

APPLICATION DETAILS

No: 19/0423 **Ward:** ST JULIANS

Type: DISCHARGE CONDITIONS

Expiry Date: 09-AUG-2019

Applicant: ENGIE

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

Proposal: PARTIAL DISCHARGE OF CONDITION 04 (BIN STORES), 09 (BOUNDARY TREATMENT), 11 (ACOUSTIC FENCING), 17 (BOUNDARY WALLS) 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

DECISION APPROVED

1. CONSULTATIONS

1.1 None.

2. INTERNAL COUNCIL ADVICE

2.1 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): Having considered the submitted details I can confirm that we have no objection to the discharge of condition 11 of the approved planning application 18/0293. This is subject to the submitted specification to mitigate for any external noise to the standard recommended in BS 8233: 2014: Guidance on Sound Insulation and Noise Reduction for Buildings (BS8233:2014) for the concerned areas i.e. (dwelling backing onto the railway or adjacent industrial land) of the development in question.

2.2 THE HEAD OF CITY SERVICES (WASTE MANAGER): No objection.

2.3 THE HEAD OF CITY SERVICES (HIGHWAYS): No response.

3. REPRESENTATIONS

3.1 NEIGHBOURS: None.

3.2 COUNCILLORS: None.

3.3 COMMUNITY COUNCIL: None.

4. RELEVANT SITE HISTORY

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 04 (Bin Stores), 09 (Boundary Treatment), 11 (Acoustic Fencing) and 17 (Boundary Walls) 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 04 states (Bin Stores);

“Prior to the construction of any bin store or cycle store as shown in Drawing 3073 (04) 100 N full details of those stores shall be submitted to the local planning authority. Following the Local Planning Authority’s written agreement the store shall be provided fully as agreed prior to the occupation of any unit served by that store.

Reason: in the interests of residential amenity & sustainability and to ensure the bin stores have sufficient capacity.”

5.3 Within the original application the location of the bin stores provided to serve the flatted development within the scheme were agreed, however a lack of detailed information was submitted. As such, this condition requires details of the bin stores in order to ensure they are of sufficient capacity and appearance. Details of the three bin store types have been submitted which would all be of a comparable size and design. The bin stores will be constructed of ‘hit and miss’ timber boards and have a maximum height of 1.95 metres. The bin stores will be fitted with doors that have a secure entrance lock to BS 3621:2004.

5.4 Bin Store 1 has been laid out to provide the following bins, boxes and food caddy’s;

- 2no. 1100 litre wheelie bin for refuse storage;
- 1no. 660 litre wheelie bin for refuse storage;
- 1no. 360 litre wheelie bin for cardboard/paper;
- 1no. 360 litre wheelie bin for plastic/cans;
- 1no. 240 litre wheelie bin for food;
- 1no. 240 litre wheelie bin for glass.

Bin Store 2 has been laid out to provide the following bins, boxes and food caddy’s;

- 1no. 1100 litre wheelie bin for refuse storage;
- 1no. 360 litre wheelie bin for cardboard/paper;
- 1no. 360 litre wheelie bin for plastic/cans;
- 1no. 240 litre wheelie bin for food;
- 1no. 240 litre wheelie bin for glass.

Bin Store 3 has been laid out to provide the following bins, boxes and food caddy’s;

- 1no. 1100 litre wheelie bin for refuse storage;
- 1no. 360 litre wheelie bin for cardboard/paper;
- 1no. 360 litre wheelie bin for plastic/cans;
- 1no. 240 litre wheelie bin for food;
- 1no. 240 litre wheelie bin for glass.

5.5 The bins stores are of an appearance that you would typically associate with facilities of this nature and their storage capability appears to be of a sufficient size. The Head of City Services (Highways) has not responded and The Head of City Services (Waste Manager) has offered no objection to the bin stores. The applicant has confirmed that an indemnity would be agreed to allow refuse collection vehicles to enter the private area to collect the bins. As such the condition can be partially discharged.

5.6 Condition 09 states (Boundary Treatment);

“Notwithstanding the submitted details, details of an alternative rear boundary treatment for Plots 144-149 & Plots 161-166 shall be provided in writing to the Council. Following the Council’s written agreement the boundary shall be installed fully as agreed prior to the first occupation of those Plots.

Reason: to ensure the provision of a high quality boundary in a prominent and publically accessible location.”

5.7 The original application proposed 1.8 metre high close timber fencing to the rear of houses and whilst this was generally considered acceptable, at plots 144-149 and 161-166 which are within prominent and publically accessible locations, this style of boundary treatment is not considered acceptable. As such, this condition requires a higher quality of boundary treatment to be submitted and agreed by the LPA. Following negotiation with the applicant,

a proposed site plan has now been submitted denoting the boundary treatment of the aforementioned plots to be 1.8 metre high ball top railings, which are considered to be acceptable.

5.8 Condition 11 (Acoustic Fencing) states;

“Prior to the occupation of any dwelling backing onto the railway or the adjacent industrial land; full details of an acoustic fence including its location, height, density, means of construction, materials and finish (colour & texture) shall be provided in writing to the Council. Following the Council’s written agreement the fence shall be provided as agreed before the occupation of any of the Plots described above.

Reason: to protect the outdoor and indoor amenity of the occupiers of those Plots and to accord with the assumptions of the submitted Environmental Statement in relation to noise mitigation.”

5.9 In relation to the discharge of this condition, the location and details of the acoustic fencing in relation to the dwellings backing onto the railway and adjacent industrial land has been submitted. Environmental Health have offered no objection to the partial discharge of this condition and have stated that the specification submitted is acceptable, however, it has been stated that this cannot be explicitly confirmed until post installation testing has taken place. It would be considered unreasonable to request that the acoustic fencing is installed and tested prior to the partial discharge of the condition, as the wording of the condition does not require the installation and verification by way of retrospective testing. As Environmental Health has stated they are satisfied with the general specification submitted, then there is no reasonable explanation as to why the requirements of the condition has not been met and as the condition can be partially discharged.

5.10 Condition 17 (Boundary Walls) states;

“Details of the proposed brick wall boundary treatments shall be provided in writing to the Council. Following the Council’s written agreement the walls shall be provided as agreed prior to the occupation of any relevant plot.

Reason: in the interests of visual & residential amenity and safety & security.”

5.11 Brick walls are located along the boundaries of a number of residential units in locations that would be publically visible within the site. The details submitted include 1.8 metre high brick walls with piers and coping and these are considered to be of a high quality boundary treatment that offer a satisfactory level of safety and security as well as visual amenity. The condition can be partially discharged.

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 details submitted in order to partially discharge condition 04 (Bin Stores), 09 (Boundary Treatment), 11 (Acoustic Fencing) and 17 (Boundary Walls) 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"* are considered to be acceptable and the application is approved.

8. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: Plan of Acoustic Fence Location Revision A (Dated 07/03/2017); Drawing No. 1685/BS/01 – Bin Store 1; Drawing No. 1685/BS/02 – Bin Store 2; Drawing No. 1685/BS/03 – Bin Store 3; Drawing No.031 – Freestanding Masonry Walls 1800mm High Max.; Drawing No. 1839-D02 – External Details 1800mm and 900mm High Ball Top Railing; Acoustic Fencing Data Sheet (Proctor Contracts); Drawing No. EN-01 – External Enclosures REV A.

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.
