

## **APPLICATION DETAILS**

No: 07/0820 Ward: **ST JULIANS**

Type: DISCHARGE OF CONDITIONS

Expiry Date: 24/07/2007

Applicant: **ATKINS LTD**

Site: **LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM BANK STREET NEWPORT SOUTH WALES**

Proposal: **PARTIAL DISCHARGE OF CONDITION 06 (CONTAMINATION REMEDIATION) OF PLANNING PERMISSION 00/0768 FOR ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT – AMENDMENT TO PARTIAL DISCHARGE OF CONDITION 06 UNDER REF:06/0170**

## **CONSULTATIONS**

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES (ENVIRONMENTAL HEALTH): No objection.

NEWPORT LOCAL HEALTH BOARD: No response.

COUNTRYSIDE COUNCIL FOR WALES: No response.

ENVIRONMENT AGENCY: No objection assuming that the remediation, development and groundwater monitoring proceeds as agreed previously.

## **REPRESENTATIONS**

NEIGHBOURS: One letter received objecting because the Council has not consulted the residents in St Julians.

## **SITE HISTORY**

00/0768/O	Replacement school, all weather pitch, hard and soft play areas and residential development.	Granted with Conditions 31 October 2000.
03/1531/RM	Erection of replacement school, all weather pitch, soft and hard play areas and residential development.	Approved with Conditions 19 May 2004.
06/0170/CD	Partial discharge of condition 06 (Contamination Remediation) of planning permission 00/0768 for the erection of replacement school and residential development.	Approved 5 April 2006.

## **POLICY CONTEXT**

### ***Newport Unitary Development Plan 1996-2011 (Adopted May 2006)***

Policy SP2 requires high quality of design in all development proposals. New development should seek to enhance the site and the surrounding area and to provide benefit to the community as a whole.

Policy SP10 requires sufficient land to be made available for new housing. The land will be provided primarily on previously developed land, including new allocations set out in Policy H1.

Policy H1 allocates 2.8 hectares of land at the Glebelands for housing.

Policy CF6 encourages public access along the riverfront on both the east and west banks of the river. Joint use by pedestrians and cyclists will be implemented through appropriate design.

Policy CF15(1) allocates land at the Glebelands for a new primary school.

Policy CE6 only permits development which would affect a nationally designated site where the proposal would not have an adverse effect on the nature conservation interest of the site and the reasons for the development of the site clearly outweigh the value of the site itself.

Policy CE38 encourages good quality design in all forms of development.

Policy CE39 requires proposals for new residential development to respect or complement existing surroundings and neighbouring buildings.

Policy CE44 requires adequate arrangements for securing an accessible environment for everyone.

Policy T14 encourages recreational and sustainable transport initiatives, including safe walking and cycle routes.

Policy U13 states that proposals affecting a site that is known to be contaminated will need to be the subject of a comprehensive site assessment in order to establish the nature and extent of the problem. Development will not be permitted unless effective measures are taken to ensure that occupiers of the development along with adjacent uses are not exposed to unacceptable risk, and the contamination of any watercourse or aquifer does not occur. Usually contamination should be treated on site. Remedial measures must be agreed as the first step in the carrying out of development.

## **ASSESSMENT**

This application relates to condition 6 attached to the outline planning permission for this site. The original conditions states:

*“Prior to the commencement of development on the site (including any demolition or land raising works) the following shall be conducted:*

*(a) a site investigation consisting of at least 3 months duration of monitoring to ascertain the presence of gas having regard to the end use of the site. This shall include an analysis of the source of any gas and a report on the investigation shall be submitted for the consideration and approval of the Local Planning Authority. This assessment must include the results of the survey and recommendations regarding any structural precautions to be incorporated into the buildings;*

*(b) a quantitative risk assessment of the ground conditions on the site having regard to the end use of the site. Such a risk assessment must use both the results of the site investigation entitled “Durham Road Schools PFI Project: Contamination Investigation Interpretative Report” (June 2000) and previous investigations in the area, together with any additional ground investigation as required to carry out a comprehensive risk assessment.*

*A remediation strategy in relation to both (a) and (b) above shall be formulated and approved in writing by the Local Planning Authority and the agreed scheme shall be carried out prior to the commencement of any works on site.*

*Reason: To ensure that the site is comprehensively investigated, the presence of contamination clearly identified and its impacts appropriately mitigated in the interest of residential amenities and to safeguard the interests of future users of the site.”*

### **Already Agreed**

This condition was partially discharged in April of last year. The condition specifically related to the impact of ground contamination upon human health, requiring investigation and remediation to mitigate any potential effects. It was concluded in the previous assessment that for the purpose of the condition the details submitted were acceptable and the Head of Public Protection and Environmental Services and the Environment Agency offered no objection. Furthermore, it was noted that the developer has monitoring responsibilities and is required to produce a validation report at the end of the programme to confirm the outcome of remediation works in accordance with the recommendations currently being considered. It is clear that strict working practices will need to be implemented not only to protect residents during the construction phase but also workers themselves. The requirement to adhere to these strict working practices is

ultimately the responsibility of the contractor and cannot be directly controlled by the Planning Committee. The requirements of the planning conditions were considered to have been met and recommendation for approval was agreed by the Planning Committee. The requirements/detail agreed under this partial discharge of condition (Application No 06/0170) must still be complied with as this application only represents an amendment.

***Proposed Amendment to What Has Been Agreed***

This partial discharge of condition 06 seeks to clarify the boundary of the remediation strategy agreed under the previous discharge. The St Julian's HSOB RFC Clubhouse and public car park was included within the previous remediation strategy agreed where it indicated that this land was to be raised as part of the overall school site. The request is for this area to be omitted from the remediation strategy.

***Reason for the Amendment***

The public car park has formed a part of the northern area of the site during the period of site investigation works, but the proposals for the development of the new school have always retained the Clubhouse and the public car park in their existing locations. The applicant is therefore stating that the Clubhouse and public car park were mistakenly included within the remediation strategy previously agreed and this area of land will not be raised by 600mm with fill material. The applicant also points out that the Council has recently granted the Club a new 25 year lease.

The same consultations have been carried out with this application as the previous partial discharge of Condition 06 (Application No 06/0170). The Environment Agency has offered no objection to the proposed amendment providing that the remediation, development and groundwater monitoring proceeds as agreed previously. The Head of Public Protection and Environmental Services has also offered no objection to the proposed change.

One letter has been received objecting because the Council has not consulted the residents in St Julians. Consultation for this application has gone well beyond what is normally carried out for discharge of conditions as the principal of the development has been approved previously (under the full planning application) where full consultation for neighbours was carried out. Due to the high residential interest at the full planning stage it was decided to consult the Glebelands Action Group, two representatives of the local residents, display 3 (No) site notices in the area and advertise the applications in the local newspaper. It is therefore considered that considerable consultation and publicity has taken place. Further to this, a newsletter regarding the Glebelands developments has recently been distributed to local residents and this newsletter makes reference to this application.

It is recommended that the proposed amendment will still satisfy the requirements of Condition 06 not only with regards to any potential effects upon human health but also with regards any potential effects upon controlled waters. The nature of the remediation works remain unchanged from the previously approved scheme. The only change proposed is to delete reference to land raising to the clubhouse and car park to the north of the site, which were included in the initial application in error. It is therefore recommended that the condition be partially discharged.

**RECOMMENDATION**

APPROVED

***NOTE TO APPLICANT***

01 This decision relates to the following plans: E03808 4406 ENV 102 01, and ref 42/1.

02 This decision is an amendment to planning (Application No 06/0170/CD). The remediation strategy shall be completed in accordance with the detail previously approved provided under this application (Application No 06/0170/CD).

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