

APPLICATION DETAILS

No: 20/0875 Ward: St Julians

Type: Discharge Conditions

Expiry Date: 1st February 2021

Applicant: Engie

Site: Land To South Of Glan Usk Primary School Herbert Road Newport South Wales

Proposal: **PARTIAL DISCHARGE OF CONDITION 12 (DETAILS OF GLAZING AND VENTILATION) AND 16 (REMEDIATION VERIFICATION) IN RELATION TO PLOTS 39-46 AND 56-75 OF PLANNING PERMISSION 18/0293 FOR THE DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1**

Decision: APPROVED

1. CONSULTATIONS

1.1 NATURAL RESOURCES WALES: No objection to partial discharge of condition 16. No comments to make in relation to Condition 12.

2. INTERNAL COUNCIL ADVICE

2.1 THE HEAD OF LAW AND REGULATION (NOISE): No objection in relation to Condition 12.

2.2 THE HEAD OF LAW AND REGULATION (CONTAMINATION): Phase 2B & 2C Validation Reporting Plots 39-46 & 56-75 should be the latest subject of partial discharge of condition.

This is the current extent that I have supported.

3. REPRESENTATIONS

3.1 None.

4. RELEVANT SITE HISTORY

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
20/0060	PARTIAL DISCHARGE OF CONDITION 38 (ELECTRIC VEHICLE CHARGING POINTS) OF PLANNING PERMISSION 18/0293 FOR THE DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1	APPROVED

5. ASSESSMENT

5.1 This application seeks to partially discharge Condition 12 (Details of Glazing and Ventilation) and Condition 16 (Remediation Verification) of planning permission 18/0293 for the development of 195no. residential units, internal road networks, parking, landscaping and associated works affecting public right of way 407/1.

5.2 Condition 12 (Details of Glazing and Ventilation) states;

'Prior to the occupation of any dwelling backing onto the railway or the adjacent industrial land; full details of the glazing specification and trickle vents for the windows of those

dwelling shall be provided in writing to the Council. The details shall show that internal noise can be mitigated to the Target Criteria specified in Table 13-12 'Indicative Façade Sound Insulation Performance for Glazing Elements' of Chapter 13 of the submitted Environmental Statement. Where that level of mitigation cannot be achieved with open windows details of an alternative means to ventilate affected rooms shall be provided. Following the Council's written agreement, the glazing, trickle vents and alternative means of ventilation (as required) shall be installed as approved prior to the occupation of those plots.'

5.3 The Acoustic Report submitted has been reviewed by Environmental Health (Noise) who have confirmed that the glazing/ventilation system is suitable for the development. As such, Condition 12 can be partially discharged.

5.4 Condition 16 (Remediation Verification) states;

'Prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in the remediation strategy submitted under discharge of condition approval 17/0082 (or any other strategy that may be subsequently agreed) and the effectiveness of the remediation for that part of the site 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 and human health 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 or human health following remediation of the site.'

5.5 The Head of Law and Regulation Environmental Health (Contamination) has reviewed the submitted documents. Initially, further information was requested however on receipt of this it has been confirmed that the information is satisfactory to agree the partial discharge of Condition 16 in relation to Plots 39-46 and 56-75 of Phase 2B and 2C.

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 The information submitted is considered satisfactory to partially discharge Condition 12 and to partially discharge Condition 16 insofar as the application relates to Plots 39-46 and 56-75 of Phase 2b and 2C.

7.2 The application is approved.

8. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: Drawing No. 3073(04)001B Site Location Plan; Drawing No. PRL-01 - Phasing Plan; Terra Firma Report Schedule; Ground Water Monitoring Letter (30th August 2016); Reen Monitoring Letter (2nd August 2018); Preliminary Earthworks Report Part 1/2/3/4; Acoustic Report; Geotechnical and Geo-Environmental Site Investigation Report Phase 1; Summary of Remediation Implemented; Ground Floor Details; Ground Gas Validation Report, Ground Gas Verification Plan; Imported Fill Validation Report (October 2016) and (September 2018); Piling Mat Main Site; Radbar Amber 1 Membrane; Settlement Report; Validation of Capping; Validation Report.

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.

04 This approval only approves the partial discharge of Condition 16 in relation to Plots 39-46 and 56-75. All other plots are required to be submitted for partial discharge in line with the requirements of the condition.
