

APPLICATION DETAILS

No: 22/0643 **Ward:** Saint Julians

Type: Discharge of Conditions

Expiry Date: 05 May 2023

Applicant: *Engie 42 Enterprise Centre Bryn Road Bridgend CF32 9BS*

Site: *Land To South Of Glan Usk Primary School Herbert Road Newport South Wales*

Proposal: *PARTIAL DISCHARGE OF CONDITION 08 (PARKING COURTS) OF PLANNING PERMISSION OF 18/0293 FOR 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 HEDDLU GWENT POLICE

Please ensure the requirements outlined in the Secured By Design Homes Guide are met, such as;

- Avoiding the creation of windowless elevations and blank walls immediately adjacent to public spaces; this type of elevation, commonly at the end of a terrace, tends to attract graffiti, inappropriate loitering and ball games. The provision of at least one window above ground floor level, where possible, will offer additional surveillance over public areas.
- Ensure parking will be lit by way of lighting columns and overlooked from active rooms/side elevation windows.
- Footpaths should be lit and overlooked to support natural surveillance.
- Windows and doors to have PAS 24:2016 certification.
- For blocks of flats the main entrance front door will also need to be PAS 24:2016 and have a visitor door entry system and access control system with i.e. persons can be allowed to enter the building remotely from the persons flat, and access into the building by residents is by use of key fob/card etc. Please note that tradespersons buttons or time release mechanisms are not permitted.
- Door viewers and limiters should meet the Door and Hardware Federation specifications of TS003 and TS002.
- Dusk til dawn lighting should be installed to the front and rear of the properties.
- Street lighting should conform to BS 5489-1:2020 by way of columns.
- Walls/fencing and gates preventing access to the rear and sides of the properties must be robust, at least 1.8 metres high (2 metres high if the side or rear gardens are adjacent to open land or a footpath) to prevent it being climbed.
- Gates giving access to rear gardens need to be lockable and be operable by key from both sides of the gate.
- Garden sheds should be sited away from the rear fencing/walls to prevent assisting people in climbing over.
- If smart meters are not installed, meter boxes must be fixed to, or as near to, the front building lines of the properties as possible.

2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF ENVIRONMENT & PUBLIC PROTECTION (LANDSCAPING):

The application is not clear. A previous application 21/0984 was refused on the following grounds:

01 The submitted details show that the 'underpass' parking courts would not constitute good placemaking due to the choice of materials, fencing and lack of planting. This is contrary to Policies GP2 & GP6 of the adopted Newport Local Development Plan 2011-2026.

02 The submitted lighting details do not demonstrate that the 'underpass' parking courts could be adequately lit in the interests of general amenity and public safety without causing unnecessary lighting nuisance to neighbouring occupiers contrary to Policy GP2 of the adopted Newport Local Development Plan 2011-2026.

A plan titled 'underpass parking landscape planting plan' has been submitted. It is not clear whether this has been generated by the project landscape architect WYG and it is not clear where the mono-culture planting of groundcover is proposed. The written comment on the plan states:

Landscape Areas adjacent parking to be planted with mulched soil and Vinca Major planted at 300mm centres. Due to the small areas and depth of haunching from surrounding hardstanding it's been difficult to grow plants in these small areas which has been proven under phase 2.

Clearly implementation of Phase 2 has highlighted issues from overly narrow planting beds which are now proposed to be uniformly planted with an evergreen ground cover: this will not provide any softening of the parking courts. The issue arises from a layout issue which needs to be resolved before a revised planting plan can be approved, although I cannot see where planting was ever proposed in these areas as the WYG planting plans 1-8 from 2018 have been submitted again but these do not cover any planting in the area of the parking courts.

The purpose of the condition was clear in the decision notice:

The purpose of the condition was to ensure that enclosed parking courts were delivered as high-quality spaces since past experience has seen these areas being delivered to very poor quality consisting of tarmac surfacing tight to close board fences and potentially with very poor or alternatively over intrusive lighting.

The previous application for condition 8 was refused with the rationale for poor placemaking given below and I cannot see how the current application has improved the situation.

5.4 The concern related to smaller rear parking courts that can often be delivered as poor spaces. However under this submission although some of these 'underpass' courts have been provided with some planting others have not. In effect the proposal is to deliver them as enclosed spaces that are tarmacked and have close board fences and no planting, which is to say precisely that which is undesirable in Placemaking terms and what the condition sought to avoid.

2.2 HEAD OF ENVIRONMENT & PUBLIC PROTECTION (POLLUTION):

Having considered the details of the development as submitted in the application supportive information, I can confirm that the Noise and Neighbourhood Team have no objections to the partial discharge of Condition 08 (Parking Courts).

3. REPRESENTATIONS

3.1 None.

4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
18/0293	DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1	GC 03 October 2018
21/0984	PARTIAL DISCHARGE OF CONDITION 08 (PARKING COURTS) OF PLANNING PERMISSION 18/0293 FOR DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1	R 14 April 2022

5. ASSESSMENT

- 5.1 The applicant is seeking to partially discharge condition 08 (Parking Courts) of Planning Permission 18/0293 for 195 dwellings:

Parking Courts: Notwithstanding submitted details, no parking court accessed via an underpass shall be completed until details of finishing materials, landscaping, boundary treatments and lighting have been submitted to and agreed in writing by the Council. The courts shall be completed as agreed prior to their first use.

Reason: to ensure that these are high quality spaces that provide a safe and attractive environment to users.

This application follows the refusal of application 21/0984 to discharge the same condition.

- 5.2 The condition was specifically applied to address the proposed parking courts accessed via underpasses of which there were several on the scheme. Experience on other sites has shown that these are often poorly delivered spaces and the condition aimed to avoid similar issues on this site especially in regard to surfacing materials, fencing, planting and lighting all of which have been shown to be problematical in the delivery of these spaces.
- 5.3 The applicant has provided the following details:
- Surfacing – the proposed surfacing is paviour blocks with Marshall Brindle having been chosen:



- Planting – Vinca major (greater periwinkle)



- Fencing – 1.8m closeboard fence with a 300mm trellis set upon it.
- Lighting
 - Building mounted floodlights, with movement sensor and timer
 - Bulkhead lights in the underpass, with movement sensor and timer linked to the floodlight

5.4 The proposed surfacing is acceptable in context and will improve the quality of the overall space in visual terms from what was initially proposed (black top).

5.5 The proposed planting is of greater periwinkle which gives a purple flower on an evergreen sub-shrub. According to the Royal Horticultural Society, the plant is easy to grow on all but the driest soils and does well in full sun but will cope with a degree of shading. The annotations on the relevant drawings state *'Due to the small areas and depth of haunching from surrounding hardstandings it's been difficult to grow plants in these small areas which has been proven under Phase 2'*.

5.6 This confirms concerns that the Council has in regard to restricted planting areas which prove incapable of providing the depth of soil and sufficient area to provide decent planting. The chosen plant is clearly very hardy and is likely to give as much ground cover and colour as these areas can realistically support and so notwithstanding the comments of the Landscape Officer the proposed planting is acceptable. However the comments of the Landscaping Officer are noted and are correct. The areas allocated for planting are too small to be meaningful and will do very little to soften the courts and improve their overall appearance. However this matter clearly should have been more substantively addressed at the determination stage and the condition was an attempt to redeem very mediocre elements of the overall scheme. This has clearly not been entirely successful and in the future larger areas for planting will need to be secured at the determination stage in order to give a better prospect of decent cover. Policy 5vi (Landscaping) is complied with so far as it reasonably can be.

5.7 In effect the proposed fence is a 1.8m close board fence with a trellis on it. It is a very unprepossessing boundary treatment and given the semi-public nature of the courts is disappointing. The courts although accessed via underpasses open onto the railway or long runs of gardens and are therefore not as enclosed as other parking courts on other schemes in the City. As a result they do not feel overly oppressive in context and the surfacing is good quality and is of merit. That said the fences are tight to the area of hard surfacing are not in anyway relieved and offer barely acceptable visual amenity in these semi-public areas. The lack of landscaped verge has a two fold effect by offering less space to parked cars to open doors and gives less visual relief from the predominance of close board fencing. That said, this is a functional parking area and is fit for its purpose. The surfacing offers the area merit and had a less quality finish been applied, officers may have

been less favourable to approving this conditional discharge. Policies GP2ii (visual amenity) and GP6 (Design) are marginally met on this occasion.

- 5.8 In terms of lighting the proposal is for a building mounted flood light and a bulkhead light in the underpass. The lighting will be linked to movement sensors and would have a timer limiting the duration of any illumination. The applicant has provided lighting plans that show light spill being limited to the courts with minimal impact on neighbouring garden areas. However that said the switching mechanism will mean light levels will change suddenly as the courts are accessed and some level of disturbance will accrue rather than for example bollard lighting which would provide constant low level lighting to the court. The lighting charts show maximum light levels being at 30lux which is akin to weak interior lighting and given the lack of light spill the lighting is considered sufficient to protect public safety without being harmfully intrusive. Policy GP2 (General Amenity) and GP7 (Environmental Protection) are complied with.

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 proposed details are acceptable.

8. DECISION

Approved

NOTE TO APPLICANT

01 The following plans & documents were relevant to this decision:

- Drawing 1839 EN-01 K – External Enclosures
- Drawing 1839 D05 – 1800mm close board fence & trellis
- Unnumbered Drawing - Underpass Parking Landscaping Planting Plan
- Drawing A102732 P LA1 F – Landscape layout
- Drawing A102732 P LA2 F – Landscape details 1 of 7
- Drawing A102732 P LA3 F – Landscape details 2 of 7
- Drawing A102732 P LA4 F – Landscape details 3 of 7
- Drawing A102732 P LA5 F – Landscape details 4 of 7
- Drawing A102732 P LA6 F – Landscape details 5 of 7
- Drawing A102732 P LA7 F – Landscape details 6 of 7
- Drawing A102732 P LA8 F – Landscape details 7 of 7
- Drawing 1839 PRL-01 M – Production Layout
- Drawing 3073 (04) 001 B – Site Location
- Lighting Design at Herbert Road, Glen Usk (10.06.2022)
- Email from applicant 17.05.2023 16:49 (Surfacing)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 & GP6 were relevant to the determination of this application.

03 The parent application 18/0293 was EIA development. The consideration of this discharge of conditions application has not raised any issues of significance to the environment that were not considered under the parent application. The proposal is for details of a small number of semi-enclosed parking courts and does not raise any significant environmental issues. As such this proposal did not need to be screened under the EIA Regulations.
