

**APPLICATION DETAILS**

**No: 19/0002 Ward: ST JULIANS**

**Type: DISCHARGE CONDITIONS**

**Expiry Date: 27-FEB-2019**

**Applicant: N/A, ENGIE**

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

**Proposal: PARTIAL DISCHARGE OF CONDITION 06 (PILING AND RISK TO GROUND WATERS) 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 NATURAL RESOURCES WALES: No objection.

**2. INTERNAL COUNCIL ADVICE**

2.1 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): No objection.

**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
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**5. ASSESSMENT**

5.1 This application seeks to partially discharge condition 06 (Piling and Risk to Ground Waters) 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 06 states;

*“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 ground waters from inappropriate methods of piling.”*

5.3 The application includes the submission of a Contaminated Ground Site Risk Assessment and Piling Design Calculations.

5.4 The Head of Law and Regulation (Environmental Health) and Natural Resources Wales have been consulted on the application and have both offered 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 *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 06 of 18/0293.

7.2 The application is approved.

## **8. DECISION**

APPROVED

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: Letter Ref: HAD/AH/P180132/F180133.Lump-Sum.RevF (Dated 1<sup>st</sup> November 2018); Pile Design Calculations from Van Elle (Dated 01/11/2018); Van Elle Calculation Sheet (Dated 01/11/2018).

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.

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