

APPLICATION DETAILS

No: 23/0163 Ward: **Allt-yr-Yn**
Type: Full (Major)
Expiry Date: **8th March 2024**
Applicant: **T HOBBS AND WEBB INTERSTRAND LTD C/O AGENT**
Site: **Newport Export Packing Queens Hill Newport South Wales NP20 5HJ**
Proposal: **RESIDENTIAL DEVELOPMENT OF 43 UNITS**

1. LATE REPRESENTATIONS

1.1 Head of Environment & Public Protection (Senior Scientific Officer):

Air Quality

Newport City Council is implementing a refreshed Air Quality Action Plan 2023-2028 which places emphasis on the promotion of ongoing air quality improvement through various means including the new development route. In view of this we would not support new development taking place where it does not actively contribute to reductions in emissions that contribute towards poor air quality. The Council would expect to see this achieved in the form of a ***scheme of measures which contribute towards reducing emissions*** including but not limited to ULEV infrastructure, green infrastructure (air quality friendly species), low carbon heating systems, anti-idling promotion during construction and operation phases.

Additionally a development of this scale would require an ***air quality assessment***, the findings of which would not affect the requirement above but may have an impact on the extent of measures that would be acceptable to the LPA.

As such the following conditions are recommended:

ULEV Infrastructure condition

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)*

Low carbon heating

Space heating within the proposed retail should use the lowest emission systems possible if not zero emission which in turn would contribute to emission. An informative is suggested below which could form a condition or informative.

Sustainable heating condition

No development shall take place until a sustainable heating strategy and associated system has been submitted to the LPA. The sustainable heating system shall be implemented prior to occupation of the development and retained thereafter.

Green infrastructure condition

No development shall commence on site until a scheme of Green Infrastructure including but not limited to street scene and landscaped areas has been submitted which identifies plantings which use species which are known to be beneficial to air quality. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained

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)*

Anti Idling condition

Prior to commencement of the use hereby permitted an anti-idling scheme aimed at all vehicles using the site shall be submitted to the LPA for approval and thereafter be permanently retained.

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)

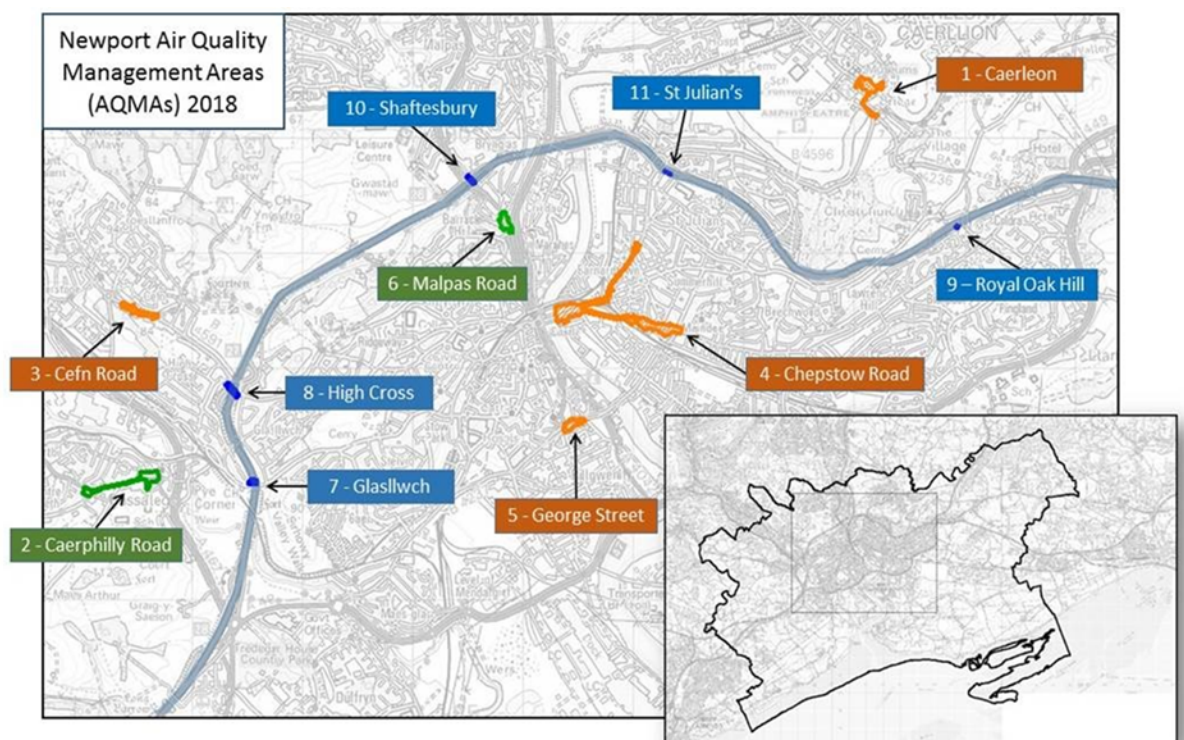
Access to Active Travel and low/zero emission public transport

No development shall commence on site until a scheme of active travel measures including but not limited to walking, cycling infrastructure and access to low/zero emission bus services has been agreed with the LPA.

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)

Construction Routing

A construction routing plan shall be provided to the LPA which demonstrates how the routing of traffic during the construction phase will avoid non-M4 air quality management areas as detailed on the map below:



The plan shall be submitted to the LPA for approval prior to commencement of construction and retained throughout the construction period. Where any departure from the plan is required the LPA must be consulted prior to any changes.

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)

Air Quality Assessment

An air quality assessment in accordance with current guidance and Newport City Council supplementary planning guidance needs to be undertaken for the development and a report detailing the findings submitted to the LPA.

The condition and associated requirements below are considered necessary:

An air quality assessment in accordance with current guidance and Newport City Council supplementary planning guidance must be undertaken for the development and a report detailing the findings submitted to the LPA.

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)

In terms of the scope of an air quality assessment there is not a one size fits all as site specific circumstances need to be looked at by the appointed consultants, however the following is given as a guide but should not to be solely relied upon:

Prior to undertaking an AQA NCC expect compatibility and provenance of the data sources you intend to use in modelling to be undertaken and for this to be appended to the AQA. This must include but not be limited to data such as MET, TA, etc.... All data inputs used in the model must be provided as appendices with the AQA report.

Assessment must include but not be limited to:

- Context and justification for errors that may be present.
- Reasons for any data/parameter exclusions that have taken place.
- Justification behind levels that have been predicted or monitored.
- Where no site based LAQM data is available 3 months of data using diffusion tubes must be obtained for the proposed site setting.

It is expected that consultants conducting an AQA will be suitably qualified and experienced in producing AQAs. They must also be able to exercise their own professional judgement on any additional scope of works that may be required in the preparation of the AQA in addition to the information provided above.

Contaminated Land

Land contamination has been identified at the site as requiring supplementary investigation. In addition to this initial remedial requirements have been submitted for which a finalised remediation strategy will be required further to supplementary sampling. Radon protection has also been specified for which building and membrane details will be required as part of remedial information.

In view of the above the following conditions are recommended:

Contamination

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.

Contamination – Unforeseen

Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

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.

Contamination – Imported Material

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. No other fill material shall be imported onto the site.

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.

- 1.2 Head of Environment & Public Protection (Environmental Health): No objection subject to conditions:

Road Traffic Noise – Internal

All habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that **all** such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. All habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected.

Noise Insulation

Prior to first occupation, a scheme of sound insulation works to the floor, ceiling & wall structures between adjoining properties shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

Demolition & Construction Environmental Management Plan

No development shall take place until a site specific Demolition and Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison

- Arrangements for liaison with the Newport City Council Noise & Neighbourhood Team
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within permitted hours
 - Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours.
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
 - Measures to mitigate demolition dust and material causing a nuisance to local residents, for example sheeting of loads and wheel washing apparatus
- Reason:** To protect the amenities of occupiers of other premises in the vicinity

Advisory - EV Charging points

To encourage the uptake of zero emission vehicles in efforts to reduce air pollution it is recommended a number of the parking spaces are installed with electric vehicle charging points. Cabling could be installed in the remainder of the parking spaces to allow for additional charging points to be installed at a later stage.

Advisory - Heating Systems

We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. The Environment (Wales) Act 2016 requires that Wales reduce its carbon emissions by 80% by 2050, reducing heat loss and the use of natural gas would help contribute towards this goal.

1.3 Dwr Cymru/Welsh Water:

ASSET PROTECTION

The proposed development boundary is in very close proximity to a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer.

The proposed development site is also crossed by a 150mm public combined sewer. Please see copy of indicative public sewer record attached. No operational development is to take place within 3 metres either side of the centreline of the sewer. We request that prior to commencing any operational development the location of this asset is determined. The proposed Site Layout Plan reference PL 00 SITE PLAN suggest the proposal to Divert the public sewer asset under S185 of the Water Industry Act 1991, In principle we have no objection to this subject to feasibility through the S185 process.

SEWERAGE

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Turning to surface water, as of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Newport City Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

Capacity is currently available in the water supply system to accommodate the development. We reserve the right however to reassess our position as part of the formal application for the provision of new water mains under Section 41 and Section 51 of the Water Industry Act (1991) to ensure there is sufficient capacity available to serve the development without causing detriment to existing customers' supply as demands upon our water systems change continually.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

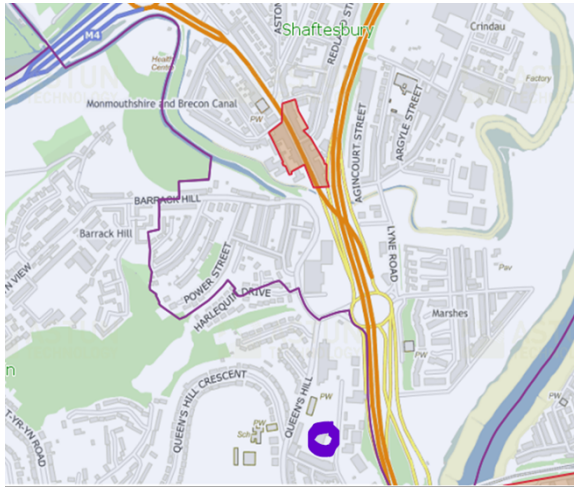
The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1 Senior Scientific Officer consultation

2.1.1 The site is not within an Air Quality Management Area (AQMA). The nearest AQMA is on Malpas Road to the north (see plan below which shows the site in purple and the AQMA hatched red). Condition 3 in the report requires that construction route traffic information be included as part of the Construction Management Plan. Green Infrastructure is dealt with by Condition 6 Landscaping. Condition 8 requires details of cycle parking provision to encourage Active Travel and condition 12 requires EV charging points to be provided. It is not considered that a condition to require vehicles not to idle would be enforceable.



2.2 Environmental Health Officer

2.2.1 Condition 2 deals with internal noise levels.

2.2.2 A scheme of noise insulation is not included in the recommendation as this element is controlled through the Building Regulations 2010; therefore to attach a condition for these details would be a duplication of controls thereby not meeting the tests for the attachment of condition.

2.2.3 A Demolition and Construction Environment Management Plan condition 3 has already been attached.

2.2.4 With regard to the suggested notes for electric vehicle charging points and heating systems; a scheme of electric vehicle charging points is secured by condition as set out on page 50 of the Agenda. Regarding heating systems, the proposal does include photovoltaic panels to provide some microgeneration on site to contribute toward the renewable energy mix used by the proposed development.

2.3 Dwr Cymru/Welsh Water

2.3.1 Dwr Cymru/Welsh Water raise no objection to the scheme and highlight the proposed diversion of an existing combined sewer. Dwr Cymru/Welsh Water confirm that this process can be undertaken through the Section 185 process of the Water Industry Act 1991 and a foul drainage connection can be formed to serve the site.

2.3.2 Condition 4 already requires the submission of details of drainage.

3. OFFICER RECOMMENDATION

3.1 The recommendation remains Granted subject to conditions but with the following additional conditions as set out below:

01 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 Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, 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.

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 Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 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. No other fill material shall be imported onto the site.

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 Newport Local Development Plan 2011 – 2026 (Adopted January 2015).