree Preservation Order woodland. The previous technical reports on ecology for the site are likely to be older than 2 years and, therefore, updated information would be required to be submitted as part of this application.

The Council's Ecologist was consulted and indicated that due to the time that has elapsed since work commenced on the site, the site may have developed habitats suitable to support protected species. If an

EIA is not required then the application would still need to be supported by an Ecological Impact Assessment Report (EclAR) carried out by a suitably experienced ecologist. The EclAR should be informed by a Preliminary Ecological Appraisal (PEA) including desk study and habitat assessment. The aim of the PEA will be to identify ecological constraints including the presence of priority habitat (e.g. grassland, open mosaic habitat) and potential presence of protected and priority species. Based on the constraints found, the PEA will ascertain the need for further ecological surveys necessary to inform the EclA. Opportunities for ecological enhancement should also be identified.

Surveys and reporting should be undertaken in accordance with BS42020:2013 the British Standard for Biodiversity - Code of practice for planning and development. Preliminary Ecological Appraisals should be undertaken in accordance with the Chartered Institute for Ecology and Environmental Management (CIEEM) Guidelines for Preliminary Ecological Appraisal (2nd Edition, 2017). Other surveys, if required, must be carried out in accordance with the relevant best practice.

To ensure we meet our duty under the Environment (Wales) Act 2016, and in accordance with LDP policy GP5 and Planning Policy Wales all developments must promote and encourage biodiversity and ecological connectivity. If the surveys identify the presence of priority habitats and/or protected or priority species, appropriate avoidance, mitigation, and compensation measures must be incorporated in to the scheme. As well as retaining and protecting existing ecological features the scheme must also provide ecological enhancements to provide a net benefit for biodiversity. Suitable enhancements should be identified based on the findings of the ecology surveys and should be proportionate and achievable within the scope of the development. All mitigation and enhancement measures must be shown on the appropriate plans.

As no detail has been submitted in respect of ecology then I cannot provide any further advice in respect of the proposed scheme.

Trees

The eastern part of the site is adjoined by a protected mixed deciduous woodland. The site is at higher ground level) but the application will need an Arboricultural Impact Assessment to demonstrate that the development would not detrimentally impact upon the protected woodland. Full details of the woodland would need to be submitted in accordance with BS5837:2012 via a qualified Tree Consultant. Submitted plans should show the tree/woodland canopies accurately represented and to scale rather than a generic circle shape. Evidence needs to be submitted that the above ground constraints (BS 5837:2012) have been fully investigated in order for the tree information to be fully evaluated.

The form of trees within the woodland should not be compromised by repeated TPO applications for crown lifting and trimming ie the trees/woodland edge, so sufficient space should be afforded to allow them to trees within the woodland grow to their full potential . The Root Protection Area (RPA) gives a mathematical and theoretical circular rooting area for each tree based on the diameter of the trunk of an individual tree. However, the above ground constraints as specified in BS:5837:2012 must also be evaluated when considering the proposed development layout in relation to trees .

It should be noted that the RPA is not the nearest point to a tree that construction of a dwelling or road etc can take place. The current and ultimate height and spread of the tree, the species, foliage density, aphid exudate, branch drop and effect of shading from trees are all matters that should be considered.

The Council has an SPG - Trees, woodland, hedgerow and Development Site Supplementary Planning Guidance – January 2017. It states in the adopted SPG that there should be at least a 5m buffer from the woodland canopy edges and any rear gardens. Evidence has shown that where there is no buffer the woodland edge comes under repeated pressure to be trimmed back from residents. A Tree shading plan may be required as part of the AIS (Arboricultural Impact Assessment). A tree shading plan shows the extent of the tree shadows cast by the tree canopy at various times of the day and in particular seasons. The shading layout informs the design and layout of the site which in turn mitigates potential conflict between the development and the trees.

Parking and Highway safety

Transport Assessments will be required for developments (including extensions or changes of use) that generate significant levels of movement or are likely to have significant effects on existing patterns of movement. Given the likely scale of the proposals, and in accordance with the requirements set out within TAN18, a Transport Assessment would be required. The scoping of the TA should be agreed with the Highways Authority prior to the submission of any application.

All of the proposals are located within parking zone 4, the development would need to meet the parking standards related to this designation. In addition, the permeability of the site should remain in line with the current development. Of particular note is the need for improved access to the retail element of the Local Centre at Tregwilym road, if this is to be the location of retail then it should be made safe and easy for pedestrianised travel to the site to encourage access by sustainable means.

Planning Contributions

The Planning Contributions manager has based his response on the following assumptions:

- The viability of the wider Jubilee Park development (accommodating the S106 infrastructure package and 10% affordable housing provision) was based upon the delivery of 955 market dwellings. This viability work also made provision for a receipt from the sale of the local centre land. As such, the release of the local centre for housing will not generate this additional retail income.
- Excluding the local centre, the site has delivered 837 market dwellings. All things being equal, and aside from additional affordable housing provision in the local centre, it is logical to assume that the current infrastructure obligations delivered for the wider site would accommodate the needs generated by this new proposal of 36 market dwellings, as the cumulative total would not exceed 955 market dwellings. However, clarification, via an updated viability assessment, would be required to show that any additional dwellings generated with the local centre would not increase the residual value of the development beyond that generated by the original 955 dwelling limit;

The following planning obligations are 'indicative' and subject to change, reflecting the nature of the pre-application enquiry. Notwithstanding any requirements for Highways, Transportation and Ecology, the following planning obligations are required

Affordable Housing

The site lies within the Newport West Hosing Target Area. As such, the Local Development Plan normally requires that 30% of the development would be affordable housing, at no more than 50% of the Acceptable Cost Guidance (mix and type to be agreed with the Housing Manager Strategy). However, based upon the above viability assumption, there would be a requirement for 10% on-site provision (mix and type to be agreed)

Properties should be offered on a 'neutral tenure' basis providing opportunities for applicants to rent or part-purchase their home. The properties will be allocated through the Common Housing Register. All properties shall be constructed to at least the same specification as the open market units, including all internal and external finishes. They will all achieve the Development Quality Requirement, Lifetime Homes Standards and Secure by Design as specified by Welsh Government or such document updating or replacing the same.

The Council reserves the right to review this matter at the time of a formal application in accordance with information and the policy context available at the time of submission.

CONCLUSION

The loss of the local centre will only be supported where the removal of the whole or elements of the whole can be justified, as set out above. If justified it is noted that the provision of more houses (up to 1200 units) is established and in line with the outline permission and this would be material in any determination. However, there are site specific details such as visual impact, impact upon neighbours, flood risk, drainage, ecology, affordable housing, parking and highway safety that will need to be considered and satisfied as part of any application.

While the Council will endeavour to keep pre-application enquiries confidential you should be aware that if for any reason any request for submitted information to remain confidential is subsequently found to be inadequate by the Information Commissioner, following any request under the Freedom of Information Act 2000, the Council will not be held responsible

Pre Application Consultation (PAC)

For all applications for 'major' development submitted after 1st August 2016, there is a statutory requirement for the applicant / developer to consult the community and relevant statutory consultees, and to submit a Pre-Application Consultation (PAC) Report with any application. The proposed scheme would amount to a major and as such a PAC report would be required.

Detailed advice can be found here:-

<http://gov.wales/docs/desh/publications/160129annex-1-pre-application-consultation-en.pdf>

Required Supporting Documentation

In addition to the submission of standard mandatory supporting documentation such as application forms, plans and a Design and Access Statement (see TAN 12 Design, Appendix 1), please be advised that any application for the above development should also be accompanied by the following additional documentation: -

- Pre Application Consultation Report
- Transport Assessment
- Evidence of the attempts to attract suitable community uses, the marketing of the land for the hotel and pub and a response from the Health board about the proposed surgery/clinic. This should demonstrate marketing strategy for the sale/lease of the land for these uses as well as details of the interests in the sites for the approved uses. If there was specific interest in the site, details should be provided to set out the reasons interested parties decided not to invest
- Ecology Appraisal
- Tree Survey and Arboricultural Impact Assessment
- Flood Consequences Assessment (FCA) which would be based on the current position and work
- landscaping
- Drainage (foul and surface water) strategy;
- Ground conditions;
- Noise Assessment

It is noted that you have indicated you would include a Design and Access Statement (DAS) setting out the design principles and broad parameters, which would also relate to the OPP. I would indicate that this aspect is dependent on what matters you wish to reserve on the outline. As indicated in the General management Procedure Order, where layout is a reserved matter, the application for outline planning permission must state the approximate location of buildings, routes and open spaces included in the development proposed. Where scale is a reserved matter, the application for outline planning permission must state the upper and lower limit for the height, width and length of each building included in the development proposed. Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.

E-planning

We strongly encourage you to submit your applications to the planning department online via the 'Planning Portal' (www.planningportal.gov.uk). This will save money on printing costs and travelling/postage together with speed up the processing of your submission. You can attach drawings and supporting documents, including a professional quality site location plan; downloading the appropriate Ordnance Survey map and calculate the fees as part of submitting your application online.

Please contact myself to discuss any of the above further.

Yours sincerely

Morgan Howell

Morgan Howell (Principal Planning Officer- West Team)