

APPLICATION DETAILS

No: 19/0001 Ward: ST JULIANS
Type: DISCHARGE CONDITIONS
Expiry Date: 27-FEB-2019
Applicant: ENGIE
Site: LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT
Proposal: DISCHARGE OF CONDITION 37 (COMMENCEMENT DATE) AND PARTIAL DISCHARGE OF CONDITION 3 (SURFACE WATER DRAINAGE) 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 WELSH WATER DWR CYMRU: No objection subject to confirmation that the surface water will not connect onto the public combined sewer.

2. INTERNAL COUNCIL ADVICE

2.1 THE HEAD OF CITY SERVICES (DRAINAGE): No response.

2.2 THE HEAD OF CITY SERVICES (ECOLOGY): No response.

3. REPRESENTATIONS

3.1 None.

4. RELEVANT SITE HISTORY

4.1	18/0293	THE DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1	GRANTED WITH CONDITIONS
-----	---------	--	-------------------------

5. ASSESSMENT

5.1 This application seeks to partially discharge condition 03 (Surface Water Drainage) and 37 (Commencement Date) 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"* at Land to South of Glan Usk Primary School, Herbert Road in the St Julians ward.

5.2 Condition 03 reads;

"Prior to the construction of Plots 1-36 details of the surface water drainage for those Plots and any associated roadways and car parking shall be provided in writing to the Council. Following the Council's written agreement the surface water arrangements shall be provided as agreed when the relevant part of the development is constructed.

Reason: To ensure this part of the site is appropriately drained, to reduce the risk of surface water flooding offsite and to protect the conservation objectives of the River Usk SAC."

5.3 This condition was implemented on the Outline consent as details of the surface water drainage for Plots 1-36 had not been specified, where as the rest of the site had and concerns were raised by the case officer that the surface water from these plots could enter

the combined sewer or could impact the River Usk SAC if not dealt with appropriately. The details proposed show that the surface water collected from these plots would feed northwards and link into the surface water drainage system previously approved as part of the outline permission and continue to be discharged into the enlarged Lottery's Reen, before discharging into the River Usk. This has previously been established as acceptable and it is not considered that there would be any further issue caused by the surface water collected from Plots 1-36 linking into the approved drainage layout. It is also acknowledged that Condition 05 of the Outline permission 18/0293 requests treatment details of surface water drainage to remove hydrocarbons and this is considered to protect the interests of the River Usk SAC.

5.4 Welsh Water Dwr Cymru have offered no objection to the partial discharge of this condition.

5.5 Condition 37 reads;

"Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority.

(a) stating the date on which the development is to begin;

(b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").

Reason: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015."

5.6 The covering letter has confirmed the start date of work on site as being the date of the application submission. As such, the information provided is considered to be acceptable and the condition can be discharged in full.

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 acceptable and sufficient to partially discharge Condition 03 and 37 of 18/0293.

7.2 The application is approved.

8. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: Drawing No. (04)0-01 Site Location Rev B; Drawing No. 101 – Engineering Layout Phase 2A Rev A; Covering Letter Dated 02/01/2019; Commencement of Development Form; Email Confirmation of Surface Water Drainage (Dated 13/02/2019).

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.
