

## APPLICATION DETAILS

No: 20/0636 Ward: St Julians

Type: Discharge Conditions

Expiry Date: 4<sup>th</sup> February 2021

Applicant: N/A

Site: Land to South of Glan Usk Primary School Herbert Road Newport  
South Wales

Proposal: **DISCHARGE OF CONDITION 10 (DECONTAMINATION VERIFICATION)  
FOR PHASE 1 OF PERMISSION 13/1279 FOR A DEVELOPMENT OF 251  
DWELLINGS AND ASSOCIATED WORKS**

Decision: **APPROVED**

### 1. CONSULTATIONS

1.1 NATURAL RESOURCES WALES (NRW): No objections.

### 2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF LAW AND REGULATION (PUBLIC PROTECTION): We now have sufficient information to warrant support of discharge.

### 3. REPRESENTATIONS

3.1 COUNCILLORS: No comments received.

### 4. RELEVANT SITE HISTORY

13/1279	DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	GRANTED WITH CONDITIONS
18/0293	DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1	GRANTED WITH CONDITIONS

### 5. ASSESSMENT

5.1 This application seeks to discharge condition 10 (decontamination verification) for phase 1 of planning permission 13/1279 for a development of 251 dwellings and associated works.

5.2 Condition 10 states;

*Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation for that part shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.*

*Reason: In order to demonstrate that the remediation criteria relating to controlled waters have been met. In order to (if necessary) secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.*

5.3 Various reports, letters and emails have been submitted with the application. The Council's Scientific Officer was consulted on the application and initially stated that the gas risk assessment context of Phase 1 is understood and the use of a gas membrane in respect of elevation C02 is accepted, in accordance with a gas characteristic situation 2. Some of the details of gas mitigation undertaken have been provided e.g. gas membrane specification, and it has been suggested in the communication from Asbri (12/10/20) that both Terra Firma and NHBC have signed off the gas membrane installation, however, confirmation of this is required. Further information was submitted including validation capping details. This stated that Terra Firma (Wales) Limited completed an investigation. The report concluded that no remedial measures were required. However, Engie specified 600mm clean capping layer within the small front communal gardens to the apartments with an underlying to-dig barrier. Further confirmation was received from NHBC which verified that they had signed off the gas protection measures at the site and certificates from NCC Building Control. Following submission of this information, the Council's Scientific Officer has confirmed that sufficient information has been submitted to warrant support of the condition being discharged.

## **6. OTHER CONSIDERATIONS**

### **6.1 *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.

### **6.2 *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.

6.3 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.

6.4 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.

### **6.5 *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.

### **6.6 *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.

**7. CONCLUSION**

7.1 It is considered that sufficient information has been submitted to discharge condition 10 of planning permission 13/1279.

**8. DECISION**

**APPROVED**

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Radbar Amber 1 Data sheet for gas membrane and drawing showing ground floor details (Drawing ref: (21) 100 B dated 17<sup>th</sup> March 2017, Validation of Capping Report – Phase 1 Herbert Road, Newport. ref: RH/120032P1/ Validation by Terra Firma Wales Ltd dated 30<sup>th</sup> July 2018, Covering letter from Asbri Planning dated 15<sup>th</sup> July 2020 ref: 16.563 – Re: Discharge of Condition 10 (Verification) for Phase 1, Imported Fill Validation Report October 2016/2032/VR1 by Terra Firma, Appendices to Geotechnical and Environmental Report Parts 1 to 4 by Terra Firma dated March 2013, Preliminary Interim Earthworks dated June 2016 ref 12032/ER1, Imported Fill Validation Report dated September 2016 ref 12032/VR1 by Terra Firma, Earthworks Validation Report Phase 2 to 4 dated October 2017 by Terra Firma, Settlement Report dated August 2018 ref: 12032/SR, Terra Firma Letter dated 12<sup>th</sup> October 2020, Email from Engie dated 9<sup>th</sup> October 2020, NCC Building Control Completion Certificates and NHBC Buildmark Cover Notes.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

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