



Planning and Design and Access Statement

Old Oak Stave Public House, Rogerstone, Newport

September 2021

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Document 1: Decision Notice - Application Reference 20/0696

Document 2: Committee Report – Application Reference 20/0696

1. Introduction

1.1 This Planning Statement has been prepared by Simply Planning Limited (SPL), on behalf of our client, DSI Ltd, and is submitted in support of a full planning application for the demolition of the former Olde Oak Stave Public House and the construction of 21no. of flats and associated infrastructure works at Ruskin Avenue, Rogerstone.

1.2 The full description of development is, therefore, as follows:

“Demolition of Existing Public House and construction of 21no. flats within 3no. of blocks and associated infrastructure works (part retrospective)”.

1.3 This application is a resubmission of the same development approved under application reference 20/0696 which sought the same full planning permission and was approved on 29th July 2021. There is no design changes and the proposal proposes the same quantum of development. The sole change is all of the proposed flats are to be open market housing, in order to ensure the development remains viable and that much needed housing can be provided at this brownfield site. The planning obligations towards education and open space still being provided as part of the development.

1.4 The application is part-retrospective in nature as the applicant has now demolished the buildings within the site.

1.5 The application is supported by the following documents:

- Completed Planning Application Forms and Certificate A;
- Supporting Planning Statement, prepared by Simply Planning Limited;
- PAC Report, prepared by Simply Planning Limited;
- Tree Survey, Categorisation and Constraints Report, prepared by Stebe Ambler & Sons, March 2020
- Transport Statement, prepared by Asbri Transport, October 2020
- Preliminary Ecological Assessment, prepared by Ecosupport, April 2019
- Landscape Management Plan, prepared by Davies Landscape Architects, October 2020
- Architectural drawing package, prepared by Architexture Ltd, comprising the following drawings:

Drawing no.	Drawing Title	Scale
1478_P01	Site Location Plan	1:1250 @ A4
1478_P02 Rev A	Site Plan as Existing	1:250 @ A1
1478_P03	Existing Building Plans	1:100 @ A1
1478_P04	Existing Buildings Elevations	1:100 @ A1
1487_P05 Rev K	Site Plan as Proposed	1:200 @ A3
1478_P06 Rev C	Ground Floor Plan (Block 1 and 2)	1:50 @ A1
1471_P07 Rev C	First Floor Plan (Block 1 and 2)	1:50 @ A1

Drawing no.	Drawing Title	Scale
1478_P08 Rev B	Second Floor Plan (Block 1 and 2)	1:50 @ A1
1478_P09 Rev F	Proposed Roof Plan (Block 1 and 2)	1:50 @ A1
1478_P10 Rev C	Proposed Elevations (Block 1 and 2)	1:50 @ A1
1478_P11 Rev D	Elevations Block 3 Sheet 1	1:50 @ A1
1478_P12 Rev C	Site Section AA (Existing and Proposed)	1:100 @ A1
1478_P13 Rev C	Street Elevation Ruskin Avenue Existing and Proposed	1:100 @ A1
1478_P14 Rev C	Site Plan- Ecological Enhancements	1:125 @ A1
1478_P15	Refuse and Cycle Store	1:50 @ A1
1478_P19 Rev F	Site Section BB North -South Block 3 and Consented Houses 19/0709	1:50 @ A1
1478_P20 Rev B	Site Plan Ground Floor Level	1:200 @ A1
1478_P21 Rev B	Site Plan- CCTV as Proposed	1:200 @ A1
1471_P22 Rev A	Ground Floor Plan (Block 3)	1:100 @ A1
1487_P23 Rev B	First Floor Plan (Block 3)	1:50 @ A1
1478_P27 Rev B	Second Floor Plan (Block 3)	1:50 @ A1
1487_P28 Rev B	Elevations Block 3 Sheet 2	1:50 @ A1
1478_P29 Rev B	Proposed Roof Plan	1:50 @ A1
1478_P30	Street Elevations to Ruskin Avenue Comparison of Flats with 6 Houses	1:100 @ A1

- 1.6 This supporting Planning Statement sets the planning context for the consideration of the application proposals. In particular, it assesses the proposal against the relevant policies of the statutory Development Plan, national guidance and non-statutory planning documents. It demonstrates that the proposal complies with the relevant guidance and policies. Accordingly, the development should be granted consent, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.
- 1.7 This Statement is structured as follows:
- **Section 2** sets out the factual background and development context, including a description of application site and surrounding area, the planning history and development proposals.
 - **Section 3** reviews the Planning Policy context against which the proposals should be judged, including Planning Policy Wales (edition 11), Future Wales 2040 and the Newport City Council Local Development Plan (2011-2026)
 - **Section 4** considers the matters at issue and assessed the scheme against the Development Plan policies.
 - **Section 5** draws our conclusions.

2. Factual Background

Site and Surroundings

- 2.1 The application site comprises a roughly L-shaped plot of land located to the west of Ruskin Avenue, Rogerstone, equating to approximately 0.49 hectares in size. Rogerstone forms suburb at the edges of Newport city, with the city centre located approximately 5km to the west of the site.
- 2.2 The site in its immediate context is shown in the aerial image below:



- 2.3 The site comprises previously developed land that contained the location of the former Old Oak Public House within the northern parcel of lands, with its formerly associated car park to the south. The public house formerly within the site has been demolished in recent months, as the vacant building was the site of numerous anti-social behaviour issues and posed a health and safety risk.
- 2.4 The former Olde Oak Stave public house was tired in appearance and was in a state of disrepair. The public house was not listed or locally listed and was of no particular architectural merit. The former public house was part single, part two storey in height and was of brick construction with cladding detailing.
- 2.5 The site is bound to the west by an intermittent hedgerow and a small number of trees and Ruskin Avenue, to the north by an unnamed road with residential development beyond and to the east and south by a car park accessed via Squires Gate a housing enclave to the east of the site.
- 2.6 The site is located within a predominately residential area, with traditional semi-detached residential properties adjoining the site to the south east in the cul-de-sac development off Squires Gate. Further

residential properties of varying types and forms are located along Ruskin Avenue to the west of the site.

- 2.7 The site is not located within a Conservation Area and is not located within any close proximity to any known environmental, ecological or historical constraints. The site is located within Flood Zone A and is at little / no risk of flooding.
- 2.8 The site is located in a highly sustainable location with good access to public amenities including Mount Pleasant Primary School, Tredegar Arms Public House, as well as employment opportunities at Wern Industrial estate.
- 2.9 The site is located within c.100m walking distance to Rolls Walk, Mount Pleasant School and Ruskin Avenue bus stops. These transport nodes have regular services to Newport City Centre, other settlements within the wider Newport area and Rogerstone Train Station which is located circa 1.9km from the site. In addition, cycle route 47 runs to the south of the site off Ruskin Avenue, which is part of the National Cycle Network starting at Newport and finishing at Fishguard, passing through Neath and Carmarthen.

Planning History

- 2.10 The relevant planning history is set out in the table below:

Application Reference No.	Description of Development	Decision	Decision Date
03/1726	Erection of timber deck to provide beer garden with disabled ramped approach to car park	Approved	12/02/2004
14/0336	Development of 10no. apartments and associated works	Refused	08/08/2014
16/0350	Retention of former smoking shelter to office (a2) and associated alterations	Approved	22/08/2016
19/0587	Demolition of existing buildings and the erection of 6no. 4 bedroom residential dwellings, including access, parking, landscaping, bin store and all associated works	Approved	06/12/2019
20/0696	Demolition of existing public house and construction of 21no. flats within 3no. blocks and associated infrastructure works	Approved	29/07/2021

- 2.11 This application is a resubmission of planning application 20/0696 approved on the 29th July 2021. There are no design changes and the current application proposes the same quantum of development as previously approved by the council.
- 2.12 The principle of development is thereby firmly established by the extant permission and the proposal has already been concluded to have no harmful impacts in terms of residential amenity, highway safety, visual amenity, protected species and would constitute a sustainable form of development.
- 2.13 The sole change to this proposal is for the all the dwellings within the development to be delivered as open market dwellings.

The Proposed Development

- 2.14 The proposed development includes the demolition the existing Old Oak Stave Public House (which forms the retrospective element of the application) and the construction of three residential blocks to provide 21

no. two bedroom flats. The development thereby seeks to optimise the use of a sustainably located, brownfield site whilst providing much needed residential accommodation for the area.

- 2.15 As outlined previously, the quantum of development and the overall, scale, mass and appearance of the proposed development is the same as approved under application reference 20/0696.

Character

- 2.16 Block 1 would run parallel to Ruskin Avenue with its primary architectural frontage facing onto this road. It would be set back around 9m from the highway and would retain a landscaped area to its frontage. Blocks 2 and 3 would have their principal elevations facing into the site and would be set around the central communal garden area. The rear elevation of block 2 would face towards the un-named road to the north and the rear of block 3 would face towards properties in Squires Gate.
- 2.17 All proposed apartments blocks are two and a half storeys in height. The apartment blocks would be largely identical, except for some different positions of balconies between Blocks 1, 2 and 3. The blocks would have hipped roofs, with a gable feature at each end and two small dormers positioned centrally in the front elevation. The scale and massing has, therefore, been designed as to fit comfortably within the local context and built form, while adding visual interest to the streetscape.

Layout

- 2.18 Each apartment block would provide 3 x 2 bedroom flats on both ground and first floor, with 1 x 2 bedroom flat in the roof space. All flats will provide a high standard of amenity for all future occupiers, as evidenced within the schedule of accommodation below:

Unit	No. Bedrooms	No. Bed Spaces	GIA (m ²)
Flat 1	2	3	65.9
Flat 2	2	3	65.2
Flat 3	2	3	65.9
Flat 4	2	3	65.9
Flat 5	2	3	65.2
Flat 6	2	3	65.9
Flat 7	2	4	78

Flat Specifications for Blocks 1, 2 and 3

- 2.19 The development would provide around 860 sqm of communal amenity space

Landscaping & Environmental Sustainability

- 2.20 The apartment blocks would be surrounded by landscaping, incorporating lawn areas, swales for sustainable drainage, pollen and nectar rich wild flowers, rain gardens in raised beds, shrub and tree planting. There would be footpaths around the blocks and a footpath which runs centrally through the communal gardens, leading to the south western parking area.

Access

- 2.21 The existing car park to the south west of the site is proposed to remain largely unchanged and will provide 30 no car parking spaces and 4no. visitor spaces. A new car park is proposed to the east of the site, and will comprise a further 16 spaces, therefore providing a total of 50 car parking spaces in total.
- 2.22 Vehicular accesses to the site will remain as approved by the previous application, with the first via the unnamed road off Ruskin Avenue which runs along the north-eastern boundary of the site. The second vehicular access will be provided off Squires Gate serving the former pub car park. The footpaths to the north of the site and south of the existing pub building would be retained and would continue to link Ruskin Avenue to Taliesen Close and beyond.

3. Relevant Planning Policy

- 3.1 This section of the Planning Statement outlines the principle national and development plan policies that are relevant to the determination of this application.
- 3.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the Development Plan and that determination shall be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 3.3 In the context of this application, the Development Plan for Newport City Council comprises the Newport City Council Local Development Plan (2011-2026), adopted in January 2015 and Future Wales 2040, adopted February 2021.
- 3.4 Material considerations include Planning Policy Wales (Edition 11, February 2011) (PPW), associated Technical Advice Notes (TANs) and Newport City Council Supplementary Planning Guidance (SPGs).

Planning Policy Wales (Edition 11)

- 3.5 Planning Policy Wales Edition 11 (PPW) was published on 11th February 2021 and this sets out the land use planning policies of the Welsh Government. The primary objective of PPW11 is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 (WBFG Act) and other key legislation.
- 3.6 The WBFG Act places a duty on public bodies to carry out sustainable development. This is not a new concept for the planning system as the principles of sustainable development have been at the heart of planning policy since PPW was first published in 2002. However, the concept has been expanded under the WBFG Act and it requires an improvement in the delivery of all four aspects of well-being: social, economic, environmental and cultural.
- 3.7 Paragraph 1.17 of PPW confirms that a plan led approach is the most effective way to secure sustainable development and that:
- “Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.”*
- 3.8 Chapter 2 of PPW introduces the concept of ‘Placemaking’ and paragraph 2.1 states the following:

“Everyone engaged with or operating within the planning system in Wales must embrace the concept of placemaking in both plan making and development management decisions in order to achieve the creation of sustainable places and improve the well-being of communities.”

3.9 PPW also defines placemaking as the following:

“Placemaking” is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area’s potential to create high quality development and public spaces that promote people’s prosperity, health, happiness, and well-being in the widest sense.

Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.”

3.10 Paragraph 2.13 of PPW 11 states that:

“The plan-led system underpins the delivery of sustainable places. To ensure all development plans and decisions taken by the planning system work together to deliver sustainable places. The 5 Key Principles (see Figure 3) represent a guiding vision for all development plans, including the NDF.”

3.11 The key principles are as follows:

- Growing our economy in a sustainable manner;
- Making best use of resources;
- Facilitating accessible and healthy environments;
- Creating and sustaining communities;
- Maximising environmental protection and limiting environmental impact.

3.12 Paragraph 2.17 of PPW 11 states:

“In responding to the key principles for the planning system, the creation of sustainable places and in recognition of the need to contribute to the well-being of future generations in Wales through placemaking, development plans and development proposals must seek to deliver development that address the national sustainable placemaking outcomes.”



3.13 Of particular relevance to this application is paragraph 3.8 of PPW 11 which relates to good design and landscape impacts and this states:

“Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process.”

3.14 In addition, paragraph 3.9 of PPW 11 relates to character and this outlines that the special characteristics of an area should be central to the design of a development. It confirms that the layout, scale, form and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.

3.15 Figure 5 of PPW11 provides the ‘National Sustainable Placemaking Outcomes’ and it is considered that the proposals will be consistent with a range of the placemaking outcomes listed in PPW11 including, but not limited to, the following:

- Be high quality and built to last;
- Provide a home and jobs to meet society’s needs;
- Is in keeping with the character and spatial characteristics of the area;
- Foster economic activity;
- Minimise the need to travel;
- Not car dependent;
- Accessible by means of active travel and public transport;
- Supports a diverse population; and
- Promote physical and mental health and well-being.

3.16 Page 35 of PPW provides a definition of previously developed land and states in Paragraph 3.51 that:

“Previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development”. Paragraph 3.46 states that “Local authorities should adopt policies to locate major generators of travel demand such as housing, employment, retailing, leisure and recreation, and community facilities (including libraries, schools, doctor’s surgeries and hospitals) within existing urban areas or in other locations which are, or can be, reached by walking or cycling, or which are or can be well served by public transport.”

3.17 Chapter 4 ‘Active and Social Places’ addresses transport, with paragraph 4.0.3 stating that *“This theme aims to ensure new development is located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services and community facilities”*.

3.18 Paragraph 6.4.3 states that, inter alia, Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them...; and

- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

3.19 Overall, it is our view that the proposals are fully consistent with the principles established within PPW and the development meets a number of the national sustainable placemaking outcomes contained within national planning guidance.

Technical Advice Notes

3.20 Technical Advice Notes (TANs) provide detailed planning advice that developers and Local Planning Authorities should consider the planning application determination proceed. The key TANs in relation to the proposed development are as follows:

- TAN2 – Planning and Affordable Housing (June 2006);
- TAN5 – Nature Conservation and Planning (September 2009);
- TAN12 – Design (March 2016);
- TAN15 – Development and Flood Risk (July 2004);
- TAN18 – Transport (March 2007).

Future Wales – The National Plan 2040

3.21 The National Development Framework ‘Future Wales- The National Plan 2040’ (NDF) was published on 24th February 2021. The NDF outlines that over the next 20 years (2019 – 2039) the estimate of the additional housing need in Wales, under the central estimate, is around 110,000. During the initial five years (2019-20 to 2023-24) it is estimated that on average 7,400 additional homes will be required annually, with close to two-thirds of these homes needed in South East Wales.

3.22 The requirement to deliver 7,400 additional homes per annum will require a significant increase in housebuilding across the whole of Wales, when compared to the delivery rates of the previous ten years.

3.23 Policy 1 of the Future Wales – The National Plan 2040 (NDF) relates to where Wales will grow. It identifies both National and Regional Growth Areas. Three National Growth Areas are identified within the policy, with one of these being ‘Cardiff, Newport and the Valleys’.

3.24 Policy 33 of the NDF relates to the Cardiff, Newport and the Valleys National Growth area and states as follows

“Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region. Strategic and Local Development Plans should recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure. The Welsh Government will work with regional bodies and local authorities in the region and in neighbouring regions of England to promote and enhance Cardiff, Newport and the Valleys’ strategic role and ensure key investment decisions support places in the National Growth Area and the wider region. The Welsh Government supports Cardiff’s status as an internationally competitive city and a core city on the UK stage. Cardiff will retain and extend its role as the primary national centre for culture, sport, leisure, media, the night time economy and finance. The Welsh Government supports an increased strategic role for Newport as a focus for sustainable, long-term growth and investment. The Welsh Government will work with authorities within the region and in England to promote Newport’s strategic role and ensure key investment decisions in Wales and England support Newport. The Welsh Government supports co-ordinated regeneration and investment in the

Valleys area to improve well-being, increase prosperity and address social inequalities. The Welsh Government will work with regional bodies, local authorities, businesses, the third sector, agencies and stakeholders to support investment, including in the manufacturing sector, and to ensure a regional approach is taken to addressing socio-economic issues in the Valleys. The Welsh Government supports development in the wider region which addresses the opportunities and challenges arising from the region's geographic location and its functions as a Capital Region."

- 3.25 Therefore, it is clear through the NDF that there needs to be a significant step change in the levels of housing which is being delivered across the whole of Wales and this guidance will form a material consideration in the determination of this application.

Local Planning Policy

Newport City Council Local Development Plan 2011 – 2026

- 3.26 The Newport City Council Local Development Plan covers the period 2011 to 2026. It was adopted in January 2015 and comprises the statutory Development Plan for Newport City.
- 3.27 Policy SP1 (sustainability) states that *"proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary"*. They will be assessed in this context as to their potential contribution to:
- The efficient use of land;
 - The re-use of previously developed land and empty properties in preference to greenfield sites;
 - Providing integrated transport systems, as well as encouraging the co-location of housing and other uses which will minimise the need to travel, reduce car usage and encourage a model shift to more sustainable modes of transport.
- 3.28 Policy SP2 states that proposals should seek to maximise their positive contribution to health and well-being and minimise any negative effects by being located in the most sustainable locations, close to public transport links and other green infrastructure.
- 3.29 Policy SP10 (House Building Requirement) indicates that provision is made for 11,623 units to deliver a housing requirement of 10,350 units over the plan period. The land will be provided primarily on previously developed land including on infill, windfall and small sites.
- 3.30 Policy SP13 (Planning Obligations) states that development will be required to help deliver more sustainable communities by providing or making contributions to local and regional infrastructure in proportion to its scale and the sustainability of its location.
- 3.31 Policy SP18 (Urban Regeneration) supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.
- 3.32 Policy GP1 (General Development Principles – Climate Change) states that development proposals should:
- Be designed to withstand the predicted changes in the local climate and to reduce the risk of flooding on site and elsewhere by demonstrating where appropriate that the risks and consequences of flooding can be acceptably managed, including avoiding the use of nonpermeable hard surfaces;
 - Be designed to minimise energy requirements and incorporate appropriate renewable, low or zero carbon energy sources, including on site energy provision where practicable;

- Be designed to reuse or recycle existing construction materials present on the site;
- Meet the relevant BREEAM or code for sustainable homes level.

3.33 Policy GP2 (General Development Principles – General Amenity) indicates that development will be permitted where, as applicable:

- There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
- The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
- The proposal seeks to design out the opportunity for crime and anti-social behaviour;
- The proposal promotes inclusive design both for the built development and access within and around the development;
- Adequate amenity for future occupiers.

3.34 Policy GP4 (General Development Principles – Highways and Accessibility) indicates that development proposals should:

- Provide appropriate access for pedestrians, cyclists and public transport in accordance with national guidance;
- Be accessible by a choice of means of transport;
- Be designed to avoid or reduce transport severance, noise and air pollution;
- Make adequate provision for car parking and cycle storage;
- Provide suitable and safe access arrangements;
- Design and build new roads within private development in accordance with the highway authority's design guide and relevant national guidance;
- Ensure that development would not be detrimental to highway or pedestrian safety or result in traffic generation exceeding the capacity of the highway network.

3.35 Policy GP6 is a general, overarching key policy which applies to all development. It states that good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design Principles should be addressed:

- context of the site: all development should be Sensitive to the unique qualities of the site and respond positively to the character of the area;
- access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;
- preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;

- scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;
- materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as an integral part of the design at an early stage;
- sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible reuse of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.

3.36 Policy H2 (Housing Standards) indicates that residential development should be built to high standards or environmental and sustainable design, taking into account the whole life of the dwelling.

3.37 Policy H4 (Housing mix and density) states residential development of 10 dwellings or more should be designed to provide a mix of housing to meet a range of needs and should be built at a density of at least 30 dwellings per hectare. A lower density will only be acceptable where it is demonstrated:

- physical or infrastructure constraints prevent the minimum density from being reached, or;
- the minimum density would have an unacceptable impact on design/character of the surrounding area, or;
- there is a particular lack of choice of housing types within a local community.

3.38 Policy H4 (Affordable Housing) states that on-site provision of affordable housing will be required on all new housing sites of 10 or more dwellings within the settlement boundary. The site is in a 30% Affordable Housing Target area. Policy H4 further identifies that specific site targets may vary subject to viability and negotiation.

3.39 Policy T4 (Parking) indicates that development will be required to provide appropriate levels of parking, in accordance with adopted parking standards.

3.40 Policy W3 (Provision for Waste Management Facilities in Development) states that where appropriate, facilities for waste management will be sought on all new development.

3.41 Policy CF12 (Protection of Existing Community Facilities) states that proposals that result in the loss or change of community facilities will only be permitted if alternative provision can be made of at least an equal benefit to the local population or it can be demonstrated that the existing provision is surplus to the needs of the community.

4. Matters at Issue

- 4.1 Having set the planning context against which the proposals should be judged in the preceding section, we now consider the proposals against that guidance, alongside any other relevant considerations. We do so under a number of headings below.

Principle of Development

Introduction of Residential Use

- 4.2 Policy SP1 (sustainability) states that *“proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary”*. Policy SP18 (Urban Regeneration) of the LDP supports development which assists the regeneration of the urban area and the reuse of vacant, underused or derelict land.
- 4.3 The site is considered to be previously developed land within the defined settlement boundary of Rogerstone as defined within the Proposal Map of the adopted LDP. The proposal, therefore, accords with Policy SP1 and SP18 and represents an important opportunity to enhance an underutilised brownfield site to deliver housing within an established sustainable location.
- 4.4 Policy SP10 (House Building Requirement) states that a provision is made for 11,623 units to deliver a housing requirement of 10,350 units over the plan period and the land to meet this need will be located on previously developed land including on infill, windfall and small sites. By delivering 21, new homes, the proposals will make a small, but no less important, contribution towards meeting Newport Local Plan targets over the 15 year period from 2011 to 2026.
- 4.5 The principle of redeveloping the site for residential was already considered acceptable as part of the previous application 20/0696, which granted the same quantum of dwellings at the site on 29th July 2021. Provided as **Document 2** is the Committee Report for this previous application.
- 4.6 In relation to the principle of development the committee report stated in paragraph 7.4.1 the following:
- “The site is previously developed land within the defined settlement boundary. The building is currently vacant and it is considered that the provision of residential development within the urban area is consistent with policy SP18 of the Newport Local Development Plan and its general brownfield strategy.”*
- 4.7 Given the above comment, the principle of a 21 unit residential development at the site has already been accepted through the previous planning application and the site also benefits from extant planning permission for the same quantum of development as sought through the current application.
- 4.8 Subject to compliance with other Policies of the Development Plan, the principle of residential development at this location is, therefore, considered to be acceptable.

Loss of Community Use

- 4.9 Policy CF12 (loss of community facilities), states that proposals that would result in the loss or change of use of buildings currently used for community facilities will only be permitted if:
- 1) alternative provision can be made, of at least an equal benefit to the local population; or
 - 2) it can be demonstrated that the existing provision is surplus to the needs of the community.
- 4.10 The former Olde Oake Stave public house had been vacant since June 2019 and has since been demolished

from the site. As part of the previous planning application the loss of the public house was determined to be acceptable, with the committee report noting as follows:

“The proximity and number of other public houses, along with the viability study were previously considered to adequately address policy CF12. There has been little change since the determination of the previous application and if anything, the Covid-19 pandemic has made the viability of vacant premises such as this even more precarious. The proposal is therefore considered to satisfy policy CF12.”

- 4.11 As such, the loss of the vacant Olde Oake Stave public house has not resulted in a loss of a valued public house or reduced the local community’s ability to meet its day-to-day needs. The loss of the existing community use accorded with Policy CF12 of the Local plan and its demolition was considered acceptable under the extant planning permission at the site.

Planning Obligations

Affordable Housing

- 4.12 Policy H4 of the LDP relates to Affordable Housing and states that on-site provision for affordable housing will be required for all new housing sites of 10 or more dwellings within the settlement boundary. The Policy also identifies that 30% affordable housing is required to be provided within the Rogerstone and West Newport submarket area, but that site specific targets may vary subject to viability and negotiation.
- 4.13 The previous planning application at the site granted planning permission for 21 flats, of which 6 flats (30%) were to be transferred to a Registered Social Landlord (zoned to develop in Newport) at a price of 50% of ACG in accordance with Policy H4 of the LDP.
- 4.14 Application reference 20/0696 was submitted to the Council in July 2020. Since this time there has been enormous inflationary pressure on the cost of building materials and skilled service workers within the development industry. After the approval of the application the applicant has re-assessed the cost of developing the 21 unit development and it has been determined that it is no longer a financially viable development with the 6 affordable houses included.
- 4.15 Therefore, this application has been submitted with the sole purpose of undertaking a viability assessment of the development, with a view to agreeing that no affordable housing can be viably delivered as part of the development. We would state from the outset that the applicant has a track record of delivering affordable housing on his previous developments and his intention has always been to include affordable housing as part of this development. However, this is no longer a financial possibility.
- 4.16 Submitted in support of this application, on a private and confidential basis due to the sensitive financial information contained within the report, is a Viability Appraisal prepared by Herbert R Thomas (HRT).
- 4.17 Provided as Appendix 5 of the Viability Appraisal is a Development Viability Model that undertakes a thorough financial viability assessment of the proposed development of the application site. The development costs have been informed by an assessment of the development undertaken by Rock Quantity Surveyors, who have determined a build cost of £167 per ft².
- 4.18 The sales values for the flats have been established using comparable evidence from other recent flatted developments in Newport, as well as advice from Peter Alan and M2 estate agencies, who are well versed with residential sale values in the area.
- 4.19 The appraisal includes the s106 costs relating to formal play areas (£44,367) and educational facilities (£38,068), with fees included for contingency, professional fees, disposal fees and finance. Based on the

evidence submitted within the viability assessment, a development of 21 flats with no affordable housing at the application site with the provision of the education and formal play area contributions would return a profit of 16.84%. As the appraisal notes, this is at the margin of what a developer would consider as viable and acceptable.

4.20 Therefore, the introduction of any affordable housing would result in a developers profit that would be below viable, ensuring that none can be provided, if the much required open market housing in this sustainable and brownfield location is to be delivered.

4.21 The Council's adopted Supplementary Planning Guidance on '*Planning Obligations*' states in paragraph 11.1 that:

"Certain proposals may be eligible for discounted or reduced contributions, if it can be proven that the level of contribution required will jeopardise a proposal's viability. This is most likely to be the case on previously developed land, and the development of the site is considered to be a significant regeneration benefit." (SPL emphasis added)

4.22 The Committee Report for the previous application has already emphasised the importance of the site for the regeneration of the area and the site is considered as previously developed land. Therefore, we consider that a zero affordable housing scheme would be in accordance with the adopted SPG, due to the regenerative effects of redeveloping the land.

Education and Leisure

4.23 The s106 agreement for the previous approval at the site secured planning obligations for the following:

- Education - £38,068; and
- Leisure - £44,367.

4.24 The viability appraisal completed has ensured that the development would continue to be able to provide planning obligations towards educational and leisure facilities, to ensure the development would remain acceptable in planning terms. Therefore, these would be secured by way of a s106 agreement, as part of the approval of the planning application.

Other Material Considerations

4.25 The development proposed in this application is identical to the scheme approved under application reference 20/0696. Therefore, the scheme remains unchanged, in terms of quantum of development, design, appearance, size, scale and height, from the scheme deemed acceptable under this application. The committee report for this application considered the development to be acceptable in the following matters, subject to suitably worded conditions:

- Highways and Access;
- Active Travel;
- Existing and Future Residential Amenity;
- Design and Visual Amenity;
- Air Quality;
- Noise;

- Ecology;
- Landscaping;
- Trees;
- Waste and Recycling;
- Drainage; and
- Security.

4.26 The proposed development remains unchanged from that approved on 29th July 2021. Therefore, the Council must continue to conclude that the development remains acceptable in the above matters, given the limited time period which has elapsed since this decision was made and the lack of any change to any material consideration that could have occurred.

5. Conclusion

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the Development Plan and that determination shall be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.2 The proposed development accords with the development plan and should, therefore, be granted consent without delay. We say this for the following reasons:
- The proposals represent the redevelopment of a sustainable, brownfield site located within the settlement boundaries of Rogerstone;
 - The previous committee report for the same development has confirmed the regenerative benefit of redeveloping the site;
 - The loss of the public house was considered an acceptable loss of a community facility, before the building was demolished to remove unwanted anti-social behaviour that was occurring at the site;
 - The development remains unchanged in terms of design or quantum of development from a development that was determined to be acceptable and in accordance with the LDP in all material considerations;
 - The submitted viability appraisal shows that the scheme is no longer viable with any affordable housing, although obligations towards educational and leisure facilities would remain to be provided; and
 - The Council's supplementary planning guidance acknowledges that discounted contributions will be accepted on brownfield sites with regenerative impacts to the surrounding area, an acknowledged benefit of the proposed development.
- 5.3 In conclusion, the proposals are considered to comply with the policies of the Development Plan and when taken as a whole. In addition, the proposals are in accordance with PPW11 and Future Wales 2040. In addition, we consider that there are no material considerations which deem that the application should not be determined in accordance with the development plan. As such, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, we consider that planning permission should be approved for the proposed development.



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Old Oak Stave Public House, Rogerstone, Newport
Planning and Design and Access Statement

Document 1

Decision Notice – Application Reference 20/0696

Notice of Decision



B Davies
Asbri Planning Ltd.
Unit 9
Oak Tree Court
Cardiff Gate Business Park
Cardiff
CF23 8RS
United Kingdom

TOWN AND COUNTRY PLANNING ACT 1990 [as amended]

Application No: **20/0696**
Application Type: **Full (Major)**
Proposal: **DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 21NO. FLATS WITHIN 3NO. BLOCKS AND ASSOCIATED INFRASTRUCTURE WORKS**
Site/Location: **Ye Olde Oak Stave, Ruskin Avenue, Rogerstone, Newport, South Wales, NP10 0AA,**
Decision Date: **29th July 2021**

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 31st July 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.

Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority.

- (a) stating the date on which the development is to begin;
- (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended (the Order).

REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

ADDITIONAL CONDITIONS

1. The development shall be implemented in accordance with the following plans and documents:

1478_P01, 1478_P02 rev A, 1478_P03, 1478_P04, 1478_P05 rev K, 1478_P06 rev C, 1478_P07 rev C, 1478_P08 rev B, 1478_P09 rev F, 1478_P10 rev C, 1478_P11 rev D, 1478_P12 rev C, 1478_P13 rev C, 1478_P14 rev C (Ecological Enhancements), 1478_P15, 1478_P19 rev F, 1478_P20 rev B, 1478_P21 rev B, 1478_P22 rev A, 1478_P23 rev B, 1478_P27 rev B, 1478_P28 rev B, 1478_P29 rev B, 1478_P30

DLA-1993-L-01-rev 08
DLA-1993-L-02-rev 12
DLA-1993-L-03-rev 02
DLA-1993-L-04-rev 01
DLA-1993-RPT-LMP-02-rev 1

Tree Survey, Categorisation and Constraints Report (Steve Ambler & Sons, March 2020)

Planning, Design and Access Statement (Asbri Planning, July 2020)

PAC Report rev A (Asbri Planning, July 2020)

Transport Statement (Asbri Transport, October 2020)

Preliminary Ecological Assessment (Ecosupport, April 2019).

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

2. Pre- commencement conditions

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

- 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) 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 development, other than demolition, shall commence on the construction of the approved scheme until details/samples of materials and finishes to be used on the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings, in accordance with policy GP6.

4. Prior to the commencement of development a landscape method statement and management plan shall be submitted to, and be approved in writing by the local planning authority. The content of the plan shall detail how the Soft Landscape Scheme (drawing reference DLA-1993-L-02-Rev12) will be implemented and maintained, to include at minimum:

- a) Description and evaluation of features to be provided and managed
- b) Details of methods to create wildflower areas and initial aftercare to ensure establishment
- c) Prescriptions for ongoing management actions including a work plan capable of being rolled forward
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the development provides ecological net benefit as required in Planning Policy Wales Edition 10 and in accordance with policy GP5.

5. Prior to the commencement of development details of the rain garden raised planter shall be submitted to and approved in writing by the Local Planning Authority. The details shall include cross sections to show the depth of top soil. The rain garden raised planter shall be implemented in accordance with the approved details prior to the occupation of the approved development.

Reason: To ensure successful plant establishment and to provide a sustainable landscaping scheme, in accordance with policy GP5.

6. No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. All weather notices on Heras fencing, 1 per 10 panels, stating 'CONSTRUCTION EXCLUSION ZONE NO ACCESS' shall be erected. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

7. No development shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for -

- (a) Supervision and monitoring of the approved Tree Protection Plan;
- (b) Once the barrier fencing is erected, the approved Arboricultural Consultant must inspect and "sign off" in writing and submit a copy of this to the Local Planning Authority stating that the protective fencing in the correct location and is fit for purpose- this will be the first watching brief.
- (c) Supervision and monitoring of the approved tree felling and pruning works;
- (d) Supervision of the alteration or temporary removal of any Barrier Fencing;
- (e) Oversee working within any Root Protection Area;
- (f) Reporting to the Local Planning Authority;
- (g) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

8. No development shall commence until a Tree Protection Plan (in accordance with BS 5837:2012) has been implemented in accordance with the Tree Protection Plan submitted by Steve Ambler and sons 31 March 2020. The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

9. Pre -occupation conditions

Prior to the occupation of the development hereby approved a scheme for electric vehicle charging points serving the parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the development and 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.

10. Prior to the occupation of the development hereby approved the parking areas shown on drawing 1478_P05 rev K shall be implemented and available for use 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.
11. Notwithstanding the approved plans, prior to the occupation of the development hereby approved details of the cycle shelters shall be submitted to and approved in writing by the Local Planning Authority. The shelters shall include provision for the storage of a minimum of 7 cycles. The shelters shall be provided in accordance with the approved plans prior to the occupation of the development and retained thereafter.
Reason: To encourage the use of sustainable modes of transport, in accordance with policies SP1 and GP4.
12. Prior to the occupation of the development hereby approved the obscured glazing as shown in drawings 1478_P10 rev C, 1478_P11 rev D and 1478_P28 rev B shall be implemented and retained thereafter in perpetuity.
Reason: In the interests of residential amenity, in accordance with policy GP2.
13. Prior to the occupation of the development hereby permitted the Ecological Enhancement Plan (Drawing Ref 1478_P14 Rev C) shall be implemented in full and shall be retained as such in perpetuity.
Reason: To ensure the development provides ecological net benefit as required in Planning Policy Wales Edition 10, in accordance with policy GP5.
14. Prior to the commencement of development details of car park security measures shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a change in the road surface at the entrance to the car park (Squires Gate entrance) and signage to indicate the car park is private and for residents only. The security measures shall be implemented prior to the occupation of the development and retained thereafter.
Reason: In the interests of security and in accordance with policy GP2.
15. Prior to the occupation of the development hereby approved the refuse storage areas as detailed in drawing 1478_P15 shall be fully implemented and retained thereafter.
Reason: In the interests of residential amenity, in accordance with policy GP2.
16. General conditions
Other than the Red Maple detailed in the Tree Survey, Categorisation and Constraints Report (Steve Ambler & Sons) no existing trees shall be felled, topped or lopped, and no existing hedges shall be removed.
Reason: To protect existing landscape features on the site, in accordance with policy GP5.
17. Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, 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.
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.
18. The scheme of landscaping hereby approved 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 development. Thereafter the trees and shrubs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April.
Reason: To secure the satisfactory implementation of the proposal, in accordance with policy GP5.

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 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 656656 or email building.control@newport.gov.uk.

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.

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.

Informative:

Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP9, SP12, SP13, SP18, GP2, GP4, GP5, GP6, GP7, H2, H4, T4, CF12 and W3 were relevant to the determination of this application.

02 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.

03 The proposed development is crossed by a trunk/distribution watermain. Dwr Cymru Welsh Water has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. A 3m easement from the crown of the main in both directions should be observed and the ground cover above the main should not be changed.

Signed on behalf of the Council



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

Tracey Brooks Bsc Hons Dip TP MRTPI ILM
Pennaeth Adfywio Buddsoddi a Thai dros dro / Acting Head of Regeneration, Investment and Housing
Cyngor Dinas Casnewydd / Newport City Council

Application Number: 20/0696

Decision Date: 29th July 2021

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.](#)**



Old Oak Stave Public House, Rogerstone, Newport

Planning and Design and Access Statement

Document 2

Committee Report – Application Reference 20/0696

4.

APPLICATION DETAILS

No: 20/0696 **Ward:** Rogerstone

Type: Full (Major)

Expiry Date: 21st July 2021

Applicant: DSI Ltd

Site: Ye Olde Oak Stave Ruskin Avenue Rogerstone Newport South Wales

Proposal: **DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 21NO. FLATS WITHIN 3NO. BLOCKS AND ASSOCIATED INFRASTRUCTURE WORKS**

Recommendation: **GRANTED WITH CONDITIONS AND SUBJECT TO A s106 AGREEMENT WITH DELEGATED POWER TO REFUSE THE APPLICATION IF THE s106 AGREEMENT IS NOT SIGNED WITHIN 4 MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION**

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the construction of 21 no. flats which would be provided across three apartment blocks; and associated infrastructure works, including car parking.
- 1.2 The site includes the building, land and car park associated with the former Olde Oak Stave on Ruskin Avenue, Rogerstone. It is proposed to demolish the existing former pub building.
- 1.3 The application is brought before Planning Committee as it constitutes major development.

2. RELEVANT SITE HISTORY

03/1726	ERECTION OF TIMBER DECK TO PROVIDE BEER GARDEN WITH DISABLED RAMPED APPROACH TO CAR PARK	Granted
14/0336	DEVELOPMENT OF 10NO. APARTMENTS AND ASSOCIATED WORKS	Refused
16/0350	RETENTION OF FORMER SMOKING SHELTER TO OFFICE (A2) AND ASSOCIATED ALTERATIONS	Granted with conditions
19/0587	DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF 6NO. 4 BEDROOM RESIDENTIAL DWELLINGS, INCLUDING ACCESS, PARKING, LANDSCAPING, BIN STORGE AND ALL ASSOCIATED WORKS	Granted with conditions

3. POLICY CONTEXT

3.1 Newport Local Development Plan 2011-2026 (adopted January 2015)

Policy **SP1 Sustainability** favours proposals which make a positive contribution to sustainable development.

Policy **SP2 Health** promotes development which has a positive contribution to health and well-being by being in a sustainable location, close to walking/cycling routes and green infrastructure.

Policy **SP9 Conservation of the Natural, Historic and Built Environment** protects habitats and species as well as Newport's listed buildings, conservation areas, historic parks and gardens, scheduled ancient monuments, archaeologically sensitive areas and landscape designated as being of outstanding historic interest.

Policy **SP12 Community Facilities** promotes development of new community facilities such as places of worship, cemeteries, health centres, nurseries, museums, public halls, cinemas, concert halls, allotments, leisure use etc. Development that affects existing community facilities should be designed to retain or enhance essential facilities.

Policy **SP13 Planning Obligations** enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

Policy **SP18 Urban Regeneration** supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.

Policy **GP2 General Development Principles – General Amenity** states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy **GP4 General Development Principles – Highways and Accessibility** states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

Policy **GP5 General Development Principles – Natural Environment** states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

Policy **GP6 General Development Principles – Quality of Design** states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

Policy **GP7 General Development Principles – Environmental Protection and Public Health** states that development will not be permitted which would cause or result in unacceptable harm to health.

Policy **H2 Housing Standards** promotes high quality design taking into consideration the whole life of the dwelling.

Policy **H4 Affordable Housing** sets out the affordable housing targets for the four submarket areas within Newport. For new housing sites of fewer than 10 dwellings within the settlement boundary, and fewer than 3 dwellings within the village boundaries, a commuted sum will be sought.

Policy **T4 Parking** states that development will be expected to provide appropriate levels of parking.

Policy **CF12 Protection of Existing Community Facilities** resists the loss of existing community buildings unless alternative provision is made or it is demonstrated that the building is surplus to the needs of the community.

Policy **W3 Provision for Waste Management Facilities in Development** states that where appropriate, facilities for waste management will be sought on all new development.

3.2 The following Supplementary Planning Guidance are also relevant:

- Sustainable Travel
- Wildlife and Development
- New Dwellings
- Waste Storage and Collection
- Parking Standards
- Trees, Woodland, Hedgerows and Development Sites.

4. CONSULTATIONS

4.1 SOUTH WALES FIRE AND RESCUE: The developer should consider the need for the provision of:

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances.

4.2 DWR CYMRU – WELSH WATER: We can confirm capacity exists within the public sewerage network in order to receive the foul only flows from the proposed development site. No problems are envisaged with the Wastewater Treatment Works for the treatment of domestic discharges from this site.

4.2.1 The development requires approval of Sustainable Drainage Systems (SuDS) features. It is recommended that the developer engage in consultation with the determining SuDS Approval Body (SAB). Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

4.2.2 The proposed development is crossed by a trunk/distribution watermain. Dwr Cymru Welsh Water has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. A 3m easement from the crown of the main in both directions should be observed and the ground cover above the main should not be changed.

4.3 REGIONAL AMBULANCE OFFICER: No response.

4.4 HEDDLU – GWENT POLICE: I have previously commented at the pre planning stage and am pleased to see that my comments concerning lack of surveillance have been addressed, and there are more habitable rooms now overlooking the parking areas, along with the introduction of CCTV. Ideally, communal parking should be avoided where ever possible as this can mean an increase in potential criminal damage to vehicles. Where this can not be avoided I would look to see a change in road surfaces to the entrance to the communal parking and clear signage indicating that it is private and for residents only.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): Highways do not object to the application. The application site is found within a residential area, as such highway considerations are mainly given over the personal safety, sustainability of the site, access, parking and the vehicle trip impact.

Safety

5.1.1 The highway collision history of the area has been reviewed, the area in general is deemed to have a low incident record, therefore no highway improvements are proposed.

Sustainability

5.1.2 The area is well served by local public amenities and transport services that link the site to local and distant services, that can be reached by walking, cycling, public transport or a combination of these. To encourage cycle use, the applicant will provide secure cycle storage facilities. Overall the site is considered acceptable in sustainability terms.

Access

5.1.3 The site will use two access points for vehicles, these are off Squires Gate and the service road found to the north of the site. To ensure service vehicles can use these accesses, the applicant has provided swept path analysis diagrams, that show that a refuse vehicle can enter and leave the site in a forward gear. Both accesses are considered suitable for their intended uses.

Parking

5.1.4 Car parking provision for the proposed development will be provided in accordance with Newport City Council Parking Standards August 2015. A total of 53 spaces will be available on site. This will ensure that the development should not generate unacceptable on-street parking.

- 5.1.5 Each accommodation block will have an area set aside to facilitate the secure covered storage of cycles. This will encourage residents to use a cycle as a means of transport.

Vehicle Trip Impact

- 5.1.6 The proposed development of 24 apartments will increase vehicular trips in the area. However, the impact the additional trips will have is not considered to be unacceptable.

Construction Phase

- 5.1.7 The construction phase will generate HGV trips, sights and sounds that are not generally linked to a residential area. It is recommended that a Construction Environmental Management Plan is put in place, that helps manage the impact of the construction and staff vehicles.

- 5.2 HEAD OF CITY SERVICES (ECOLOGY): I am pleased to see that the landscaping plan has been updated to include areas of wildflowers around the car park and seed mix suitable for wet areas to be used in swales.

- 5.2.1 To ensure that the landscape scheme is appropriately implemented and managed to deliver the benefits to biodiversity, a management plan is required to provide the details of how and when the landscaping will be delivered and who is responsible for it. A pre-commencement condition would be suitable to secure this information.

- 5.2.2 The other biodiversity features to replace bird and bat opportunities have been transferred to the updated plan. If you are minded to grant this permission the drawing should be listed on the approved plans list and they should be secured with a condition.

- 5.3 HEAD OF CITY SERVICES (LANDSCAPING): The landscaping proposal demonstrates an attractive and welcoming scheme. Some minor points, require clarification:

1. Requested as part of pre-app landscape management plan has not been found. The management plan should cover the maintenance of the SUDS features including swales and rain gardens.

2. Some proposed trees are located within small areas. It is likely that the sufficient tree root volume will not be provided. The use of underground crate system may be considered.

3. Tree pit sections are required, to include method of support and as a minimum to show:

- Tree planting in close proximity to hard surfaces and measures to protect surfaces from root damage.
- Avenue tree planting.
- Tree planting in soft landscape planting or grass.

4. SUDS features and drainage design details should be in line with the landscape strategy. Can landscape architect check the drainage details?

5. Proposed swale design detail from provided DRAINAGE CONSTRUCTION DETAILS show that the 300 mm deep mulch is used for the swale design. Can the type of growing medium for the swale be clarified?

6. For the raingarden Type 1 and raised planter the depth of topsoil is proposed as 150 mm. Some concerns remain, as the depth may be insufficient for successful plant establishment. Are there any ways to increase the depth of topsoil?

- 5.4 HEAD OF CITY SERVICES (TREE OFFICER): No objections, subject to conditions to prevent the felling of any existing trees, the submission of a tree protection plan, the use of root protection barriers and the appointment of an arboriculturalist.

- 5.5 HEAD OF CITY SERVICES (DRAINAGE): No response.

- 5.6 HOUSING STRATEGY MANAGER: No response.

- 5.7 PLANNING CONTRIBUTIONS MANAGER: Sets out the contributions required in accordance with policies SP13 and H4; and the Affordable Housing and Planning Obligations SPG's.

- 5.8 HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): No objection subject to conditions requiring a Construction Environmental Management Plan, a restriction on the

hours of construction and the investigation and remediation of any unforeseen contamination.

5.9 **PLANNING POLICY:** Overall, the proposal is supported in principle. The proposal provides residential development on a brownfield site within the urban boundary. This support is subject to the application meeting relevant policy requirements such as planning obligations, air quality, design, ecology and landscape matters.

5.9.1 In terms of the request for an updated report on the provision of an update to criterion ii) of policy CF12. This is a matter of satisfying a development plan policy and national policy is clear that planning's role is to look at the long term impacts from development, even in the light of the current situation. The previous application did have a relatively recent assessment which does satisfy policy.

5.9.2 The provision of passive infrastructure for electric vehicles is welcomed and is considered to aid in the mitigation of the impact of development.

5.10 **HEAD OF CITY SERVICES (ACTIVE TRAVEL):** Objection on the basis that provisions for cycling have not been fully considered. The site sits in the vicinity of Active Travel route NP-ROG-C007 (NCN Route 47) which utilises the Monmouthshire Brecon Canal tow path and provides numerous opportunities for local residents to carry out convenient off road cycle journeys to numerous locations along its route. Therefore, provisions to encourage cycling should be at the forefront of this development to ensure greater uptake of this sustainable means of transport.

5.10.1 **Cycle Storage:** Providing adequate storage space for cycles is an important part of encouraging sustainable travel. The provision of appropriate storage and parking will assist in getting more people to use a cycle to travel and help reduce car dependency. The provision for cycle storage does not appear to conform to the minimum standards set out in the Sustainable Travel SPG for both long and short stay requirements.

5.10.2 Each long-stay cycle parking space for staff and residents should be located in a safe, convenient and accessible place suitable for everyday long-stay use; long-stay parking should be secure, covered, well-lit and have CCTV where practical/ feasible (see Active Travel (Wales) Act 2013 – Design Guidance). Short-stay cycle parking should have step-free access and be located within 15 metres of the main site entrance, where possible.

5.10.3 **Connecting Cycling Routes** within and outside the development: Dedicated or shared use paths should be included within the development site to provide safe links away from vehicular routes. Good road safety is achieved by separating pedestrian and cycling routes from faster vehicle routes. Fear over personal safety can be major barrier to walking and cycling, and therefore lighting is an important influence on the public's perception of what constitutes a safe area.

5.10.4 Proposed new developments will need to take a holistic approach to consider how they link with their entire surrounding community and environment in a safe and sustainable way. Therefore improvements of connecting routes to Active Travel route NP-ROG-C007 outside the development site should also be considered to increase the likelihood of sustainable means of transport being adopted by residents. Sustainable travel routes should connect with one another seamlessly to form a comprehensive, permeable and logical network.

6. REPRESENTATIONS

6.1 **NEIGHBOURS:** All properties within 50m of the application site were consulted (87 properties), a site notice displayed and a press notice published in the South Wales Argus. 64 representations were received, along with a petition of 39 signatories. A further 7 representations were received following a reconsultation of amended plans in October 2020. All representations raised objections and the following concerns were raised:

Traffic, access and parking

- The development would result in increased traffic which would cause the following issues:

- Increased queuing of traffic along Ruskin Avenue at the junction with Cefn Road. Exiting onto Cefn Road can take up to 15 minutes, once on High Cross Road waiting up to 20-25 minutes is common;
- Morning and evening traffic can tail back to Mount Pleasant Junior School, which has the potential for young children to come into contact with queues of stationary traffic;
- Queuing traffic on Squires Gate due to traffic waiting to exit the estate onto Ruskin Avenue;
- Traffic calming measures on Ruskin Avenue are inadequate. The estate is also used as a short cut by vehicles travelling through the lane to and from Cwmbran. The Council should be considering improving the existing conditions rather than exacerbating them;
- The unnamed road off Ruskin Avenue and the car park is used daily by parents, carers and childminders dropping off and picking children up from Mount Pleasant Primary School. The removal of this parking option will increase the risk and danger for young children attending school in a location where the existing road infrastructure cannot cope with the volume of traffic;
- It will significantly increase traffic turning into Squires Gate as this is the proposed entrance to the main residents car parking area and it is already a dangerous turning onto Squires Gate from Ruskin Avenue. This is the case because of the road calming narrowing just above the turning onto Squires Gate. It causes confusion between cars because with cars waving to those letting them through the narrowing causes cars to think they are waving them out and they can turn;
- The road leading into Squires Gate will effectively become a public car-park given the flat visitors with nowhere to park and the displaced parking for the school at school times. All these extra cars parking will cause bottlenecks in an already narrow road, increasing the likelihood of minor collisions between vehicles, creating significant road safety issues for children and increase pollution;
- No 5. Squires Gate is located on the corner of the first cul-de-sac as you enter Squires Gate. As it's the first turning you come too, this quiet and safe space is already a popular turning circle for vehicles who enter Squires Gate by accident. Once these flats were built, this safe space is highly likely to become a common turning circle and car-park for flat visitors. This will cause congestion, pollution and will be a significant safety issues for all the young children living in the area.
- Increased traffic will pose a serious risk to canal visitors, already, the number of vehicles entering and exiting Ruskin Avenue makes crossing the road to get from one side of the canal to the other hazardous. 2 near misses have been witnessed.
- Blocking Squires Gate for large vehicles such as fire engines.
- Insufficient parking provision will lead to overspilling onto surrounding streets, to the detriment and safe passage of existing residents.
- Insufficient visitor parking.
- The agents have conducted their own transport study – this should be a quantitative, independent study in light of the residents' concerns.
- The extrapolated anticipated 'extra' traffic burden / journeys is unreliable and inappropriate. It cannot be compared to the previous application for 6 dwellings and considered 'similar'.
- The entrance/exit on to Squires Gate is close to the junction of Squires Gate/Ruskin Avenue and does not give sufficient sight, distance and visibility.
- Queries why it is proposed to access the proposed development via Squires Gate, where there is a large unused and viable road with a turning off the main road at the top of the site. A far safer and more practical solution which, would make the entire development more palatable for those to the south side (i.e. residents of Squires Gate) would be to move the entrance to the new flats car park to the top road and not off Squires Gate.
- It is believed that the Planning, Design and Access Statement and Transport Statement both misstate the impact that the traffic generated by the development is likely to have in the vicinity and fail to consider the degree of conflict and combined effect which this traffic will create if the location and spacing of junctions remains as proposed.
- Queries the distances and walking time in the Transport Statement, stating that many of these involve steep hills and other obstructions.
- Queries the accuracy of the list of public transport services in the Transport Statement.
- Queries the accuracy of walking distances to public transport connections.

- The hazard of the Squires Gate access was less of a problem when it only served the former public house, as its use did not normally coincide with peak times.
- The DPAS and Transport Statement also fail to mention the conflict with the closeness of the adjacent access to residential development granted under Planning Application Ref. 18/1013. Only Planning Permission Ref. 19/0587 is mentioned in Transport Statement.
- The visibility splays of the two new accesses now proposed in Squires Gate overlap blocking emerging drivers' vision and further increases the hazard to vehicles turning into Squires Gate.
- The trip generation forecast summarised in Transport Statement appears to have made solely on generic data with none of the unique characteristics of Ruskin Avenue and the journey patterns of the residents of Mount Pleasant Estate recognised. With the presence of the school, there are many more journeys from the estate focussed around the peak hours and the forecast that a possible total 48 residents' cars parked on the new development will generate only 8 trips in the peak hour is hard to believe.
- There also appears to have been no modelling of the proliferation of the junctions and traffic calming measures in the vicinity and the impact that the additional conflict and congestion that will be caused.
- There would be an additional demand for public transport, especially rail, which is over-crowded at peak times.
- There is no regular bus service to Mount Pleasant.
- There have been a number of accidents regarding cars being run over from cars driving along Ruskin avenue, there are too many cars on the road here.

Residential amenity

- Referring to the previous permission for 6 detached dwellings, the flats would be much closer to 201 Ruskin Avenue, of a significantly larger and imposing scale.
- The flats will result in overlooking and in particular, Block 2 of the flats will overlook the rear garden of 201 Ruskin Avenue and invade privacy to a rear facing bedroom, study and dining room.
- Block 2 would result in a significant loss of light to the rear garden of 201 Ruskin Avenue.
- The elevation, height and proximity would result in overshadowing of 201 Ruskin Avenue.
- It is suggested that the 25-degree rule from any habitable window has not considered the habitable windows to the rear of 201 Ruskin Avenue - rather than just stating there are no habitable windows on the southern façade. The bedroom at the rear of 201 Ruskin Avenue is the main bedroom and the subsequent invasion of privacy to both the living accommodation and garden has been overlooked and dismissed and will seriously impact on quality of life.
- A development of this size and density will pose a significant increase in noise nuisance from multi dwelling occupancy and vehicles.
- The former pub has not traded for many years and the earlier response from the agent that this development would pose no greater risk to noise nuisance is inappropriate and trite.
- Headlights would be directly aimed into lounge and bedroom windows of 1 Squires Gate.
- Afternoon sun will be blocked from houses close to the apartment blocks.
- The flats will see trouble experienced at the neighbouring Stevenson Court.
- There is a lack of bin storage.
- The proposal makes no provision for improvements or extra funding for local primary schools and surgeries which are already over subscribed.
- There is a lack of dedicated open space and playing amenities for local children. The proposal will exacerbate the situation significantly.
- The open space should be retained for everyone to enjoy and should be tidied.
- Construction disruption during the build, local residents must be protected. Access to the building site should not be from Squires Gate and appropriate support and compensation should be made to all local residents to facilitate cleaning cars, homes and other assets from the dust and disruption.
- Construction restrictions must include site traffic not entering via Squires Gate turning, working hours and restricted weekend activity. The south side of the plot should have a high panel fence, to completely reduce the noise, dust and most importantly child safety aspects during the development.
- Flats pose an unknown quality and quantity of social issues, affordable housing for people who are struggling with drug addictions, alcohol abuse and a multitude of psychiatric

disorders. That's bad news for families and kids as it will be constant nuisance and bad influence on them while commuting back and forth from school as well as work.

- The Rogerstone area has no local parks for children, this space could serve as a safe play area for the local children.
- The air pollution in this area is right outside the Junior School, this must have a detrimental effect on children's breathing which could lead to them developing asthma.

Visual amenity

- Out of keeping with all other properties in the area, which are largely single dwellings, semi detached or detached in design.
- It will be visually overbearing.
- It would ruin the open nature of the area.

Other matters

- The PAC report has not detailed the proper details of the responders or the precise nature of their objections. Issues raised regarding errors and deficiencies in the Transport Assessment are not represented by any of the points listed; and those points listed fail to reflect the full nature of objections.
- The timing of this application during the restrictions imposed during the COVID crisis and subsequent lockdown has been extremely detrimental to local residents. It is appreciated that an extension was granted to the initial pre-consultation period, this was of little assistance since we have only recently been able to meet as a community and exchange views in person. Regular visits to the property by several contractors and workmen who were removing items from the interior of the existing premises were witnessed, making many non - essential journeys during the lockdown period. Similarly, photography professionals were engaged to visit site during the same period, as were representatives to assign the statutory notices. This was a flagrant breach of National Guidelines, and blatant disregard for safety at a time of unprecedented crisis. Our ability as a community to engage and respond has been seriously compromised by this timing.
- Queries the ownership of the boundary line adjacent to 201 Ruskin Avenue as it incorporate a public right of way, footpath and grass verge. This footpath is used every day by residents, families with pushchairs, wheelchairs and mobility scooters and young children. Users will have their pedestrian access seriously impeded if the grass verge is removed as it will undoubtedly lead to cars being parked extremely close to the footpath. This is completely at odds with recent government initiatives to prevent obstacles on footpaths, ensuring a safe right of way.
- There are a number of animals and birds living in the tress, bushes and grassland on the site, this wildlife is encouraged by the canal with animals living in green patches and gardens across the estate. Destroying their habitat to build flats damages the environment and deprives residents of green views and a connection to nature that contributes to wellbeing and good mental health.
- The Olde Oak site was once occupied by a thriving Italian restaurant which was replaced by an enterprise which failed due to bad management. The original restaurant was a much-loved amenity for the local area and a Change of Use application should not have been granted. It would be better if the area was returned to the hospitality sector and provide much-needed jobs rather than housing.
- The previous application for flats was refused.
- There is no need for additional affordable housing in the area.
- Communal parking can mean an increase in potential criminal damage to vehicles.
- The environmental impacts should be re-assessed.
- There is no school capacity at Mount Pleasant school.
- Family housing is more welcome.
- There should be no felling of trees.
- The footpath in front of the public house and around the edge of the site, connecting to Nash Close should not be closed and remain open throughout the build and beyond.
- The address is shown as Ruskin Avenue, there is no road access from that street. That is misdirection.

6.2 COUNCILLOR CHRIS EVANS: Raises the following concerns/objections:

- Road safety.
- Increase in traffic turning into ~~Page 99~~ **Page 99**.

- Increase in number of cars turning into the estate.
- Increased pollution.
- Squires Gate will have increased numbers of cars parking on the road, increasing the likelihood of collisions and road safety issues.
- Accessing the site via the road at the top of the site is a safer and more practical solution, which would make the development a more palatable for those to the south side (i.e. residents of Squires Gate).
- The existing road infrastructure cannot support this highly populated area, let alone 24 new flats. Peak/rush hour queues can take 30 minutes to get to the M4 in the morning. The exit off Ruskin Avenue is accident black spot, which often blocks the Squires Gate entrance. In order to protect the residents of Ruskin Avenue, the council should be doing more to control traffic and reduce pollution, and must not make it worse by approving flats which brings more traffic and more congestion.
- There are very few visitor parking spaces.
- Parking at school time on Ruskin Avenue is already very busy and dangerous for school children. The school is located on a busy route and parents already regularly park on yellow lines with no intervention from council enforcement officers, even with the pub car park available just down the road. The pub car park is nearly full every school day with parents doing pick up and drop off, so where do all these cars go if this land is developed.
- There will be construction disruption during the build and as such, local residents must be protected. Appropriate support and compensation should be made to all local residents to facilitate cleaning cars, homes and other assets from the dust and disruption.
- Flats are not appropriate in this area. The Squires Gate estate is primarily comprised of detached and semi-detached housing. Ruskin Avenue does not need Flats. Rogerstone has multiple new developments and ample accommodation. 24 high density flats would overpower the landscape and stand out as 'out of place' in this established and settled community. Although not ideal, larger houses are the only residential development appropriate for this land.
- Rogerstone is already a massively overpopulated area with a number of developments (notably Jubilee Park and Carnegie Court). Jubilee Park alone provides ample new flats & smaller properties to purchase locally.
- There is already a huge strain on amenities and infrastructure to support the local community. Doctors surgeries are already at breaking point due to developments at Jubilee Park and Carnegie Court.
- The proposal lacks any environmental considerations, no solar panels, no integrated recycling facilities, no car charge points. It seems that little regard as been given as to environmental considerations.
- These dwellings will be far from 'affordable' for young people and families starting out. Rogerstone desperately needs affordable homes for our children and grandchildren to live in or return to be part of our community, not so called 'luxury' apartments. My community needs 'homes' and whilst there is no legal/planning obligation to build 'affordable' homes or 'Green' environmentally friendly dwellings the lack of ambition on the part of the developer consolidates my concerns.

6.3 COUNCILLOR YVONNE FORSEY: Requests to be kept up to date with the application.

6.4 ROGERSTONE COMMUNITY COUNCIL: No response.

7. ASSESSMENT

7.1 The application site sits within the Mount Pleasant housing estate. It is accessed via Cefn Road to the south and via Groes Road/Cwm Lane to the north, which also links on to Bettws and Cwmbran. The site comprises a part single storey, part two storey building, which is surrounded by garden areas, in association with the use of the building, together with some hardstanding, open landscape areas and a large car park. The building is currently vacant but it has historically operated as a pub/restaurant. The building is accessed by an un-named road to the north of the site, which comes off Ruskin Avenue. To the south east of the site is the remaining portion of the car park. This is under different ownership and planning permission was recently granted for the construction of 3 no. houses on this land (reference 19/0769). The surrounding area is residential and properties

lie adjacent to the north eastern, eastern and south eastern boundaries of the application site. Elsewhere residential properties lie opposite along Ruskin Avenue and along Squires Gate.

7.2 Planning history

7.2.1 Planning permission was refused for 10 no. flats within a two storey L shaped building in June 2014 (reference 14/0336). The building was located within the western portion of the car park and it did not involve the pub or its gardens. The design and scale of the building was considered acceptable however, the applicant failed to demonstrate that future occupiers would be protected from noise generated by the then operational pub, they failed to demonstrate that adequate parking provision could be provided for the pub as the proposal would remove all parking associated with the pub and they did not agree to the required planning contributions.

7.2.2 Planning permission was granted for 6 no. detached dwellings in November 2019 (reference 19/0587). The application site involved the pub and its gardens, it did not include the car park which is now included in this application. Access to the development was from the un-named road off Ruskin Avenue to the north.

7.3 The proposals

7.3.1 It is proposed to demolish the existing Old Oak Stave pub and construct three residential blocks to provide 21 no. two bedroom flats. The current proposal has been reduced down from 24 no. units which were originally proposed. This was to address concerns over scale and massing. The apartment blocks would be located on the land currently occupied by the pub building and its gardens. Block 1 would run parallel to Ruskin Avenue and would have a frontage onto this road. It would be set back around 9m from the road and would retain the open landscape area in between. Blocks 2 and 3 would face into the site, which would have a central communal landscaped garden area. The rear of block 2 would face towards the un-named road to the north and the rear of block 3 would face towards properties in Squires Gate.

7.3.2 The un-named road to the north would be retained and it would provide access to 10 parking spaces which would be positioned behind block 3. It is also proposed to remove some of the grass verge adjacent to the road to provide a further 4 parking spaces and 2 visitor spaces. There would also be one of two refuse stores located at the end of this road. The footpaths to the north of the site and south of the existing pub building would be retained and would continue to link Ruskin Avenue to Taliesen Close and beyond.

7.3.4 It is proposed to retain the existing car park in the south western portion of the site. It would be accessed from Squires Gate, using the existing access. It would be reconfigured to provide 30 parking spaces and 4 visitor spaces. Overall the development would provide 50 parking spaces, across the two car parking areas. The existing area of landscaping and trees in between the car park and Ruskin Avenue would be retained; and additional landscaping would be provided at the entrance to the car park, within the car park itself and along the boundary with the neighbouring development site (3 no. dwellings). A second refuse store would be located at the top of the car park, adjacent to Block 1.

7.3.5 The apartment blocks would be largely identical, except for some different positions of balconies. They would measure 25m in length and 11.5m in width (centrally, at their widest point). They would have a maximum ridge height 9.2m, with an eaves height of 5.2m. The blocks would have hipped roofs, with a gable feature at each end and two small dormers positioned centrally in the front elevation. To the rear there would be a central projection, which provides access to the apartments, via a central lobby. Roof lights are proposed in the front and rear roof slopes to serve accommodation within the roof space. The buildings would be finished in red brick and render. Blocks 1 and 2 would have a first floor balcony on each end of the building. Block 3 would differ slightly, with a first floor balcony proposed on the northern side elevation and the other balcony on the front elevation.

7.3.6 Each apartment block would provide 3 x 2 bedroom flats on the ground and first floor, with 1 x 2 bedroom flat in the roof space. The apartment blocks would be surrounded by landscaping, incorporating lawn areas, swales for sustainable drainage, pollen and nectar rich wild flowers, rain gardens in raised beds, shrub and tree planting. There would be

footpaths around the blocks and a footpath which runs centrally through the communal gardens, leading to the south western parking area.

7.4 The principle of development

7.4.1 The site is previously developed land within the defined settlement boundary. The building is currently vacant and it is considered that the provision of residential development within the urban area is consistent with policy SP18 of the Newport Local Development Plan and its general brownfield strategy.

7.4.2 Policy CF12 states that proposals that would result in the loss or change of use of buildings currently used for community facilities will only be permitted if:
i) alternative provision can be made, of at least an equal benefit to the local population; or
ii) it can be demonstrated that the existing provision is surplus to the needs of the community.

7.4.3 The building has ceased to function as a public house and is currently vacant, following a temporary spell as a coffee shop. The applicant has submitted a planning statement which provides an address to the requirements of this policy. The applicant notes that Rogerstone benefits from a number of public houses, many of which are in close proximity to the application site, these include the Rising Sun, Tiny Rebel brewery bar and the Tredegar Arms. The applicant further notes that these establishments are within walking distance of the application site and are comparable in their role and function. It is agreed that this contributes towards the existing pub being surplus to the needs of the community.

7.4.4 The applicant also makes reference to the previous planning permission which also involved the demolition of the pub. That application included an independent commercial viability study (dated May 2019) which concluded that the building is poorly located for passing trade and there are better venues with better facilities in close proximity. The public house was loss-making prior to its closure and the viability study assessed the option of re-opening the building as a public house business. When considering the cost of refurbishment, staff costs, sales and operator profit, it concluded that the public house is commercially unviable now in and the long term.

7.4.5 The proximity and number of other public houses, along with the viability study were previously considered to adequately address policy CF12. There has been little change since the determination of the previous application and if anything, the Covid-19 pandemic has made the viability of vacant premises such as this even more precarious. The proposal is therefore considered to satisfy policy CF12.

7.5 Highways and access

7.5.1 *Traffic generation and impact on the highway network:* In accordance with the Parking Standards SPG the proposed development generates a requirement for 42 parking spaces (1 space per bedroom) and 5 visitor spaces (1 space per every 5 units). 50 parking spaces are proposed. This will generate vehicle trips and a demand on the local highway infrastructure. When assessing whether or not this demand would result in a harmful impact on the local highway infrastructure a number of factors need to be considered:

- the lawful fallback use of the site and its associated vehicle trips/demand on highway infrastructure;
- the likely level of vehicular trips generated by the proposed development, using recognised and industry standard trip generation data;
- the condition of the existing highway network.

7.5.2 The applicant has submitted a Transport Statement which, addresses these factors. The Transport Statement uses the TRICS database, which is a national system of trip generation analysis (the database contains over 7000 directional transport surveys at 110 types of development). The Councils Highways Officer has no objection to the methodology of data collection. The lawful use of the site is an A3 use (pub/restaurant); and this use could resume at any time. As such it is necessary to understand the vehicle trips associated with the former use, as the lawful fallback position. The TRICS analysis has used the Hotel, Food & Drink category of the data-case to derive a representative sample of sites of similar size and locational characteristics to that of the former pub/restaurant. The data considers the morning and evening peak hours (0800-0900 and 1700-1800), as

well as a sum of daily movements. The Transport Statement, based on the TRICS analysis shows that the former use would generate 0 trips during the am peak hour, 49 trips during the pm peak hour and 677 daily movements.

- 7.5.3 The TRICS trip generation database has also been used to calculate the vehicular trips of the proposed development. The sites used to derive the data were selected based on; privately owned flats, Monday to Friday survey days and within the UK (excluding Greater London, NI and the Republic of Ireland). As with the former use the data considers the morning and evening peak hours, as well as daily movements. The Transport Statement shows that the proposed use would generate 6 trips during the am peak, 7 trips during the pm peak and 77 daily movements. A comparison of the existing and proposed trip generation is set out in the table below:

Table 1

Period	Former pub/restaurant			Proposal 21 no. flats			Difference		
	Arrive	Depart	Total	Arrive	Depart	Total	Arrive	Depart	Total
0800-0900	0	0	0	1	5	6	+1	+5	+6
1700-1800	31	18	49	5	2	7	-26	-16	-42
Daily	344	333	677	40	37	77	-304	-296	-600

- 7.5.4 It can be seen from the above table that the proposed development would result in less vehicle trips overall when compared with the existing use. There would be an increase in trips during the am peak hour however, an additional 6 trips is not considered to be significant.
- 7.5.5 There have been objections from the local community, with nearly all representations raising concerns over the impact of the proposal on the local highway infrastructure. There is concern that during the peak hours and in particular during the morning rush hour, there are long queues of vehicles attempting to leave Ruskin Avenue onto Cefn Road. These queues often back up to the Squires Gate entrance and further. There are concerns that additional vehicles will further exacerbate these queues, causing a highway safety issue and the potential for accidents. It is recognised that there are existing issues with queuing traffic during the peak periods. However, this is an existing problem and as it has been shown that the proposed development would only generate an additional 6 vehicle trips during the am peak period and 7 trips during the pm peak period, this is considered to not have a significant additional harmful impact on the existing highway network. The Councils Highways Officer has no objection to the additional vehicle trips nor the impact on the highway network.
- 7.5.6 *Parking and servicing:* As set out in paragraph 7.5.1 the parking and visitor parking demand generated by the proposed development is 47 spaces in total. As it is proposed to provide 50 spaces, including 6 visitor spaces, it is considered that sufficient parking is proposed. The Highways Officer also has no objection to the proposed parking provision.
- 7.5.7 Local residents have raised concern that the car park is currently used by parents dropping off and collecting children from Mount Pleasant primary school. Without this car park vehicles would be displaced onto neighbouring streets to find on-street parking. Local residents are concerned that this will result in indiscriminate parking and a risk to highway and pedestrian safety, particularly children as they walk to school. Whilst these concerns are understood, parking within the existing car park is on an informal basis and could be stopped by the landowners at any point. It would therefore be unreasonable to refuse the proposed development on the basis of this informal arrangement.
- 7.5.8 In terms of servicing, swept path analysis has been provided to demonstrate that refuse vehicles can enter and leave the un-named road to the north in a forward gear. The Highways Officer is satisfied with this.
- 7.5.9 It is proposed to provide cycle storage adjacent to each apartment block. The Sustainable Travel Supplementary Planning Guidance requires 1 long stay cycle space per every 2 bedrooms and 1 short stay cycle space per every 20 bedrooms. Long stay spaces should be provided in secure, ideally covered structures and short stay spaces should be obvious and easily accessible. The demand created by the proposed development is 7 cycle spaces

for each apartment block and 1 short stay space. It is considered that the cycle stores shown would be located in convenient, secure and accessible places. It is considered that the precise details to demonstrate that 7 cycles can be stored within the shelters can be secured through a condition.

- 7.5.10 Further concerns have been raised by local residents. A number of concerns relate to the visibility from the Squires Gate entrance/exit and its proximity to both the Squires Gate/Ruskin Avenue junction and the access to the adjacent approved development. Both of these accesses are existing and currently serve a car park. The existing car park provides (including that of the neighbouring development site) around 70 parking spaces. The proposed development and the neighbouring 3-house development would result in less parking provision and as such the vehicle movements would be less than could resume. The Highways Officer does not object to the continued use of the access and no improvements to visibility are considered necessary as the proposed development would result in fewer vehicle movements than could exist.
- 7.5.10 A neighbour representation has noted that the Squires Gate access was less of a problem when the site operated as a pub, as it did not coincide with peak hours. This observation is noted however, it remains to be considered that because vehicle trips are not predicted to be significant during the peak periods, there would not be significant worsening on the surrounding highway network.
- 7.5.11 Neighbour representations query why the un-named road to the north of the site cannot be used as the entrance to the development. If the use of the Squires Gate access was considered to be unacceptable then an alternative access might be pursued however, as this is not the case, then this option is not considered necessary.
- 7.5.12 Neighbour representations are made regarding the public transport sections within the submitted Transport Statement, in particular the accuracy of distances and walking times listed to public transport services. These comments are noted however, the sustainability of the site is not in question and no reductions in parking provision are being sought. It is possible that the Transport Statement does not accurately reflect terrain constraints when considering walking distances however, this is not material to the consideration of this application.

7.6 **Active Travel**

- 7.6.1 The Councils Active Travel Officer objects to the proposed development as they do not believe that cycling provision has been adequately considered. As set out in paragraph 7.5.9 it is considered that the cycle shelters proposed would be located in convenient, secure and accessible places. Each shelter would be adjacent to a footpath and would be a short distance from the canal Active Travel route (around 150m). Whilst dedicated or shared paths for pedestrians and cyclists are not provided within the development, there are very close connections with the existing highway network (which the applicant has no control over). It is not considered reasonable to require the applicant to make improvements to the existing highway network to improve cycle links to the canal given the scale of development and the short distance to the tow path. Overall it is considered that the proposed development meets the requirements of the Sustainable Travel SPG and would encourage the uptake of active travel.

7.7 **Existing and future residential amenity**

- 7.7.1 The New Dwelling SPG is the relevant guidance when assessing the impact of the proposed development on the residential amenity of neighbouring properties; and amenity provided for future occupiers. The main function of the SPG is to:
- i) To ensure that occupants of new dwellings have reasonable living conditions;
 - ii) To ensure that new dwellings do not deprive persons in existing dwellings of reasonable living conditions; and
 - iii) To protect the character and appearance of the natural and built environments.
- 7.7.2 *Reasonable living conditions for future occupiers:* the SPG sets internal space standards for flats and for a two bedroom flat with a communal entrance a floor space of 59 sqm is recommended. All of the proposed flats exceed this standard.

- 7.7.2 The SPG states that private or communal amenity space should be provided for flats. Private amenity space could be provided on balconies and where these are provided the desired space is 3 sqm. Six of the proposed flats would have balconies with a floor space of 2.8 sqm, which whilst marginally less than the desired standard, is considered acceptable.
- 7.7.3 The SPG recommends that for developments providing accommodation for between 41 and 60 people, communal amenity space at a ratio of 13 sqm per person should be provided. The submitted floor plans indicate that each bedroom could accommodate a double bed and as such each flat could potentially house up to 4 people (although, in reality this is unlikely). Excluding those flats with balconies the development could accommodate up to 60 people (15 flats x 4 people) and as such 780 sqm of communal amenity space is required (13 sqm x 60 people). The development would provide around 860 sqm of communal amenity space and this is considered acceptable.
- 7.7.4 Overall the proposed living conditions for future occupiers is considered acceptable.
- 7.7.5 *Protecting the living conditions of persons in existing dwellings – Internal Privacy:* To ensure the privacy of all residents are protected, suitable separation distance must exist between protected windows. The SPG sets a suitable separation distance of 21m, unless separated by permanent structures or evergreen trees protected by Tree Preservation Orders. A protected window is one which serves a habitable room. The SPG defines a habitable room as any room used or intended to be used for sleeping, living, cooking or eating purposes.
- 7.7.6 The nearest residential properties to the proposed development are 201 Ruskin Avenue, 1 and 2 Stevenson Court; and 80, 81 and 90 Squires Gate. The side elevation of Block 1 would face towards the side elevations of 201 Ruskin Avenue. It is proposed to have small living room and kitchen windows in the side elevation of Block 1, it is proposed to obscure glaze these windows. There are no windows in the side elevations of 201 Ruskin Avenue and it is considered that there would be no loss of privacy to this neighbour.
- 7.7.7 Elsewhere there are no infringements of the 21m window to window separation distance except where there is a window in the side elevation of 80 Squires Gate. The rear of Block 2 would face towards this property and bedroom and bathroom windows are proposed in this elevation. However, given the likely internal configuration of 80 Squires Gate it is likely that this window serves a landing and not a habitable room. It is therefore considered that this neighbours' privacy would be protected.
- 7.7.8 Consideration is given to the relationship with the houses approved under planning permission 19/0709, which would be built adjacent to Block 3. There would be small living room and bathroom windows in this elevation, which are proposed to be obscure glazed. There are no windows proposed in the side elevation of the neighbouring approved development and therefore privacy would be protected.
- 7.7.9 *Protecting the living conditions of persons in existing dwellings – Privacy within gardens:* In order to prevent overlooking or perceived overlooking and overbearing effects developments must have a suitable separation distances between new high-level protected windows and adjacent back gardens. The SPG does not recommend what that distance should be for flats however, it does recommend for single dwellings that a back garden should extend at least 10m from the rear elevation high level window in order to protect the amenity within neighbouring gardens. It is considered that this principle is equally relevant to flats.
- 7.7.10 There are instances whereby the proposed development would have windows which face towards the private gardens of neighbouring properties however, in all cases except one, the distance between the windows and neighbouring gardens is in excess of 10m. The closest relationship is between the bedroom windows in the rear of Block 2 and the neighbouring rear garden of 201 Ruskin Avenue. These bedroom windows would align with the rear most part of the garden and are 14.3m away. Whilst the neighbour has raised concerns over this relationship, it is considered acceptable and in accordance with the SPG.

- 7.7.11 The exception occurs between the side elevation of Block 3 and the nearest house approved under planning permission 19/0709; and also between the rear garden of 90 Squires Gate. There is around 3m between Block 3 and the side boundary of the approved development and the rear boundary of 90 Squires Gate. There would be first floor living room and kitchen windows in this elevation however, they are proposed to be obscured glazed. This is considered to be adequate mitigation to protect the neighbouring privacy. A condition is recommended to ensure the windows remain as such in perpetuity. There are no permitted development rights for flats and as such it would not be permissible to insert additional openings without first gaining planning permission.
- 7.7.12 *Protecting the living conditions of persons in existing dwellings – Overbearing effect on neighbouring gardens:* the SPG states that consideration should be given to the characteristics of the affect garden(s) including its size, orientation, likely usage, topography, existing neighbouring development and screening vegetation when assessing overbearing effects.
- 7.7.13 The closest relationship between the proposed development and neighbouring properties is that between the recently approved three dwelling development to the south east and between 90 Squires Gate. Block 3 would be 3m from the nearest approved dwelling however, this is a side to side relationship and the approved house would have single storey projection closest to the shared boundary, which would screen the impact of the proposed development when using the rear garden. It is considered that this would prevent the building being overbearing upon that neighbouring garden.
- 7.7.14 The side elevation of Block 3 would also align with the rear garden of no. 90 Squires Gate, it would be around 3m from the rear boundary. The rear garden of 90 Squires Gate is long, measuring around 25m in length. It is considered that with a garden of this length and with a building with an eaves height of 5.2m and with a hipped roof, this relationship would not cause an overbearing impact on the neighbouring garden.
- 7.7.15 Elsewhere it is considered that there is sufficient distance between neighbouring gardens and the proposed development to ensure that the proposal would not be overbearing. The occupier of 201 Ruskin Avenue has raised concern that the proposal would be overbearing on their property. However, it is considered that given the scale of the development, which whilst slightly closer to this property, is only 700mm higher than the houses previously approved under permission 19/0587. The parts of the building closest to this property would be the lower parts of the roof slope. Block 1 would be 14.1m from 201 Ruskin Avenue and Block 2 would 14.3m away. The highest parts of the roofs would be a further 18m and 17.6m away respectively. It is considered that at these distances and given the scale of the buildings it would not represent overbearing development.
- 7.7.16 *Protecting the living conditions of persons in existing dwellings – loss of light:* the SPG sets out natural light tests for protected windows to ensure there is no unacceptable loss of light to those windows. It is considered that there would not be any neighbouring windows affected by a loss of light as a result of the proposed development. The occupier of 201 Ruskin Avenue considers that the applicant has not addressed the habitable room window to the rear of their property. It is noted that there are ground and first floor windows in the rear elevations of no. 201. These windows are orientated away from the proposed development and it is considered that there would not be a direct impact on these windows. There are ground floor windows in the side elevation of the rear projection. These windows would face towards the proposed development however, there is an existing boundary treatment in front of these windows which measures 2m in height. The applicant has also undertaken the 25 degree natural light test from the nearest point of this property and the test is passed. It is considered that light to the neighbouring property would not be adversely effected.
- 7.7.17 Overall it is considered that the proposed development would adequately protect existing residential amenity, in terms of light, privacy and overbearing impact.
- 7.7.18 The Head of Law and Regulation (Environmental Health) has no objection to the proposed development subject to conditions requiring the submission of a construction environmental

management plan (CEMP), a requirement to investigate and remediate any unforeseen contamination and a restriction on the hours of construction. The CEMP and contamination conditions are recommended however, it is not considered necessary to restrict the hours of construction through a condition, as there are more effective controls of any nuisance generated through construction through the Control of Pollution Act 1974.

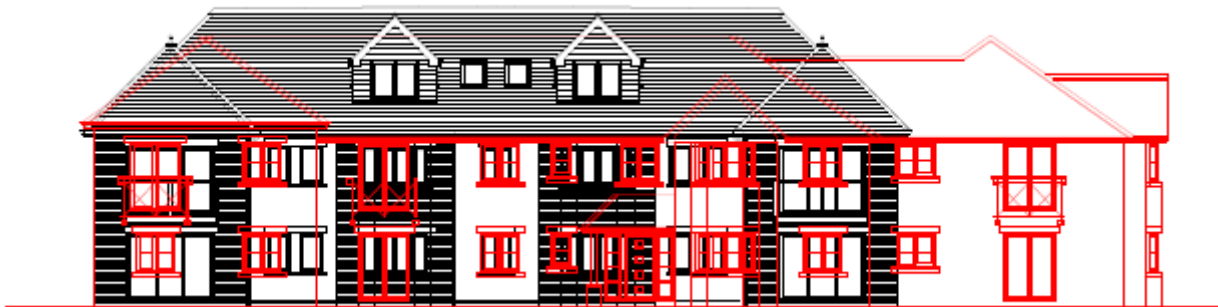
- 7.7.19 A neighbour representation has raised concern that the proposal will result in vehicle headlights shining directly into the lounge and bedroom windows of 1 Squires Gate. This property is located opposite the existing car park and this is a situation which could currently arise. It is considered that the proposal would not result in a worse impact.
- 7.7.20 Neighbours are concerned that the proposal would block neighbouring properties from afternoon sun. It is considered that the separation distances from neighbouring properties and the scale/height of the proposed buildings would prevent a material loss of light to the closest properties.
- 7.7.21 Local residents are also concerned about the disruption caused during the construction phase. The submission of a Construction Environmental Management Plan (to be agreed via a condition) would ensure that local residents are protected from construction activities.
- 7.7.22 A neighbour is also concerned that affordable housing will result in anti-social issues. The proposal would include the provision of 6 no. affordable units. These would be managed by a Registered Social Landlord. There is no evidence to suggest that well managed affordable units would could cause anti-social issues and this would not be grounds to refuse an application.

7.8 Design and visual amenity

- 7.8.1 It is considered that the existing buildings forming the Old Oak Stave do not have any significant design merit and in visual terms, they do not have sufficient quality to warrant their retention. The surrounding area is residential and buildings are two storeys in scale. There is a variety in design with a mix of materials.
- 7.8.2 The design of the proposed buildings has been amended in order to address concerns over the scale and massing of the proposal. It was originally proposed to provide 24 flats, with greater use of the roof space to provide accommodation. This resulted in taller buildings, with dormers in the front and rear elevations, including larger dormers in the front elevation. It was considered that this design was over-scaled and would be out of keeping with the two storey context of the surrounding area. The amended design has reduced the unit numbers, reduced the height of the apartment blocks, removed dormers from the rear elevations and reduced the number and size of dormers in the front elevations.
- 7.8.3 There have been objections from the local community who consider that flats are not appropriate for the area. Many residents refer to the acceptability of the previous planning permission for part of this site, which involved the provision of 6 no. detached houses. It is recognised that the scale of the previous permission was most comparable with that of the surrounding area however, it should be noted that whilst the massing of the buildings are greater, their overall height is not significantly higher than the approved 6 house scheme. The applicant has provided an overlay of the previous dwelling scheme (overlaid red), in order to demonstrate that the proposed scheme is of a comparable height to that previously approved, see below:



- 7.8.4 It is considered that the scale of the proposed flats is not significantly different to the previously approved scheme, nor the scale of the properties in the surrounding area. The buildings are largely two storey in scale, with modest additions to the roof. It is recognised that the massing of the building is greater than the housing scheme, as there are no gaps between the building. However, it is considered that the use of render either side of the brick work allows the elevation to be broken up, thereby reducing the visual impact of its massing.
- 7.8.5 When considering the massing of the building, it is also worth noting that, whilst planning permission was refused for the 14/0336 scheme (10 no. apartments, within an L shaped building, sited on the car park), which was brought before planning committee in August 2014. The reasons for refusal did not relate to the design, scale or massing of the building. The applicant has also provided an overlay of that previous design (overlaid in red), in order to demonstrate that a building of greater massing was previously considered acceptable (see below). Whilst the height is less than currently proposed, it is not significantly different.



- 7.8.6 It is also recognised that the footprint of the buildings is greater than that of the approved housing scheme. However, as set out in paragraphs 7.7.1 to 7.7.18 the proposed development is not considered to be harmful to existing residents in terms of privacy, light or overbearing. The scale of the proposed buildings is considered to be comparable to the previous consent and the context of the surrounding. Overall it is considered that the design, layout, scale and massing of the proposed building would not be visually harmful, nor would it result in a form of development which appears out of character or at odds with the surrounding area.
- 7.8.7 The proposal involves the provision of a large expanse of car park. Good design would normally see parking provision integrated within the development in order to avoid such an emphasis on car parking areas. Whilst this isn't an ideal layout, it is considered that it would not result in a visual harm. It is proposed to retain the significant vegetation and trees, which provide screening along Ruskin Avenue. It is also proposed to provide additional planting at

the entrance and within the car park, this would help to break up the hardstanding areas. Furthermore, given its current use as a car park, with much less landscape treatment, it is considered that the continued use of this car park would not be visually worse than that which currently exists.

7.9 Air Quality

7.9.1 The application site does not lie within an Air Quality Management Area (AQMA). The nearest area begins at the Ruskin Avenue/Cefn Road junction and covers a stretch of the road in an easterly direction. Neighbour representations raise concerns over additional air pollution as a result of increased traffic movements. The Air Quality SPG does not require an Air Quality Impact Assessment to be provided given the location of the site outside of the AQMA or a buffer zone and not adjacent to an A road. However, the Air Quality SPG does state that “it is important to recognise that even if a proposed development is not located directly within an AQMA, it could still have an impact on air quality. Increases in air pollution, due to road traffic, can impact on human health and in order to manage this risk all developments must be designed so as not to make matters worse through its construction and implementation”.

7.9.2 As set out in paragraphs 7.5.1 to 7.5.5, the Transport Statement indicates that there would be a marginal increase in traffic movements during the am peak period, but overall the number of vehicle trips is shown to be significantly less than its fall back position. It is considered that the impact of the proposed development would not be worse than that which could exist. Furthermore, measures to reduce the impact on air quality during the construction phase would be secured through a Construction Environmental Management Plan (via a condition). Mitigation measures in the form of infrastructure to provide electric vehicle charging points would also be secured through a condition, in order to improve air quality.

7.10 Noise

7.10.1 The Councils Environmental Health Officer has no concerns regarding noise from or to the proposed development. The surrounding area is residential and noise sources are not considered to require mitigation. Any noise generated during construction can be mitigated through measures secured through a Construction Environmental Management Plan (via a condition).

7.10.2 Neighbour representations raise concerns that the development would pose a significant increase in noise nuisance from multi dwelling occupancy and vehicles. The existing use of the site is as a pub/restaurant with a large car park. This use could resume at any time. It is considered that the provision of residential development, in a residential area would not result in unacceptable noise nuisance in its own right, nor would it be any worse than the existing use. Noise generated by vehicle movements is also considered to be no worse than the existing use.

7.11 Ecology

7.11.1 A Preliminary Ecological Assessment and bat survey have been submitted. They conclude that the site has low ecological value and there is no evidence of bat roosts. The Councils Ecological Officer is satisfied with the surveys and their conclusions.

7.11.2 The applicant proposes the following ecological mitigation and enhancements across the site:

- bat bricks integrated into the gable ends of each apartment block;
- swift bird bricks integrated into the rear elevations of each apartment block;
- Igloo hedgehog homes;
- External wall lights to be low wattage from dusk till dawn;
- Pollen and nectar rich wild flowers as part of the landscaping scheme.

7.11.3 The Councils Ecology Officer is satisfied with the proposed ecological and mitigation enhancements. Conditions are recommended requiring the implementation of the ecological enhancement plan (plans condition) and the submission of a landscape method statement and management plan.

7.12 Landscaping

- 7.12.1 It is proposed to provide a landscaped communal garden which would sit centrally within the proposed development. The garden would have a circular walk way through it, leading from the car park to the apartment blocks. Landscaping is also proposed to the sides, front and rears of the apartment blocks. This is in the form of lawn areas, hedges and shrubs. Hedges and shrubs are proposed within the car park and along the shared boundary with the neighbouring development. Wildflower planting is proposed within the existing landscape area in between the car park and Ruskin Avenue. New trees are proposed within the car park, communal garden and within the grass verge adjacent to the un-named road.
- 7.12.2 The Councils Landscape Officer considers the landscape proposals to be an attractive and welcoming scheme. The Officer requests the submission of a landscape management plan, which can be secured through a condition. The Officer requested details of tree pits sections, the applicant has provided these details, no further comments are made by the Landscape Officer. The Officer also queries whether the depth of top soil for the rain garden raised planter could be increased to ensure successful plant establishment. This information has not been provided and as such it is recommended to be secured through a condition.
- 7.12.3 The Landscape Officer also raises queries in relation to the drainage design and SuDS features. The Officer considers that these should be in line with the landscape strategy. The scale of this development means that separate sustainable drainage consent would be required from the Council's Sustainable Drainage Approving Body (SAB) before any development could start. It is for the applicant to ensure that the proposed development, including its landscape scheme is in line with the drainage strategy. If amendments are required to the landscape scheme as a result of the drainage approval process then additional planning consents may be required.
- 7.13 Trees**
- 7.13.1 A tree survey, categorisation and constraints report has been submitted. The report recommends the on-going management of trees on site. It does recommend the felling of one tree, a Red Maple, which is located adjacent to the boundary wall of Stevenson Court. This tree is assessed as having significant crown dieback, with a short life expectancy. The Councils Tree Officer has no objection to the proposals subject to conditions to prevent the felling of any other existing trees, the submission of a tree protection plan, the use of root protection barriers and the appointment of an arboriculturalist.
- 7.14 Waste and recycling**
- 7.14.1 In accordance with the Waste Storage and Collection SPG for a development with this number of flats the following waste provision is required:
- 4 x 660l bins for plastic, paper, card and cans
 - 2 x 360l bins for glass
 - 1 x 240l bin for food
 - 120l per flat for landfill waste = 2,520l
- 7.14.2 It is proposed to provide two enclosed timber refuse stores, they would provide enough space for 6 x 660l bins, 3 x 360l bins, 3 x 240l bins and 3 x 1100l bins for landfill waste (3,300 litres). One refuse storage enclosure would be located at the end of the un-named road and swept path analysis of a refuse vehicle demonstrates that a vehicle can access the store and turn within the site. The other store would be located adjacent to Block 1, where a refuse vehicle can collect from Ruskin Avenue.
- 7.14.3 It is considered that the refuse storage areas would be in a convenient location for future residents and can be accessed by refuse vehicles. They would provide more storage than the requirements of the SPG, this is considered acceptable.
- 7.15.1 Drainage**
- 7.15.2 Welsh Water confirm that there is capacity within the public sewerage network for foul discharges only. Separate consent is required for the sustainable drainage system and Welsh Water are a statutory consultee in that process. Given that there is a separate consenting regime for surface water it is not considered necessary to require any further details.

7.16.1 The Gwent Police Architectural Liaison previously commented on the scheme during the public pre-application consultation (PAC). The Officer welcomes measures to increase the amount of habitable rooms overlooking the parking areas, along with the use of CCTV. To limit the potential for criminal damage within the car park it is recommended that there is a change in the road surfaces to the entrance and signage indicating that it is private and for residents only. These additional security measures can be secured through a condition.

7.17.1 Section 106 Planning Obligation matters

In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration , Investment and Housing	To provide an on-site provision of affordable housing or a commuted sum.	30% affordable housing units (6 x 2 bed units) to be transferred to a Registered Social Landlord (zoned to develop in Newport) at a price of 50% of ACG in accordance with policy H4 of the LDP.	Agreed	No
Leisure	To contribute towards the deficit of "Equipped", "Informal" and "Formal" play in the Rogerstone ward.	£44,367 to upgrade and maintain off-site formal play at Cefn Wood and informal play at land to the rear of Ruskin Avenue	£44,367 agreed	No

7.17.2 The applicant has agreed to the Head of Terms as set out above. The proposal would deliver a total of £44,367 in contributions towards leisure provision. Six of the flats would also be transferred to a Registered Social Landlord for affordable housing. These contributions are a reduced amount to the original Heads of Terms. The applicant has undertaken negotiations with the Councils Planning Contributions Manager, in liaison with leisure and education colleagues. When requesting contributions these need to be made both in accordance with the Councils Planning Obligations Supplementary Planning Guidance and the Planning Obligations Circular 13/97, which is national policy.

7.13.3 The Planning Obligations Circular 13/97 requires that all planning obligations meet the following tests:

- necessary (to make development acceptable)
- relevant to planning
- directly related to the proposed development
- fairly and reasonably related in scale and kind to the proposed development
- reasonable in all other respects.

7.17.4 With these tests in mind the applicant has made a case for the previously requested contributions towards secondary school education. Bassaleg School already has agreed funding to expand the school through other S106 contributions (from Jubilee Park and Tredegar Park Golf Club), Welsh Government and the Council. Detailed plans have already been drawn up, with Pre-Application Consultation already completed. The expansion will increase the school capacity from 1747 to 2050 pupils from September 2023. If planning permission is granted for this proposal then the developer would have 5 years to commence development. In addition to planning permission SAB (sustainable drainage) approval would

be required, planning conditions would require discharging and there would be a construction period of around 18 months. Given these time factors, it is likely that the expansion of Bassaleg School would be complete before this proposal were occupied; and at that point there would be no deficit in capacity. It is therefore agreed that to request further contributions towards a school which would not have a deficit would not be reasonable.

7.17.5 £65,182 of contributions towards equipped play at Cefn Wood were also previously sought. Cefn Wood equipped play refers to play area, adjacent to Rogerstone Primary School. The applicant calculated that this play area is around 1.5km from the application site and is accessed on-foot via a Chartist Drive, which is a busy stretch of road. There are also a number of level changes along the route which makes access on foot or with a push chair not particularly desirable, especially with young children. It has been agreed that contributions towards the upgrade of these facilities would not be directly related to the proposed development as they are too distant from the application site. As set out in the table above the applicant has agreed to contributions towards the upgrade and maintenance of an informal area of play closer to the development site and formal provision at Cefn Wood, which relates to provision such as football pitches for use by older children.

7.17.6 Neighbour representations raise concern that there is already insufficient infrastructure in the Rogerstone ward and the local primary school is already at capacity. Many representations raise concern that the local doctors and dentist are also at capacity or have long waiting times for appointments. The proposed development has been assessed against the Planning Obligations SPG which sets the triggers and formulas for deriving contributions towards education, leisure and affordable housing. All of the above contributions are in accordance with those triggers and formula. The contributions delivered would be spent on local leisure facilities. It is considered that these contributions ensure that a sustainable development is provided. The scale and type of development means that no contribution is required for primary school education.

7.17.7 The provision of doctors surgeries and dentist is not a matter that the applicant nor the Council can control.

7.18 Other matters

7.18.2 There have been a number of concerns raised by local residents, the majority of which have been addressed in the proceeding paragraphs. The following paragraphs address those issues not covered above.

7.18.3 *The Pre Application Consultation report (PAC) not addressing the full nature of objections:* applicants are required to produce a PAC report with an application having undertaken that process. The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 is the relevant legislation to Pre Application Consultations. Article 4 states that applicants are required to include a summary of all issues raised in response to the statutory publicity and confirm whether the issues raised have been addressed. In response to the concern raised by the resident the applicant states that whilst they did summarise the comments raised by consultees and they consider that they addressed the highways objections in a general sense; they acknowledge that the PAC report could have been more specific in respect of specific comments. The applicant has updated the report. Neighbour re-consultations were undertaken following the submission of amended/updated information. No further comments were made in relation to the PAC. It is considered that PAC report meets the statutory requirements.

7.18.4 *The timing of the application during the Covid-19 restrictions has hampered the community to engage and respond with the application:* At the time this application was submitted the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 allowed people to leave home with a reasonable excuse, one of these being to travel for the purposes of work where it is not reasonably practicable for that person to work from where they are living. Welsh Government advice was that site notices could be displayed whilst complying with the Regulations. The Regulations apply to planning consultants, architects and other agents in the same way as planning officers. Welsh Government also advised that where pre application community consultation is required in advance of a planning application for major development, it is necessary for a site notice to be displayed. This aspect of the pre

application process cannot be undertaken from home and is therefore a reasonable excuse to travel to the site.

- 7.18.5 The Planning Applications (Temporary Modifications and Disapplication) (Wales) (Coronavirus) Order 2020 ("the Amendment Order") came into force on the 19 May 2020. The requirement to make information available for inspection at a location in the vicinity of the proposed development was temporarily replaced. Instead developers were required to make all the information available on a website and send hard copies of the documents to any person who requests it. Site notices were required to be amended to reflect these changes. The applicant duly undertook these changes and restarted the consultation period with the community.
- 7.18.6 It is considered that the applicant acted in accordance with the Regulations at that time and in line with the advice from Welsh Government, who deemed these measures appropriate to keep the community involved in pre application consultation.
- 7.18.7 *Boundary ownership:* The applicant has signed Certificate A on the application form, which is a legal declaration that the applicant is the owner of all the land within the application site (red line). The Council may have highway rights over land which they do not own and as such they would undertake maintenance of that land.
- 7.18.8 *Users of the footpath would be impeded if the grass verge (adjacent to the un-named road) is removed:* the proposed parking spaces would not encroach onto the existing footpath, which would be retained. This arrangement is considered to be no different to a footpath alongside a road.
- 7.18.9 *The address is shown as Ruskin Avenue, there is no road access from that street, that is misdirection:* notwithstanding that address points are not a material planning consideration, it is considered that the planning application submission, including the plans make it clear where the proposed development would be located.
- 7.18.10 *The proposal will lead to the devaluation of property:* the impact on property values is not a material planning consideration.

8. OTHER CONSIDERATIONS

8.1 Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

8.2 Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

8.4

The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

8.5 **Planning (Wales) Act 2015 (Welsh language)**

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

8.6 **Newport's Well-Being Plan 2018-23**

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. **CONCLUSION**

- 9.1 The proposed development is considered to be acceptable and in accordance with policies SP1, SP2, SP9, SP12, SP13, SP18, GP2, GP4, GP5, GP6, GP7, H2, H4, T4, CF12 and W3 of the Newport Local Development Plan. It is considered that the proposed development would not have a harmful impact on existing or future residential amenity, highway safety, the character and appearance of the surrounding area or on protected species. It is considered that the proposal would deliver sustainable development through the on-site provision of affordable housing, contributions towards education and leisure provisions; and ecological enhancements would be delivered across the site. It is recommended that planning permission is granted subject to conditions.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS AND SUBJECT TO A s106 AGREEMENT WITH DELEGATED POWER TO REFUSE THE APPLICATION IF THE s106 AGREEMENT IS NOT SIGNED WITHIN 4 MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION

01 The development shall be implemented in accordance with the following plans and documents:

1478_P01, 1478_P02 rev A, 1478_P03, 1478_P04, 1478_P05 rev K, 1478_P06 rev C, 1478_P07 rec C, 1478_P08 rev B, 1478_P09 rev F, 1478_P10 rev C, 1478_P11 rev D, 1478_P12 rev C, 1478_P13 rev C, 1478_P14 rev C (Ecological Enhancements), 1478_P15, 1478_P19 rev F, 1478_P20 rev B, 1478_P21 rev B, 1478_P22 rev A, 1478_P23 rev B, 1478_P27 rev B, 1478_P28 rev B, 1478_P29 rev B, 1478_P30

DLA-1993-L-01-rev 08

DLA-1993-L-02-rev 12

DLA-1993-L-03-rev 02

DLA-1993-L-04-rev 01

DLA-1993-RPT-LMP-02-rev 1

Tree Survey, Categorisation and Constraints Report (Steve Ambler & Sons, March 2020)

Planning, Design and Access Statement (Asbri Planning, July 2020)

PAC Report rev A (Asbri Planning, July 2020)

Transport Statement (Asbri Transport, October 2020)

Preliminary Ecological Assessment (Ecosupport, April 2019).

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

02 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) 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.

03 No development, other than demolition, shall commence on the construction of the approved scheme until details/samples of materials and finishes to be used on the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings, in accordance with policy GP6.

04 Prior to the commencement of development a landscape method statement and management plan shall be submitted to, and be approved in writing by the local planning authority. The content of the plan shall detail how the Soft Landscape Scheme (drawing reference DLA-1993-L-02-Rev12) will be implemented and maintained, to include at minimum:

- a) Description and evaluation of features to be provided and managed
- b) Details of methods to create wildflower areas and initial aftercare to ensure establishment
- c) Prescriptions for ongoing management actions including a work plan capable of being rolled forward
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the development provides ecological net benefit as required in Planning Policy Wales Edition 10 and in accordance with policy GP5.

05 Prior to the commencement of development details of the rain garden raised planter shall be submitted to and approved in writing by the Local Planning Authority. The details shall include cross sections to show the depth of top soil. The rain garden raised planter shall be implemented in accordance with the approved details prior to the occupation of the approved development.

Reason: To ensure successful plant establishment and to provide a sustainable landscaping scheme, in accordance with policy GP5.

06 No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary access construction, soil moving, temporary access construction and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan. No excavation for services, storage of materials or machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. All weather notices on Heras fencing, 1 per 10 panels, stating 'CONSTRUCTION EXCLUSION ZONE NO ACCESS' shall be erected. The fencing shall be retained for the full duration of the development, and shall not be removed or repositioned.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

07 No development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for -

- (a) Supervision and monitoring of the approved Tree Protection Plan;
- (b) Once the barrier fencing is erected, the approved Arboricultural Consultant must inspect and "sign off" in writing and submit a copy of this to the Local Planning Authority stating that the protective fencing is in the correct location and is fit for purpose- this will be the first watching brief .
- (c) Supervision and monitoring of the approved tree felling and pruning works;
- (d) Supervision of the alteration or temporary removal of any Barrier Fencing;
- (e) Oversee working within any Root Protection Area;
- (f) Reporting to the Local Planning Authority;
- (g) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

Pre –occupation conditions

08 Prior to the occupation of the development hereby approved a scheme for electric vehicle charging points serving the parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the development and 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.

09 Prior to the occupation of the development hereby approved the parking areas shown on drawing 1478_P05 rev K shall be implemented and available for use 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.

10 Notwithstanding the approved plans, prior to the occupation of the development hereby approved details of the cycle shelters shall be submitted to and approved in writing by the Local Planning Authority. The shelters shall include provision for the storage of a minimum of 7 cycles. The shelters shall be provided in accordance with the approved plans prior to the occupation of the development and retained thereafter.

Reason: To encourage the use of sustainable modes of transport, in accordance with policies SP1 and GP4.

11 Prior to the occupation of the development hereby approved the obscured glazing as shown in drawings 1478_P10 rev C, 1478_P11 rev D and 1478_P28 rev B shall be implemented and retained thereafter in perpetuity.

Reason: In the interests of residential amenity, in accordance with policy GP2.

12 Prior to the occupation of the development hereby permitted the Ecological Enhancement Plan (Drawing Ref 1478_P14 Rev C) shall be implemented in full and shall be retained as such in perpetuity.

Reason: To ensure the development provides ecological net benefit as required in Planning Policy Wales Edition 10, in accordance with policy GP5.

13 Prior to the commencement of development details of car park security measures shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a change in the road surface at the entrance to the car park (Squires Gate entrance) and signage to indicate the car park is private and for residents only. The security measures shall be implemented prior to the occupation of the development and retained thereafter.

Reason: In the interests of security and in accordance with policy GP2.

14 Prior to the occupation of the development hereby approved the refuse storage areas as detailed in drawing 1478_P15 shall be fully implemented and retained thereafter.

Reason: In the interests of residential amenity, in accordance with policy GP2.

General conditions

15 Other than the Red Maple detailed in the Tree Survey, Categorisation and Constraints Report (Steve Ambler & Sons) no existing trees shall be felled, topped or lopped, and no existing hedges shall be removed.

Reason: To protect existing landscape features on the site, in accordance with policy GP5.

16 Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, 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.

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.

17 No development, to include demolition, shall commence until a Tree Protection Plan (in accordance with BS 5837:2012) has been implemented in accordance with the Tree Protection Plan submitted by Steve Ambler and sons 31 March 2020. The development shall be carried out in accordance with the approved Tree Protection Plan.

Reason: To protect important landscape features within the site, in accordance with policy GP5.

18 The scheme of landscaping hereby approved 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 development. Thereafter the trees and shrubs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purpose of this condition, a full planting season shall mean the period from October to April.

Reason: To secure the satisfactory implementation of the proposal, in accordance with policy GP5.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP9, SP12, SP13, SP18, GP2, GP4, GP5, GP6, GP7, H2, H4, T4, CF12 and W3 were relevant to the determination of this application.

02 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.

03 The proposed development is crossed by a trunk/distribution watermain. Dwr Cymru Welsh Water has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. A 3m easement from the crown of the main in both directions should be observed and the ground cover above the main should not be changed.