

## APPLICATION DETAILS

**No:** 15/1231      **Ward:** ST JULIANS

**Type:** NON-MATERIAL AMENDMENT

**Expiry Date:** 15-DEC-2015

**Applicant:** RIVERSEE LTD

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

**Proposal:** NON MATERIAL AMENDMENT TO EARTH EMBANKMENTS TO EASTERN AND WESTERN BOUNDARIES GRANTED PERMISSION UNDER APPLICATION 13/1279.

## DECISION: APPROVED

### 1. CONSULTATIONS

1.1 None.

### 2. INTERNAL COUNCIL ADVICE

2.1 None.

### 3. REPRESENTATIONS

3.1 None.

### 4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
13/1279	DEVELOPMENT OF 249 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	GC 11 November 2015
03/1531	ERECTION OF A REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT AND HARD PLAY AREAS AND RESIDENTIAL DEVELOPMENT (PURSUANT TO 00/0768)	AC 25 May 2004
00/0768	REPLACEMENT PRIMARY SCHOOL, ALL WEATHER PITCH, SOFT & HARD PLAY AREAS & RESIDENTIAL DEVELOPMENT	GC 06 November 2000

### 5. ASSESSMENT

5.1 The applicant is seeking to amend the scheme approved under permission 13/1279 in regard to the embankments that will need to be engineered when the site is raised for flood protection reasons and to contain existing contamination on the site.

5.2 The changes relate to how the embankments will be formed. The extant permission shows a variety of retaining walls (of differing heights) and earth embankments being used to retain the raised material. The changes the applicant seeks are:

- The width of the proposed earth embankments has increased slightly by a few hundred mm.

5.3 The relevant tests cited in 'Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission' (July 2014) 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?

- 5.4 The scale of the proposed changes is very minor, actually unnoticeable. The change would have no impact on visual or local amenity beyond the considerations already made. No third party would be disadvantaged by the change and the change does not conflict with any local or national policy. The change is non-material.

## 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 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

### 6.5 **Planning (Wales) Act 2015 (Welsh language)**

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

## 7. CONCLUSION

- 7.1 The proposed change is non-material

## 8. DECISION

### APPROVED WITH CONDITIONS

01 The development shall be carried in accordance with:

- Drawing sw49(04) 01K – Proposed Site Layout

Reason: to comply with Paragraph 5.30 & 5.31 of Welsh Government Circular 016/2014

### NOTE TO APPLICANT

01 Non conditioned plans submitted with this application were:

- Drawing sw49(04) 01J – Proposed Site Layout

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 This decision must be read in conjunction with the decision notice for permission 13/1279 which contains conditions and planning obligations which are relevant to and enforceable upon the development amended in this approval.