

Delegated Decision Report

Application No:	25/0119	Statutory Period Expires:	11th April 2025
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Site:	1 Trostrey Street Newport South Wales NP19 7BB		
Proposal:	PARTIAL DISCHARGE OF CONDITION 7 PART D ONLY (REMEDIATION REPORT) OF PLANNING PERMISSION 22/0127 FOR DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS AND CONSTRUCTION OF 9 DWELLINGS WITH ASSOCIATED PARKING AND ACCESS OFF TROSTREY STREET		
Applicant:	H Jones		
Type:	Discharge Conditions	Ward:	St Julians
Decision:	APPROVED		

1. BACKGROUND

- 1.1 Parts A-C of condition 7 have previously been discharged under 23/0272.

2. SITE LOCATION AND CONTEXT

- 2.1 This application relates to land at Trostrey Street, Newport.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks to discharge part D of condition 7 (remediation report) of 22/0127. Condition 7 states:

No development, (other than demolition) shall commence until:

a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.

b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2011), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be occupied until:

d) Following remediation a Completion/Verification Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

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

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

4. RELEVANT SITE HISTORY

REFERENCE	DESCRIPTION	DECISION
22/0127	DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS AND CONSTRUCTION OF 9 DWELLINGS WITH PARKING AND ACCESS	GRANTED WITH CONDITIONS
23/0272	PARTIAL DISCHARGE OF CONDITION 7 - PARTS A-C ONLY (POTENTIAL LAND COMTAMINATION) OF PLANNING PERMISSION 22/0127 FOR DEMOLITION OF EXISTING INDUSTRIAL	APPROVED

	BUILDINGS AND CONSTRUCTION OF 9 DWELLINGS WITH ASSOCIATED PARKING AND ACCESS OFF TROSTREY STREET	
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5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policies SP9 and GP2 of the Newport Local Development Plan 2011-2026 are relevant to the determination of this application.

6. CONSULTATION RESPONSES

6.1 SENIOR SCIENTIFIC OFFICER: I am supportive of the discharge of condition 7.

7. PUBLIC REPRESENTATIONS

7.1 None.

8. ASSESSMENT

8.1 This application seeks to partially discharge condition 7 (Potential Land Contamination) of planning permission 22/0127 which states:

No development, (other than demolition) shall commence until:

a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.

b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to (BS10175/2011), containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be occupied until:

d) Following remediation a Completion/Verification Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

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

continuing.

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

The following information has been submitted in respect of condition 7:

- 20.0372 - 01E - Site Location and Site Plans
- Remediation Strategy Parts 1-6

The Senior Scientific Officer has advised that they have no objections to the partial discharge of condition 7 in respect of part d) and therefore this part of the condition can be discharged.

9. OTHER CONSIDERATIONS

9.1 *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.

9.2 *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.

9.3 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.

9.4 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.

9.5 *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.

9.6 *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.

10. CONCLUSION

- 10.1 The Senior Scientific Officer has advised that they have no objections to the partial discharge of condition 7 in respect of part d) and therefore this parts of the condition can be discharged.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- 20.0372 - 01E - Site Location and Site Plans
- Remediation Strategy Parts 1-6

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.