

APPLICATION DETAILS

No: 17/0569 Ward: ST JULIANS
Type: DISCHARGE CONDITIONS
Expiry Date: 10-AUG-2017
Applicant: KEEPMOAT REGENERATION
Site: LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT
Proposal: PARTIAL DISCHARGE OF CONDITION 29 (PILING) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251NO. DWELLINGS AND ASSOCIATED WORKS

DECISION: APPROVED

1. CONSULTATIONS

1.1 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW): No objection.

2. INTERNAL COUNCIL ADVICE

2.1 None.

3. REPRESENTATIONS

3.1 None.

4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
13/1279	DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	GC 11 August 2015

5. ASSESSMENT

5.1 The applicant is seeking to partially discharge condition 29 (Piling) of Planning Permission 13/1279. That condition reads as follows:

Piling or any other foundation designs using penetrative methods below 1m in depth shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: *There is an increased potential for pollution of controlled waters from inappropriate methods of piling.*

5.2 The applicant has submitted a site risk assessment for piling (Aarsleff Letter dated 13.06.2017). The assessment notes that creation of preferential pathways through the soil profile is always a risk when soils are contaminated. It notes that driven piles displace material laterally and 'densify' soils meaning the pile is tightly gripped and water movement vertically through the soil is inhibited. The assessment concludes the piles will be tightly gripped by the alluvial soils it is driven through and pollution mobilisation is unlikely. The piles will have a chamfered end profile which tends to push material aside rather than carry it down through the soil so the displacement of contaminated soils down through the soil profile is not likely. The concrete specified in the piles is resistant to the ground conditions on the site. The assessment concludes that the piling methodology on the site will not worsen the pollution risk to controlled waters.

5.3 CNC/NRW confirms it has no objection to the partial discharge of the 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 *Wellbeing of Future Generations (Wales) Act 2015*

Section 3 of the Act 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 (section 5). This duty has 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 condition is discharged in part.

8. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to the following documents:

- Aarsleff letter dated 13.06.2017 (Reference 17101)
- Drawing sw49(00)01 – Site Location Plan

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.
