

Delegated Decision Report

Application No:	26/0217	Statutory Period Expires:	3rd July 2026
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Site:	<i>Land Formerly Known As 21 Kelvedon Street Newport South Wales</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITIONS 2 (ARBORICULTURIST), 3 (CEMP), 4 (CONTAMINATION RISK ASSESSMENT), CONDITION 5 (ENCLOSURE DETAILS), 6 (CONSTRUCTION OF PHASING), 7 (RETAINING WALL DETAILS), 8 (ULEV INFRASTRUCTURE DETAILS), 9 (CROSSOVER CLOSURE DETAILS) AND 16 (AMENITY SPACE MANAGEMENT) OF PLANNING PERMISSION 24/0756</i>		
Applicant:	<i>J Moore</i>		
Type:	Discharge Conditions	Ward:	Victoria
Decision:	APPROVED		

1. BACKGROUND

1.1 None.

2. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0756	THE CONSTRUCTION OF 30NO AFFORDABLE HOUSING APARTMENTS AND ASSOCIATED EXTERNAL WORKS AND PARKING	GRANTED WITH CONDITIONS	20.02.2026

3. CONSULTATION RESPONSES

3.1 Natural Resources Wales: We have no objection to the proposed development as submitted and provide the following advice.

Condition 3: Construction Environment Management Plan (CEMP)

We have reviewed the submitted information and confirm we are satisfied with the contents. We have no objection to the discharge of condition 3.

Condition 4: Contamination Risk Assessment

We welcome the additional information submitted in support of condition 4. We are now satisfied with the assessment of risk to the groundwater and River Usk, which concludes the risk is low. We are therefore satisfied with the partial discharge of condition 4 (parts 1 -3 of the condition).

3.2 Local Highways Authority: **Highway recommendation:**

Condition 3 CEMP: Recommend partial discharge.

Condition 6 Phasing: Recommend partial discharge.

Highway Comments:

Following receipt of additional information (updated CEMP Rev 1) we can now confirm that the issues raised previously regarding the CEMP and Phasing information relevant to highways have been satisfactorily addressed. We therefore recommend both conditions are partially discharged, in so far as the documents are approved but remain to be adhered to throughout construction.

Condition 8 (ULEV INFRASTRUCTURE DETAILS): Recommend partial discharge pending provision and retention.

Condition 9 (CROSSOVER CLOSURE DETAILS): Recommend no discharge pending proposals.

The submission suggests that there are no areas that need to be addressed. This is not accepted as there are clearly low kerbs around much of the site with little or no reason. Some have clearly provided access previously, but there is no reason to retain any. A full height kerb is required in all areas except pedestrian crossings.

16 (AMENITY SPACE MANAGEMENT): Recommend no discharge.

No information regarding the maintenance of car park, lighting or drainage etc has been found.

- 3.3 Structures: The retaining wall design and foundations are suitable to support the highway and surrounding land. The piling type has not been discussed but the recommendation is that it shall be rotational piling and not percussive due to the locality of nearby residential properties that may be affected by noise and vibration if percussive piling techniques are utilised.
- 3.4 Dwr Cymru – Welsh Water: Dwr Cymru Welsh Water has no objection to the partial discharge of conditions 2, 3, 4, 5, 6, 7, 8, 9 and 16 of planning permission 24/0756.
- 3.5 Landscape officer: No comment.
- 3.6 Heritage officer: No comment.
- 3.7 Environmental Health: No response.
- 3.8 Waste Manager: No response.
- 3.9 Drainage Manager: No response.
- 3.10 Tree officer: I am happy to discharge the appointment condition Treescene Services are a known and qualified company.
- 3.11 Senior Scientific officer: We have reviewed the documentation associated with planning conditions 3, 4 and 8 (the other conditions are not relevant for us to comment).

We have no concerns regarding the contents of the CEMP (condition 3) or the proposed ULEV infrastructure (condition 8). We have reviewed the Geotechnical and Geoenvironmental Report (Site Investigation), the Remediation Strategy Report and NRW's initial concerns about DNAPL contamination risk of reaching the Usk river.

We have no specific concerns with the investigation methodology, the remediation proposed or the validation plan and suggest all aspects of condition 4 can be discharged. However, validation of each remediation aspect will need to be completed and reported on once each activity is implemented. We also recommend re-consulting NRW to ensure they are happy with the measures to prevent contamination of controlled water (aquifer and surface water) and any remedial requirements they may have in respect of controlled waters and DNAPL.

4. **ASSESSMENT**

The conditions are as follows:

2. *Pre- commencement conditions*

No development, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for -

(a) Pre construction site meeting

(b) Signing off the tree root protection barrier

(c) Oversee working within any Root Protection Area including landscaping;

(d) Reporting to the Local Planning Authority;

(e) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

Reason: To protect important landscape features within the site in accordance with Policy GP5 of the NLDP.

- 4.1 The applicant has advised that Treescene Services are the appointed arboriculturist and the Council's Tree officer has confirmed this to be acceptable.

- 4.2 3. *No development or phase of development, including site clearance, shall*

commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- o Construction methods: details of materials, how waste generated will be managed;*
- o General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.*
- o Soil Management: details of topsoil strip, storage and amelioration for re-use.*
- o CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.*
- o Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities.*
- o Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption and wastewater.*
- o Traffic Management: details of site deliveries, plant on site, wheel wash facilities*
- o Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.*
- o Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details*
- o Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.*

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with Policy GP5 of the NLDP.

- 4.3 The condition was requested by NRW and Highways who subsequently confirm no objection is offered to the partial discharge of the condition.

- 4.4 4. *No development, of land known to be / suspected of contamination, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.*
- 1. A preliminary risk assessment which has identified:*
 - i all previous uses*
 - ii potential contaminants associated with those uses*
 - iii a conceptual model of the site indicating sources, pathways and receptors*
 - iv potentially unacceptable risks arising from contamination at the site*
 - 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
 - 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
 - 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination in accordance with Policy GP5 of the NLDP.

- 4.5 The condition was requested by NRW who subsequently confirm no objection is offered to

the partial discharge of the condition.

- 4.6 5. *Notwithstanding the means of enclosure details provided, prior to commencement of development, full details of enclosures to all communal areas shall be submitted to and approved in writing by the Local Planning Authority along with a management plan for the maintenance and security of communal areas, notably those areas subject to gated pedestrian access. The development shall be undertaken in accordance with the approved details with enclosures completed prior to first occupation of any apartment and retained for lifetime of development.*
Reason: To ensure that the development is completed in a manner compatible with its surroundings and in the interests of residential amenity in accordance with Policy GP2 and GP6 of the NLDP.
- 4.7 The information provided identifies 1100mm high powdered coated metal bow top railings and gates to the southern and western boundaries of the communal area and 1800mm high hit and miss timber fence to Witham Street adjacent to the parking area in order to screen car headlights to the properties opposite. This boundary treatment was shown on the plans under the parent permission and was deemed to be acceptable.
- 4.8 The Council's Highways officer has recommended that the condition is not discharged on the basis that there is no information regarding the maintenance of car park, lighting or drainage. However, the condition relates only to the communal amenity areas and as stated in the condition, the reason for imposing the condition was in the interests of residential amenity. Therefore, the information requested by Highways is not justified.
- 4.9 6. *No works shall take place on the site at all until a method statement comprehensively detailing the phasing and logistics of demolition/construction has been submitted to and approved in writing by the Council as Local Planning Authority. The method statement shall include, but not be limited to:*
Construction traffic routes, including provision for access to the site
Entrance/exit from the site for visitors/contractors/deliveries
Location of directional signage within the site
Siting of temporary containers
Parking for contractors, site operatives and visitors
Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of demolition/construction
Temporary roads/areas of hard standing
Schedule for large vehicles delivering/exporting materials to and from site and details of manoeuvring arrangements
Storage of materials and large/heavy vehicles/machinery on site
Measures to control noise and dust
Details of street sweeping/street cleansing/wheelwash facilities
Details for the recycling/disposing of waste resulting from demolition and construction works
Hours of working
Phasing of works including start/finish dates
For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway.
The development shall be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Council as Local Planning Authority.
Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers and in the interests of air quality in accordance with Policies GP2, GP4 and GP7 of the NLDP.
- 4.10 The condition was requested by Highways who subsequently confirm no objection is offered to the partial discharge of the condition.
- 4.11 7. *No development shall commence until full details of all retaining walls, vehicular ramp and green roof details have been submitted to and approved in writing by the local*

planning authority. The details shall include a monitoring and maintenance plan for the green roofs to include photographic evidence by a Landscape Consultant, timings for planting and replacement plants where necessary by 31st December for year 2 and 5 after planting.

With the exception of the timings above specifically referring to the green roof, the development shall be completed in accordance with the approved details prior to the first occupation of any unit as hereby approved and shall thereafter be permanently maintained thus.

Reason: In the interests of visual amenity in accordance with Policy GP6 of the NLDP.

- 4.12 The Council's Structural Engineer has commented with regard to retaining walls and advises that the retaining wall design and foundations are suitable to support the highway and surrounding land. The structural engineer notes that the piling type has not been discussed and the recommendation is that it shall be rotational piling and not percussive due to the locality of nearby residential properties that may be affected by noise and vibration if percussive piling techniques are utilised. The reason for the condition was in the interests of visual amenity and so the LPA cannot require this particular type of piling. However, an informative note can be included.
- 4.13 With regard to the green roof to the bike and bin store a sedum blanket specification has been provided. The supporting information states that sedum roofs require little to no maintenance and plants are self-germinating and replacing. The roofs will be inspected by the appointed Landscape Consultant, DP Landscapes as part of the services set out in the Landscape Management Plan submitted.
- 4.14 8. *No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained. ULEV Infrastructure shall be available to staff during the construction phase in so far as this is reasonably practicable.*
Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2)
- 4.15 The condition was requested by Highways who subsequently confirm no objection is offered to the partial discharge of the condition.
- 4.16 *Pre - construction conditions*
9. *Except for site clearance and remediation, no development shall take place until a scheme to permanently close off the existing vehicular access on Kelvedon Street and Witham Street has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as agreed prior to first occupation of any part of the development unless otherwise agreed in writing by the Council as Local Planning Authority.*
Reason: To limit the number of access points to, and to maintain the proper construction of, the highway in the interests of road safety.
- 4.17 The condition was requested by Highways. The applicant has advised that there are no existing accesses on Witham Street. The Kelvedon Street access is to be moved slightly westwards and details of the changes to the access have been provided. The Council's Highways officer has objected to the details and considers that the low kerbs around the site should not be retained and a full height kerb is required in all areas except pedestrian crossings. The Highways officer also objects to the form of the Kelvedon Street access and has requested further/revised information. However, the purpose of the condition is to limit the access points and maintain the proper construction of the highway. It does not relate to kerbs around the site and nor is it to agree the new access design. The applicant will be required to enter into a separate agreement with Highways and the design of the access will form part of this agreement. The information provided is sufficient to partially discharge the condition.
- 4.18 16. *Prior to first occupation of the development hereby permitted full details of a scheme for the management and security of communal amenity space serving the development shall*

be submitted to the Local Planning Authority and written approval received. The communal amenity space shall thereafter be managed in accordance with the approved details for the lifetime of development.

Reason: To ensure the space is secured and managed in the interests of the amenity of neighbouring occupants and future occupants of the development in accordance with Policy GP2 of the NLDP.

- 4.19 In terms of the management plan for maintenance and security of communal areas, the management plan with the submission states Bron Afon Community Housing owns and will be responsible for the open space, and it will be maintained by their landscaping and maintenance teams. Responsibilities will include:
- Regular visual inspections of the area.
 - The residents will be encouraged to promptly report, to the Association's internal call centre, any areas of damage, broken fencing, lighting failures, and graffiti and the Association will respond in line with its repair's timeframe dependant upon the nature of the damage.
 - Regular litter picking and grounds maintenance – the Association will in line with its procedural cleaning schedule maintain the internal and external areas.
 - A record will be kept of complaints, incidents, and actions taken.
 - The space will be regularly managed so it can be clearly seen from nearby flats and from the street.
 - A named contact for residents will be displayed in a communal area and shared directly with occupiers. The residents will also have a dedicated housing officer assigned to them.
 - Dusk-to-dawn LED lighting will be installed to cover: entrances and exits, the main open space, blind spots near walls, bin areas, or pathways.
 - The boundary will be defined with railings and low level fencing as per the planning drawings.
 - Through-access has been avoided, in line with SBD.
 - A single clear entrance to the development has been provided via Kelvedon Street.
 - A maintenance regime will include, regular litter removal, regular inspection of fencing, gates, lighting, paving, and signs, rapid removal of graffiti, routine cutting back of vegetation as per the landscaping plan, prompt repair of any vandalism or damage.
- The plan will be reviewed regularly to ensure it remains effective.
- 4.20 The details submitted to partially discharge the condition are acceptable.

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 information provided is acceptable and the application is approved.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: 1660-Condition Discharge Rev 1, 1660 PL1-CEMP Revision 1, 1660 PL1-20 Site management plan, 13203 Tier 2 and 3 Report -02, 13203 Response to NRW, 13203 Remediation Options Appraisal letter, 13203 – Tier 2 and 3 Report, 13203 – Remediation Strategy, 1660PL1-21 EV charging Infrastructure Plan, 1660PL1-22 Boundary Treatments.pdf, Kelvedon Road - Amenity Management, 1660PL23 - Retaining wall sections, R01_Landscape Management Plan, BauderGREEN-XF-301-System-Summary, BauderLtd-ExtensiveGreenRoofSystem-XF301SedumBlanket, XF301 Sedum Blanket Specification, XF 301 and SB Sedum Species List, INT24119- 110 P1 Retaining Walls, INT24119- Type 1 Retaining Wall, INT24119- Type 2 Retaining Wall, INT24119- Type 3 Retaining Wall, INT24119- Type 4 Retaining Wall, 1660PL1-21 EV charging Infrastructure Plan, R01_Landscape Management Plan, External works construction details 011 P2, Site access layout 030 P1.

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 It is recommended that rotational piling and not percussive is undertaken where relevant due to the locality of nearby residential properties that may be affected by noise and vibration if percussive piling techniques are utilised.

05 The applicant is advised with regard to condition 4 that validation of each remediation aspect will need to be completed and reported on once each activity is implemented.