

## APPLICATION DETAILS

**No:** 17/0208      **Ward:** ST JULIANS

**Type:** DISCHARGE CONDITIONS

**Expiry Date:** 12-MAY-2017

**Applicant:** KEEPMOAT

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

**Proposal:** PARTIAL DISCHARGE OF CONDITIONS 16 (REEN WIDENING) AND 21 (STREET LIGHTING) OF PLANNING PERMISSION 13/1279 FOR THE DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1

## DECISION: APPROVED

### 1. CONSULTATIONS

- 1.1 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW):  
We have reviewed the submitted documents 'Lighting Scheme – Reference 29820/PJ/D' prepared by Kingfisher Lighting. We note from the submitted updated documents that lighting spill on the embankment is shown to be less than 1 lux. Given this we are able to recommend the discharge of the above condition.

CNC/NRW note condition 16 (Reen Widening) is not a condition they have requested and they make no comment on this issue.

### 2. INTERNAL COUNCIL ADVICE

- 2.1 HEAD OF STREETSCENE & CITY SERVICES (ECOLOGY OFFICER): the proposed lighting should not cause any light spill onto the river bank or the proposed bund. There are many options and lighting solutions available to eradicate light spill. In other sites we have not accepted light spill of over 1lux. (Linear Park, Ebbw River, Rogerstone) as there was no lighting there previously.
- 2.2 HEAD OF STREETSCENE & CITY SERVICES (DRAINAGE MANAGER): I have no objection with regard to Application 17/0208. However, I comment as follows;
- Whilst separate to planning, relevant consent should be obtained if work is undertaken to modify an existing watercourse, i.e. Ordinary Watercourse Consent.
  - I suggest construction details are provided of the proposed reen/watercourse, i.e. to show construction details.

### 3. REPRESENTATIONS

- 3.1 None.

### 4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
13/1279	DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1	GC 11 August 2015

### 5. ASSESSMENT

- 5.1 The applicant is seeking to partially discharge condition 16 (reen widening) and condition 21 (street lighting) of planning permission 13/1279. Those conditions read as follows:

16) Full details of the re-en widening works and flap valve along with a timetable for its completion shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the details approved prior to the occupation of any phase approved under condition 7 whose surface water drains to the widened re-en. The information submitted shall demonstrate that the widened re-en has sufficient capacity to contain surface water run-off from the site.

Reason: In the interests of residential amenity and to safeguard drainage interests.

21) Details of all street lighting pertinent to any relevant phase of development shall be submitted to and approved in writing by the local planning authority prior to the construction of any dwelling in that phase or in the event the phase contains no dwellings then prior to the installation of the lighting. The lighting shall be implemented in accordance with the approved details prior to the occupation of the last dwelling within that phase or in accordance with any implementation time table submitted with the details. Details for Phases that contain no dwellings shall contain an implementation timetable. No other lighting shall be installed other than as agreed.

Reason: to protect the conservation interest of the River Usk and in the interests of residential amenity, highway and pedestrian safety and the security of the site.

- 5.2 In terms of condition 16 (reen widening) the applicant has submitted a document 'Surface Water Calculations' demonstrating that the proposed re-en widening is sufficient to accommodate in-flows at tide lock conditions whilst allowing for a storm event and climate change. The applicant has confirmed that a new flap valve has been installed and has given details of the new valve which was installed over a single day in February having minimal impact on the river. The Drainage Manager has no objection to the application but so the condition can be discharged in part.
- 5.3 In terms of lighting details the applicant has submitted a drawing showing the positioning of lighting columns along the riverfront access road. In response to concerns raised by CNC/NRW and the Ecology Officer the lighting design was amended to reduce the light output from one of the columns which was producing significant light throw over the ecologically sensitive river bank. CNC/NRW confirms that it is now satisfied with the proposed lighting scheme given the extent of light throw over the ecologically sensitive river bank.
- 5.4 The Highways Section has not commented on the application but the submitted lighting drawing shows the proposed riverfront highway and footway being lit. There is no reason to think the lighting level will be inadequate or highway and pedestrian safety will be prejudiced. As such the proposed lighting is acceptable in highway safety and general amenity terms.

## 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 ***Wellbeing of Future Generations (Wales) Act 2015***

Section 3 of the Act 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 (section 5). This duty has 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 Conditions 16 (Reen Widening) of permission 13/1279 can be discharged in part. Condition 21 (Streetlighting) of permission 13/1279 can be discharged in part in relation the area of the site contained within Drawing 29820/PJ/D.

**8. DECISION**

**APPROVED**

*NOTE TO APPLICANT*

01 This decision relates to the following documents:

- Drawing 29820/PJ/D – Herbert Road Highway, Newport
- Drawing 1155090 550 – Reen Layout
- Tidal Flap Replacement (08/02/2017)
- 600mm Tidal Flap Valve
- Photograph of Installed Flap Valve
- Surface Water Calculations; Reen Sizing (1155090 – Reen)

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.

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