

APPLICATION DETAILS

No: 19/0196 **Ward:** ST JULIANS

Type: DISCHARGE CONDITIONS

Expiry Date: 14-AUG-2019

Applicant: ENGIE

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

Proposal: PARTIAL DISCHARGE OF CONDITIONS 05 (TREATMENT OF HYDRO-CARBONS), 07 (WINDOW REVEALS) AND 10 (LIGHTING) OF PLANNING PERMISSION 18/0293 FOR DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS

DECISION - APPROVED

1. CONSULTATIONS

1.1 NATURAL RESOURCES WALES: We welcome the submission of the following drawing:
• Drawing 32766/PJ/K entitled 'Herbert Road Phases 2-4' by Kingfisher Lighting dated 10/4/19. We note that the drawing indicates that no light spill >0.5lux will overlap with the River Usk SAC designation. Accordingly, we have no objection to condition 10 being discharged. We did not ask for conditions 5 and 7 and therefore have no comments to make on these.

2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF CITY SERVICES (ECOLOGY): The lighting plan shows the SAC boundary as requested, and demonstrates that the light spill on to the river will be less than 0.5 lux. I therefore have no further objection to the scheme and recommend the lighting is implemented as shown.

2.2 HEAD OF CITY SERVICES (HIGHWAYS): No response.

2.3 HEAD OF LAW AND REGULATION (POLLUTION): No response.

3. REPRESENTATIONS

3.1 None.

4. RELEVANT SITE HISTORY

18/0293	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 from the above planning permission. Condition 5 states:

Treatment of run-off for hydro-carbons

Surface water drainage from roads, parking areas and any other surfaced areas where motor vehicles park or transit shall be passed through a mechanism to remove hydrocarbons prior to being discharged to any surface waters. The design and capacity of the means to remove hydrocarbons shall be submitted to the Council in writing.

Following the Council's written agreement the agreed mechanism shall be fully installed at the time the area it serves is constructed and it shall be retained thereafter.

Reason: to protect surface waters and the River Usk SAC from hydrocarbon pollution.

- 5.2 The protection of the River Usk SAC is normally a consideration of Natural Resources Wales. However, NRW have advised that they did not request the condition. The Public Protection Manager has not commented on the information provided as the condition was not requested by them. Details of a bypass separator to remove hydrocarbons have been provided by the applicant. Irrespective of this condition, the permission is subject to other conditions relating to surface water in the interests of the River Usk SAC.

- 5.3 *Condition 7 states:*

Window reveals

No window shall be installed in any block of flats approved under this consent until details of a window reveal have been provided in writing to the Council. Following the Council's written agreement the windows shall be installed as agreed.

Reason: to break up facades in the interests of good design and visual amenity.

- 5.4 The applicant has provided window details showing there would be a reveal of 10cm which is considered acceptable and the requirements of the condition have been satisfied.

- 5.5 *Condition 10 states:*

Lighting

Full details of lighting shall be provided for adopted roads & footways / cycleways, unadopted roads & footways / cycleways and other areas of public access including car parks, parking courts and areas of public open space to the Council in writing. Following the Council's written agreement the lighting shall be provided as agreed prior to the first beneficial use of the areas to be lit. Any lighting scheme submitted shall have regard to maintaining dark corridors along the river bank. No lighting other than as agreed shall be installed in these areas.

Reason: to protect residential amenity, public safety and ecological interests including the conservation objectives of the River Usk SAC.

- 5.6 The Council's Ecology officer and Natural Resources Wales confirm that the information provided to discharge this condition is acceptable.

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 provided to discharge the conditions is acceptable and the application is approved.

8. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to: Bypass Separator information, A-W5-B:Window/door check reveal brickwork, 32766/PJ/K.

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.