

APPLICATION DETAILS

No: 21/0196 Ward: St Julians
Type: Discharge Conditions
Expiry Date: 18th June 2021
Applicant: Engie
Site: Land to South of Glan Usk Primary School Herbert Road Newport South Wales

Proposal: **PARTIAL DISCHARGE OF CONDITION 02 (IMPORTED MATERIALS) IN RELATION TO PHASE 2 PLOTS 1-46 AND 56-99, CONDITION 12 (DETAILS OF GLAZING AND VENTILATION) IN RELATION TO PHASE 3 AND CONDITION 16 (REMEDIAION VERIFICATION) IN RELATION TO PHASE 2 PLOTS 1-38 OF PLANNING PERMISSION 18/0293 FOR 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 (NRW): No objection.

2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF REGULATORY SERVICES (PUBLIC PROTECTION):

Noise & Neighbourhood Team –

The applicant has submitted an acoustical technical note, document ref: WIE17482-100-TN-2.3.1 which sets out adequate acoustic façade design which satisfies the wording of condition 12, therefore I am for Condition 12 to be discharged.

Scientific Officer –

Initial comments; I am able to comment specifically on: Condition 2 – Imported materials to Phase 2 Plots 1-46 & 56-99; and Condition 16 – Remediation verification in relation to Phase 2 Plots 1-38. Discharge of condition 2 as it relates to Phase 2 plots 1-46 & 56-75 can be supported however future reports need to include more clearly indicated soil thickness measurements using a measuring staff. The relative thickness of cover was noted. Plots 76-99 cannot be supported for discharge until a clearly visible measurement of soil depth has been taken with a measuring staff and photographed. This must be submitted to the LPA approval. Discharge of condition 16 as it relates to Phase 2 plots 1-38 can be supported as the verification report submitted is clearer in its scope and provenance.

Final Comments; I have looked at the labelled submissions and am happier about what they each specifically relate to now. I am able to support discharge of condition in so far as it relates to these plots.

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
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5. ASSESSMENT

5.1 This application seeks to partially discharge condition 02 (Imported Materials) in relation to phase 2 plots 1-46 and 56-99, condition 12 (Details of Glazing and Ventilation) in relation to

phase 3 and condition 16 (remediation verification) in relation to phase 2 plots 1-38 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 2 states;

Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority before that material is imported to the site. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment including controlled waters which may arise as a result of potential land contamination are satisfactorily addressed.

5.3 In relation to condition 2, this application relates to plots 1-46 and 56-99 of phase 2. The Council's Scientific Officer has confirmed that the discharge of this condition in relation to these plots can be supported, however, future reports should include more clearly indicated soil thickness measurements using a measuring staff. Natural Resources Wales (NRW) have no objection to the discharge of this condition.

5.4 Condition 12 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 dwellings 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 0-12 '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.

Reason: to protect the amenity of future occupiers.

5.5 The applicant has submitted an acoustical technical note, document ref. WIE17482-100-TN-2.3.1 which sets out adequate acoustic façade design which satisfies the working of condition 12. Therefore, the Council's Environmental Health Officer offers no objection to the discharge of this condition.

5.6 Condition 16 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.

5.7 In relation to condition 16, this application relates to plots 1-38 of phase 2. The Council's Scientific Officer supports the discharge of this condition in relation to these plots at this phase. Natural Resources Wales (NRW) have no objection to the discharge of this condition.

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 with this application is adequate to partially discharge condition 02 (Imported Materials) in relation to phase 2 plots 1-46 and 56-99, condition 12 (Details of Glazing and Ventilation) in relation to phase 3 and condition 16 (remediation verification) in relation to phase 2 plots 1-38 of planning permission 18/0293.

8. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: Plots 76-99 Phase 2 Herbert Road Newport Capping Validation Dated 12th November 2020, Plots 39-46 and 56-75 Phase 2 Herbert Road Newport Capping Validation, Plots 1-38 Phase 2 Herbert Road Newport Capping

Validation, Phase 1,2 & 3 Location Plan Drawing No.LP-P1,2&3-01, Site Location Drawing No.(04)001, ACS Certificate of Test – Lab Ref No.20-59503-504198, Test Report – Lab Ref No.20-59503-504199, ACS Certificate of Test Lab Ref No.20-59503-504199, ACS Certificate of Test – Determination of Frost Heave (Annex B) Lab Ref No.17-79909-315681, ACS Test Report Lab Ref No.20-59503-504198, ACS Certificate of Test – Determination of Frost Heave (Annex B) Lab Ref No.19-53250-462614, Aggregate Grading and Moisture Content Test Certificate Sample No.D3903 Project Ref.18 DAY 26, Acoustic – Assessment of Façade Performance Document Ref.WIE17482-100-TN-2.3.1, Remediation Strategy Dated August 2015, Geotechnical and Geo-Environmental Investigation Report Phase 2 Dated July 2018, Plots 1-38 Phase 2 Herbert Road Newport Capping Validation Dated 29th October 2020, Ground Gas Protection System Verification Report Dated May 2021 and Photos Showing Landscape Area to Front of Plots 76-99 Received 8th June 2021.

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.
