

APPLICATION DETAILS

No: 19/0808 **Ward:** ST JULIANS

Type: NON-MATERIAL AMENDMENT

Expiry Date: 28-AUG-2019

Applicant: C/O AGENT

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

Proposal: NON MATERIAL AMENDMENT TO PLANNING APPLICATION 18/0293 FOR 'DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1. AMENDMENTS FOR RE-ORIENTATION OF CAR PARKING AREA ASSOCIATED WITH PLOTS 88-99 AND LANDSCAPING AREA TO ACCOMMODATE THE PROW CONSTRUCTED DURING PHASE 1.

DECISION: APPROVED & CONDITIONS

1. CONSULTATIONS

1.1 None.

2. INTERNAL COUNCIL ADVICE

2.1 CITY SERVICES (PRoW OFFICER): Provided there is continuity between the existing surfaced path and the unsurfaced section of the public right of way which joins it AND continues north along the river bank I have no objections.

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 19 December 2018

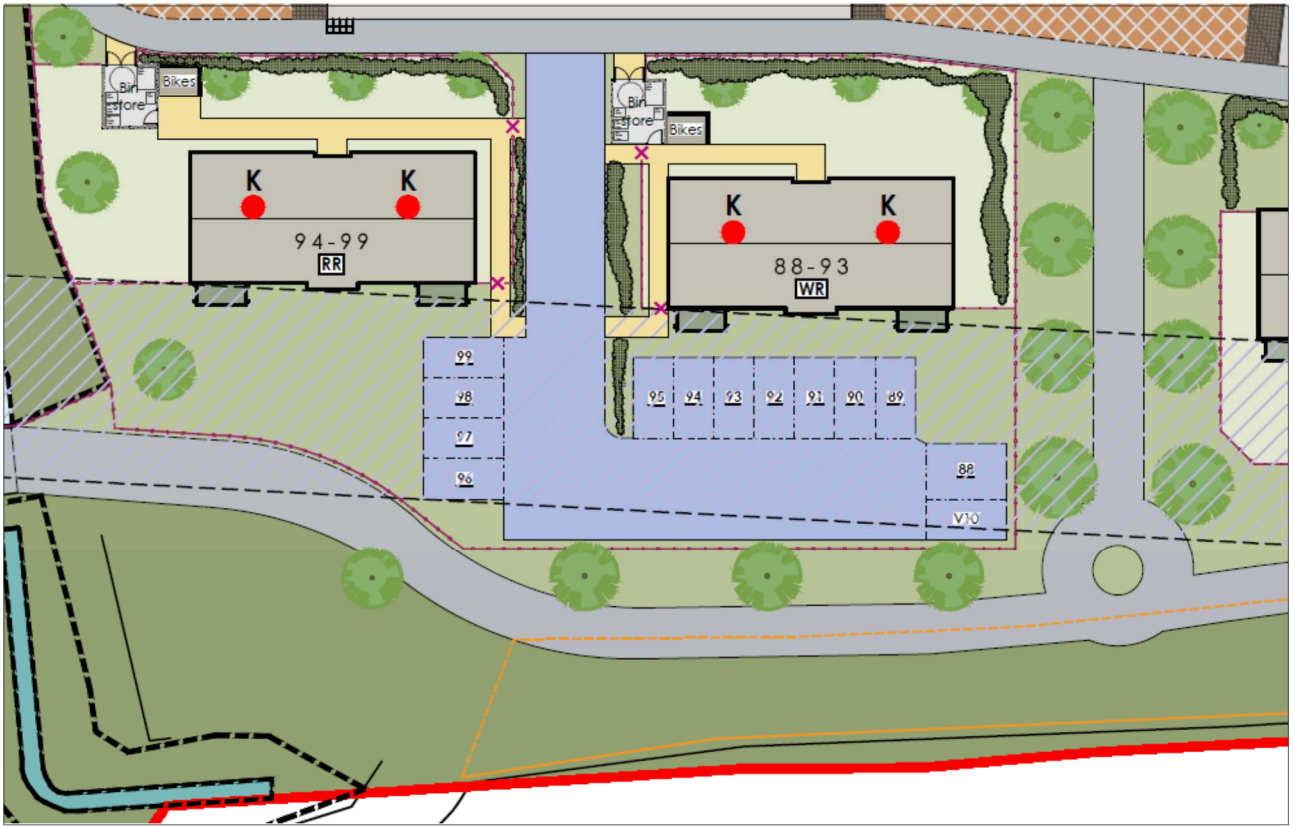
5. ASSESSMENT

5.1 The applicant is seeking to vary the layout plan for the housing development south of Glan Usk School in the following ways:

- Combined footway cycleway along the riverfront is diverted eastwards away from the river front. This reflects the 'as built' situation with the path having been diverted away from western power equipment in the area.
- The rearrangement of the car parking for Plots 88-89 with one space being moved to accommodate the re-routed footpath/cycle way.
- Omission of a stretch of footway serving the parking court to make space for the relocated parking space.
- Concomitant adjustments to landscaping.

The Plan Extracts show the amendments that are sought.

Proposed Amendment (Drawing 1839 PRL-01 C)



Approved (Drawing 3073 (04) 100 O)



5.2 The tests for non-materiality are:

- (a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,
- (a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

(b) would the interests of any third party or body be disadvantaged in planning terms; or,
(c) would the proposed change conflict with national or development plan policies?

And any other tests considered relevant to the proposal.

- 5.3 In essence the proposal is to relocate a single parking space which is in response to the combined footway and cycleway being moved slightly to the east away from the river. The changes in the proposed foot access and planting result from the movement of the cyclepath and the parking space.
- 5.4 In terms of the tests for non-materiality none of the changes either individually or in combination would have any impact different from the approved scheme. There would be no detrimental impact in terms of visual or wider amenity. Pedestrians accessing the parking court would need to walk along the access lane to the court rather than along a dedicated footway. However few vehicles will access the court and speeds will be low so no significant adverse impact on safety is expected and nor would the hierarchy of sustainable movement espoused by planning Policy Wales 10 be undermined. No third party would be effected and nor would there be any conflict with local or national policy.
- 5.5 The changes are considered non-material and can be agreed subject to a revised plans 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 proposed changes are non-material.

8. DECISION

APPROVED & CONDITIONS

01 The development shall be implemented in accordance with the following plan and documents:

- Drawing 1839 PRL-01 C

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Drawing 1839 PRL-01 C

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP8, GP2, GP3, GP4, GP5, GP6, CE2, CE3, T4, T5, T6 & CF4 were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.
