

APPLICATION DETAILS

No: 15/0257 Ward: ST JULIANS

Type: DISCHARGE CONDITIONS

Expiry Date: 26-APR-2015

Applicant: J WILKS, ASBRI PLANNING

Site: LAND TO SOUTH OF AND INCLUDING GLEBELANDS STADIUM, BANK STREET, NEWPORT

Proposal: PARTIAL DISCHARGE OF CONDITION 16 (WORKING METHOD STATEMENT AND CODE OF CONSTRUCTION PRACTICE) OF PLANNING PERMISSION 00/0768/O FOR A REPLACEMENT PRIMARY SCHOOL AND RESIDENTIAL DEVELOPMENT

DECISION REFUSED

1. CONSULTATIONS

1.1 NATURAL RESOURCES WALES: Do not support the partial discharge of the condition as the details provided are insufficiently clear on the measures that will be implemented to ensure that the re-en on the development site and the River Usk SAC will be protected from pollution derived from the proposed works.

2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF LAW & REGULATION (POLLUTION): No objection.

3. REPRESENTATIONS

3.1 None

4. RELEVANT SITE HISTORY

00/0768	REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT & HARD PLAY AREAS & RESIDENTIAL DEVELOPMENT	GRANTED WITH CONDITIONS
03/1531	ERECTION OF A REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT (PURSUANT TO 00/0768)	APPROVED WITH CONDITIONS
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	GRANTED WITH CONDITIONS

5. ASSESSMENT

5.1 Permission is sought to partially discharge condition 16 (Working Method Statement and Code of Construction Practice) of planning permission 00/0768 in relation to the residential development on Land to the south of and including Glebelands Stadium, Bank Street, Newport in the St Julians Ward.

5.2 Condition 16 of planning permission 00/0768 states that:

"The development shall be carried out fully in accordance with a Working Method Statement and Code of Construction Practice which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development This Code of Practice shall contain details of all methods and modes of carrying out construction

works and shall include provisions for the protection of the existing reens and any other water bodies within the site or outside of it from pollution.

Reason To ensure that the land drainage system is safeguarded from pollution, in the interests of protecting the River Usk candidate Special Area of Conservation and Site of Special Scientific Interest.”

- 5.3 The following information has been submitted to partially discharge condition 16 of planning permission 00/0768:
- Construction Method Statement, March 20014, Rev A
 - Project Environmental Impact Assessment, dated 06/08/13
 - Appendix A, a Traffic Management Plan, undated
 - Project Risk Assessment, March 2014, Rev A
- 5.4 Policies SP9 (Conservation of the Natural, Historic and Built Environment) and GP5 (Natural Environment) of the Newport Local Development Plan (NLDP) 2011-2016 (adopted January 2015) are relevant to the determination of this application.
- 5.5 The Local Planning Authority has sought advice from the Head of Law & Regulation (Pollution) and Natural Resources Wales (NRW). The Head of Law and Regulation (Pollution) has offered no objection to the submitted details. However, NRW do not support the partial discharge of the condition as the details provided are insufficiently clear on the measures that will be implemented to ensure that the reens on the development site and the River Usk SAC will be protected from pollution derived from the proposed works. As such the condition cannot be discharged at this time and the application is contrary to policies SP9 and GP5 of the NLDP so is unacceptable.

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 submitted information is insufficient and the Council is unable to ensure that the reed on the development site and the River Usk SAC will be protected from pollution derived from the proposed works and, as such, condition 16 of planning permission 00/0678 cannot currently be discharged.

7.2 The proposal is contrary to policies SP9 and GP5 of the Newport Local Development Plan 2011-2016 (adopted January 2015)

7.3 The application is refused.

8. DECISION

REFUSED

01 The submitted information is insufficient and does not demonstrate that the reed on the development site and the River Usk SAC will be protected from pollution derived from the proposed works. The proposal is therefore contrary to policies SP9 and GP5 of the Newport Local Development Plan 2011-2016 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Construction Method Statement, March 20014, Rev A; Project Environmental Impact Assessment, dated 06/08/13; Appendix A, a Traffic Management Plan, undated; Project Risk Assessment, March 2014, Rev A.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9 and GP5 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.
