

## APPLICATION DETAILS

**No:** 17/0211      **Ward:** ST JULIANS

**Type:** DISCHARGE CONDITIONS

**Expiry Date:** 04-MAY-2017

**Applicant:** KEEPMOAT

**Site:** LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT

**Proposal:** PARTIAL DISCHARGE OF CONDITIONS 6 (LANDSCAPING) 9 (ECOLOGICAL MANAGEMENT SCHEME) AND 27 (CYCLE PARKING AND BIN STORE) OF PLANNING PERMISSION 13/1279 FOR THE 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

## DECISION: APPROVED

### 1. CONSULTATIONS

1.1 None.

### 2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY): I welcome the incorporation of bat and bird boxes recommended in section 3.2.8.

Once all of the management plan recommendations have been implemented photographs of the finished works will be required to be sent to the NCC Ecologist.

Details of the Ecological Clerk of Works and the supervising ecologist will need to be submitted and agreed prior to commencement of works.

The works implemented in the management plan will need to be assessed after year 3, 5 and 7 to determine whether they are suitable and are establishing. If not details of methods to remedy the situation will be required. If shrubs/trees/wildflower mixes fail these will need to be re-assessed and re-planted and management regime updated.

2.2 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS):

- Condition 6 (Landscaping) – no comment
- Condition 9 (Ecological Management Scheme) – No comment
- Condition 27 (Cycle Parking) and Bin Store) – No objection

### 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 the following conditions attached to permission 13/1279.

*Condition 6 (Landscaping): Prior to the commencement of any works on the site, other than in relation to specific advanced works that have been agreed in writing by the local planning authority details of a landscaping scheme for the approved scheme (or of any part of it as may be agreed under a phased implementation) shall be submitted to the Local Planning Authority. In relation to tree/shrub planting the scheme shall include inter alia grass mixtures and the number, species, heights on planting and positions of all trees and shrubs as well as details of trees to be retained and measures to protect them during construction). Thereafter the landscaping scheme pertinent to each phase of development hereby approved shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the associated phase of development (as agreed under Condition 7) unless in relation to the riverfront or otter mitigation areas where it shall be completed in accordance with the details agreed under conditions 33 & 5. Thereafter, the trees and shrubs shall be adequately maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition a full planting season shall mean the period from October to April inclusive. Reason: to safeguard the rights of control of the local planning authority in these respects and to ensure that the site is landscaped in a satisfactory manner.*

*Condition 9 (Ecological Management Plan): No work shall commence on the approved scheme (unless otherwise agreed in writing in relation to specific works as agreed with the local planning authority) until an ecological management scheme for the site has been submitted to and approved in writing by the local planning authority. Following the local planning authority's written approval of the ecological management scheme, the scheme shall be fully implemented as approved following the occupation of the last house within each phase of the scheme as identified in Condition 7 to which the measures pertain. In the event the phase contains no houses the scheme shall contain a timetable for implementation of the proposed measures The Ecological Management Scheme shall contain details in regard to the short (5 years) and long term (10 years) ecological management of the site and shall have regard to the landscape management scheme submitted under condition 19. The scheme shall contain details regarding the management of the sensitive riverfront area and the otter mitigation area (unless otherwise submitted under conditions 15 & 16) as well as the wider site. Reason: to retain features of ecological interest within the site and to enhance the overall sustainability of the scheme.*

*Condition 27 (Bin & Cycle Stores): Prior to the construction of any dwelling served by a bin store or a cycle store as shown in Drawing sw49(04)01J full details of those stores shall be submitted to the local planning authority. Following the LPA's written agreement the store shall be provided fully as agreed prior to the occupation of any unit served by that store. Reason: in the interests of residential amenity & sustainability.*

- 5.2 The applicant has submitted a plan showing planting along the river front and the expanded Lottery's Reen and in association with the first three blocks of flats at the southern end of the site. Planting along the river front consists of a native hedgerow along the proposed bund and native buffer planting between the hedge and the top of the river bank. More formal planting is proposed within the development proper including ornamental trees, shrubs and areas of grass. Along the reen areas of grass, wetland meadow planting, reedbed and native trees are proposed.
- 5.3 The planting proposed has not received any adverse comment from consultees and appears appropriate in context. Condition 6 can be discharged in part.
- 5.4 The applicant has submitted a combined Wildlife Protection Plan & Ecological Management Plan (March 2017) prepared by David Clements Ecology. Key ecological enhancements are:
- The river front bund which is to be planted out using native species. This will screen the sensitive river bank as well as providing additional habitat.
  - Expansion of the reen and its improvement as a habitat;
  - Measures to protect otters during construction;
  - Scrub clearance outside the nesting season for birds;

- Provision of bat and bird boxes;
- Control over light spill towards ecological areas;
- Scrub clearance by hand to protect reptiles / amphibians;
- Clearance and treatment of invasive non-native plants.

- 5.5 The Ecological Management Plan includes a monitoring and maintenance regime for up to 10 years.
- 5.6 The Ecology Officer has commented that the name of the proposed Ecological Clerk of Works should be provided and also asks for Monitoring Reports at years 3, 5 and 7 with contingency arrangements to address any failures in the plan at those points in time. The agent has confirmed that Clements Ecology have been appointed to undertake the additional requirements asked for by the Ecology Officer. As such the condition can be discharged in part.
- 5.7 Details of cycle stores have been provided. These will be open fronted sheds with a mono-pitch roof measuring 4.5m by 2.4m with a maximum height of 2.23m. The stores will be timber framed, timber clad and will have a clear poly-carbonate roof. Each store will contain 4 steel 'Sheffield' bike hoops.
- 5.8 Details of the proposed bin stores have been provided. They will be unroofed timber structures with double gates on the front elevation. Dimensions are 4.21m by 4.11m and a wall height of 2.1m. The store has space for wheelie bins and recyclable materials.
- 5.9 There have been no objections from the Highways Section to the proposed stores which are of acceptable appearance in context. Condition 27 can be discharged in part.

## **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 Conditions can be discharged in part in relation to the area identified in Drawing TDA 2283 01.

**8. DECISION**

**APPROVED**

*NOTE TO APPLICANT*

01 This decision relates to the following documents:

- Drawing TDA 2283 01 - Detailed Soft Landscape Proposals
- Email from Llyr Morris 20/04/2017 17:43
- Environmental Management Plan (March 2017)
- Drawing 3154 (90) 100 – Typical Cycle Store Details
- Drawing 3154 (90) 101 – Typical Bin Store Details

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 This partial discharge only relates to the area of the site shown in Drawing TDA 2283 01

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