

## APPLICATION DETAILS

No: 21/0984 Ward: St Julians

Type: Discharge Conditions

Expiry Date: 17th February 2022

Applicant: Engie

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 18/0293 FOR DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1**

Decision: Refused

### 1. CONSULTATIONS

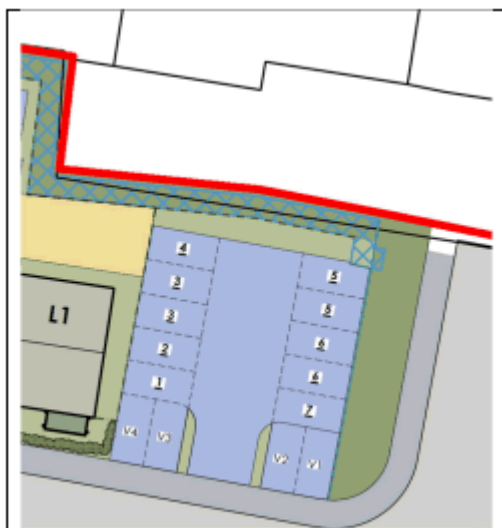
1.1 None.

### 2. INTERNAL COUNCIL ADVICE

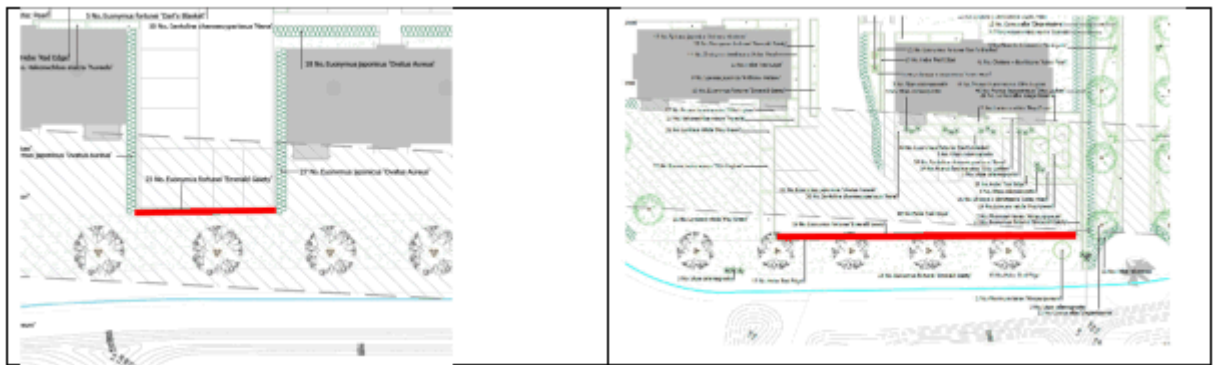
#### 2.1 HEAD OF STREETSCENE & CY SERVICES (LANDSCAPING):

Please note that some comments may not relate specifically to condition 8 but do relate to the wider landscape plans as submitted.

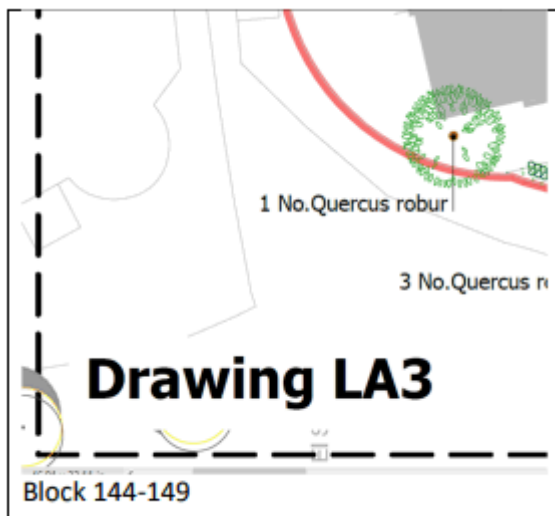
1. It is not clear how land along the north boundary between the proposed 1.8m palisade fence and red line is to be treated and managed. This should be confirmed.
2. A 1.8m palisade fence and ball top railings are shown edging the car parking court below. Please confirm if allowance for vehicle overhang has been provided as if not there is a likelihood of fence/railing damage.



3. There are two areas where planting to car park courts will provide an open view onto parking from the River Usk walkway as proposed planting is low (0.5m high) and in a narrow 1m wide planting bed, albeit there will be railings beyond (see extract below). Are the open views a community police requirement? If not it would make sense to provide the public footpath with a screen onto the car parking courts.



4. Several easements are shown – it is not clear what these are but if underground service runs, a number of trees are shown and this may require review. This should be confirmed.
5. An oak tree is proposed around 1m from block 144-149 (see extract below) which will not be sustainable.



6. Santolina is shown along the north of building elevations, please confirm this can cope with dense shade.
7. A maintenance/management plan will be required, please confirm if this has already been provided. This should confirm the height of hedging and clearly show the three grass mix areas and describe the maintenance regimes for each.
8. A tree pit detail is required in line with BS8545 (2014) 'Trees from nursery to independence in the landscape'.
9. Note that the British Standards for topsoil and subsoil have been updated: from 2007 to 2015 for topsoil and from 1994 to 2013 for subsoil.

### 3. REPRESENTATIONS

- 3.1 None received.

### 4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
18/0293	DEVELOPMENT OF 206NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1	GC 03 October 2018

### 5. ASSESSMENT

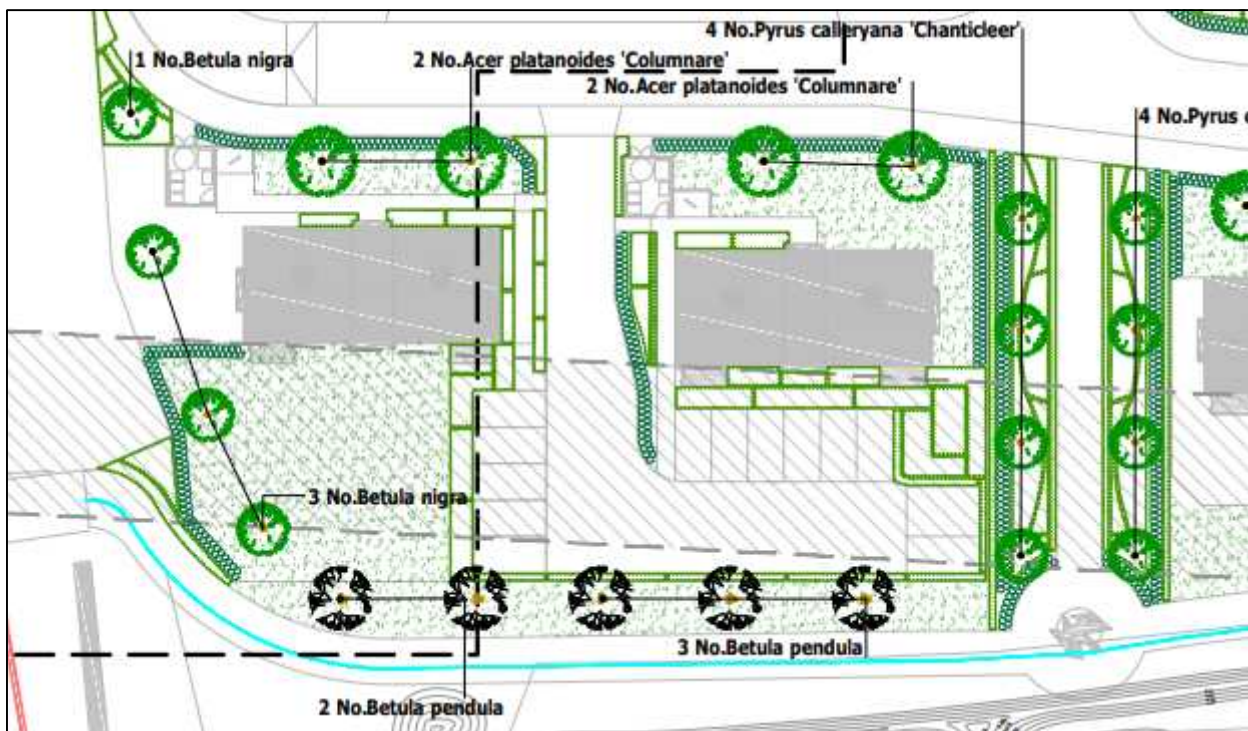
- 5.1 The applicant is seeking to partially discharge Condition 08 of Planning Permission 18/0293. That condition reads as follows:

*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.*

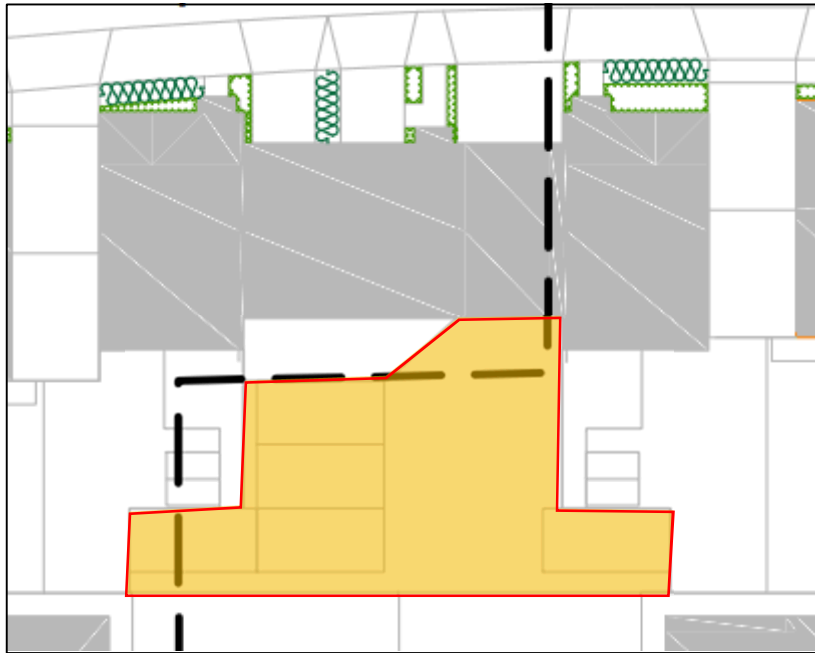
*Reason: to ensure that these are high quality spaces that provide a safe and attractive environment to users.*

- 5.2 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.
- 5.3 The information provided relates to the entire site and it is pleasing to see that the parking areas that are open to public view and proximate to the riverside walk show more attention to planting and will be delivered in an appropriately planted and attractive way. However these spaces are not the ones the condition drives at.

Extract from Drawing A102732 P LA1 F – Landscape Layout; Riverside Parking Court



- 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.
- 5.5 This would amount to poor Placemaking due to lack of variation in material finishes, lack of planting and standardised boundary treatments (close board fence) leading to oppressive spaces of poor visual quality. This contrary to Policies GP2 (General Amenity) and GP6 (Design) of the adopted Newport Local Development Plan.



Orange – Parking Court

- Tarmac finish
- Close board fences
- No planting

5.6 In terms of lighting the applicant has provided details of 5W and 10W lights that are triggered by Passive Infrared Sensors (PIR). These appear to be wall mounted but it is not clear how many of these there will be or where they will be located. In short there is insufficient detail to be confident that the courts will be lit to an appropriate level without adversely impacting on the amenity of nearby residents. The level of information provided is not sufficient to discharge the condition and there is not robust evidence that Policy GP2 (Amenity) is 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 submitted details are not acceptable and the condition cannot be discharged.

## 8. **DECISION**

### **REFUSED**

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.

### *NOTE TO APPLICANT*

01 This decision relates to the following plans & documents:

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 EN-01 J – External Enclosures  
Drawing 1839 PRL-01 L – Production Layout  
Drawing 3073 (04) 001 B – Site Location  
Luceco – Solar Guardian 5W Floodlight  
Luceco Specification Sheet – Solar Guardian with PIR

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 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.

