

APPLICATION DETAILS

No: 07/0939 Ward: **ST JULIANS**

Type: DISCHARGE OF CONDITIONS

Expiry Date: 24/09/2007

Applicant: **WHITE YOUNG GREEN PLANNING**

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

Proposal: **PARTIAL DISCHARGE OF CONDITION 06 (CONTAMINATION REMEDIATION RELATING TO RESIDENTIAL) OF PLANNING PERMISSION 00/0768 FOR THE ERECTION OF REPLACEMENT SCHOOL AND RESIDENTIAL DEVELOPMENT**

CONSULTATIONS

HEAD OF PUBLIC PROTECTION AND ENVIRONMENTAL SERVICES: No objection.

COUNTRYSIDE COUNCIL FOR WALES: They understand that the Environment Agency are not happy with the information submitted and therefore recommends that condition 06 should not be discharged.

ENVIRONMENT AGENCY (EA): Advise that the changes in relation to condition 06 (contamination relating to human health) may adversely affect detail previously approved for condition 05 (contamination relating to controlled waters). Therefore object until they are satisfied that the proposed changes do not affect the previously agreed detail. The applicant has provided the EA with additional information in an attempt to satisfy their concerns. The EA's response to this will be reported verbally.

NEWPORT LOCAL HEALTH BOARD: No objection as each residential property will have gas protection measures to comply with current Building Regulations.

SITE HISTORY

00/0768/O	Replacement school, all weather pitch, hard and soft play areas and residential development.	Granted Conditions	with 31
03/1531/RM	Erection of replacement school, all weather pitch, soft and hard play areas and residential development.	Approved Conditions	with 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.”

Detail relating to this discharge of conditions has previously been partially discharged and the detail was found to have been acceptable to both the Environment Agency and the Head of Public Protection and Environmental Services. This application seeks variation to the ground gas mitigation measures to the southern residential area of the site only. No changes are proposed to the area of the proposed school. There are two main changes that relate to omitting a 650mm thick clay layer and also changing the detail regarding a culvert.

The original method statement proposed by White Young Green stated that a 650mm thick clay layer would be incorporated into the land raising. The previously proposed clay layer would shrink and crack under different conditions and would be likely to deteriorate to a point where it would become an ineffective as a barrier. It is now proposed to omit this layer and replace it with

a 650mm thick clay containing soils, which are effectively water impermeable. The thickness of the water impermeable layer will not be directly altered and the existing groundwater risk assessments should not require revision.

The ground gas issue to the southern area of the site is not related to any ground contamination issues which affect the development. The source of the methane gas is the organic rich alluvial clays and peat which underlie the site and are present throughout the entire area of Newport adjacent to the Usk. The applicant has used an expert with great experience in gas risk assessments for many sites in Newport. In the expert's opinion, post reclamation flux box testing has in all instances demonstrated that sufficient ground gas protection measures may be achieved by the incorporation of foil backed gas resistant membranes within the ground slabs of the houses in conjunction with ventilated sub-floor voids to the building structures.

Upon raising site levels to the required flood protection levels, further flux box gas testing will be carried out to demonstrate the validity of these calculations. Should any flux box testing indicate unaccountable concentrations of methane or carbon dioxide at the ground surface, then further risk assessment would be carried out and suitable engineering measures incorporated. These would be reported back to the Local Planning Authority for approval.

The second change relates to a culvert and its construction. The detail previously considered and approved was impractical to construct. This was due to the large concrete pipe being set in clay. The weight of the pipe in the clay would have caused it to sink and ultimately the culvert to fail. A revised conceptual detail has therefore been put forward. This shows the pipe set in a granular pipe bedding that is cased by a 'Bentomat synthetic clay liner geo-textile.' Experts state that this is a practical and effective method. This geo-textile will provide a similar protection to the entire pipe being set in clay.

The changes requested in this application relate solely to contamination risks associated with human health. The Head of Public Protection and Environmental Services has confirmed that the proposed changes are acceptable. The Environment Agency has raised concerns as they want to be satisfied that these proposed changes will not have any impact on the remediation works proposed in relation to protecting controlled waters (this related to condition 05 of the outline permission and the EA are satisfied with the detail already approved relating to this discharge of condition). The applicant has advised that the changes will not impact on the controlled waters and has now submitted detail demonstrating this to the EA. The EA's response will be reported verbally.

Overall, the changes are considered practical and acceptable. It is therefore recommended that this condition be partially discharged.

RECOMMENDATION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: 9579/RB/07/REV A, and letter ref: 9579/HP/KEF dated 6 July 2007.

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).
