

## **APPLICATION DETAILS**

**No:** 23/0797      **Ward:** St Julians

**Type:** Non-Material Amendment

**Expiry Date:** 13th October 2023

**Applicant:** R. Mackin

**Site:** *Land To South of Glan Usk Primary School, Herbert Road, Newport, South Wales*

**Proposal:** ***NON MATERIAL AMENDMENT APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) IN RESPECT OF 18/0293 DEVELOPMENT OF 195 NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORKS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AFFECTING PUBLIC RIGHT OF WAY 407/1. AMENDMENTS INCLUDE CHANGES TO LOCATION OF BIN AND CYCLE STORES AND LANDSCAPING/HIGHWAYS LAYOUT***

**Decision:** Part Approved & Conditions / Part Refused

### **1. CONSULTATIONS**

1.1 None.

### **2. INTERNAL COUNCIL ADVICE**

2.1 HEAD OF ENVIRONMENT & PUBLIC PROTECTION (LANDSCAPING): No objection.

2.2 HEAD OF INFRASTRUCTURE (HIGHWAYS)

Highway Recommendation: Objection in part and request for more information for clarity.

Highway Comments: The changes to the bin store for units 138-143 result in parking spaces relocated adjacent to a fence. This does not satisfy requirements for pedestrian visibility. The space could be located here, but only subject to an amended boundary detail. There is no information regarding the cycle store, therefore clarification is needed. The space adjacent to the bins is not adequate.

Similarly, the position of the cycle store for 161-166 is acceptable, but only subject to additional paths /linkage to an entrance and changes to landscaping to ensure that it is subject to natural surveillance.

In both cases we would seek more detail to ensure that the quality/quantity of provision is adequate.

With respect to the removal of grass, further information is requested. It is not clear where this is or why it is a problem. Please highlight the specific areas for clarity.

The application form states:

*“Traffic calming ramp - The original location for the ramp was sited in front of dropped kerbs for driveway access. It is moved to avoid levels issues”.*

Again, it is not clear where changes have been made. Several plateaux have levels changes adjacent to drives, which is likely to raise issues and we would support amendments, however we are unable to identify where amendments have been made. We would request unit references or an overlay of original/proposed detail to clarify.

### **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 03 October 2018

#### 5. ASSESSMENT

5.1 The applicant is seeking to non-materially amend the above permission in terms of Condition 01, that is the approved Plans.

5.2 The proposed changes relate to the following:

- Relocation of bike & bin store to apartment block plots 138-143,
- Relocation of Bike store to apartment block plots 161-166,
- Relocation of traffic calming ramp between plots 124 & 179,
- Omission of grass strips between driveways and paths between plots 123-126, 136-135, 157-160, 186 & 193.

5.3 The relevant tests are set out in Approving Non-material Amendments to an Existing Planning Permission (July 2014) at Paragraph 2.6. They are as follows:

- (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?

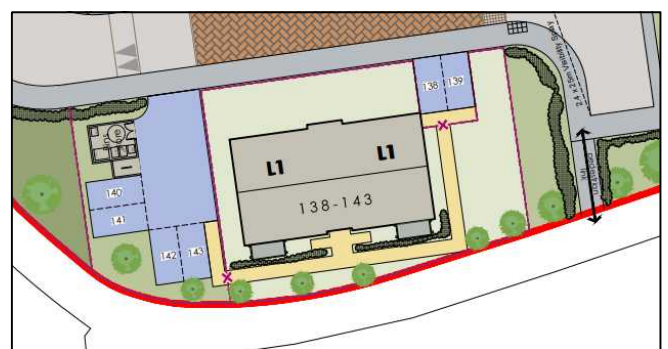
And any other test that is considered appropriate in the context of the application.

5.2 The changes sought are:

Bin Store 138-143

18/0273

23/0797



In effect the bin store has been swapped with two parking spaces. This was probably to take built development out of the drainage easement. The Highways Officer notes that the parking spaces are constrained by a fence (1.8m balltop railings) and given the spaces standard width (2.4m) this makes them unusable since no one can reasonably open their car door without hitting the fence. As such the change adversely impacts on parking provision taking it below the Policy requirement and therefore the change cannot be non-

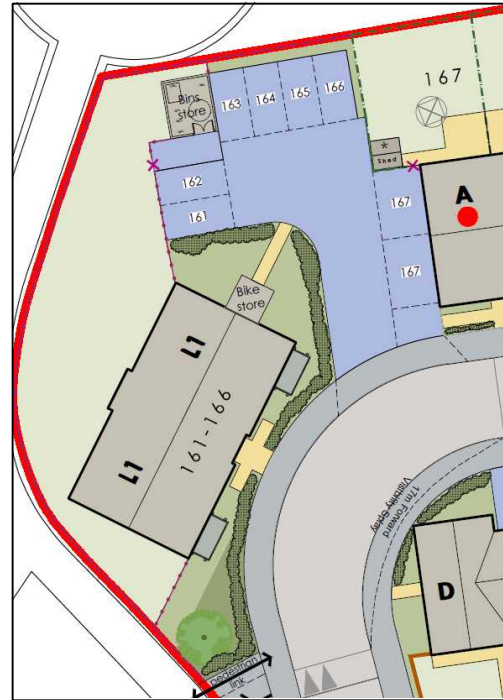
material. Given the fence consists of railing no adverse impact on visibility and pedestrian safety would be expected.

- 5.3 The Highways Officer also criticises the space around the bin store but this seems adequate to allow ready access to residents and refuse collectors and the location change is judged non-material per se.

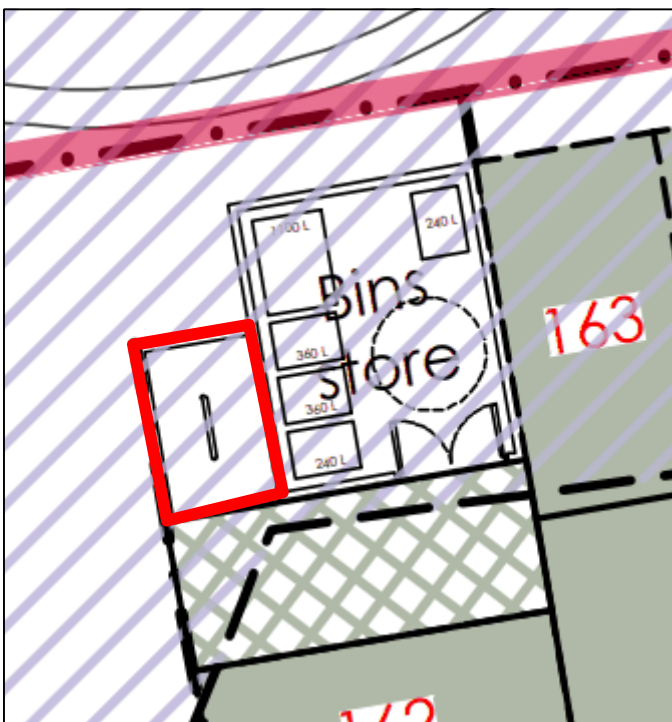
Bike Store 161-166

18/0273

23/0797



- 5.4 The approved drawing does not contain any symbol for bike store in its key and nor is there any annotation on the plan but it is likely that the bike store element was this (outlined red):



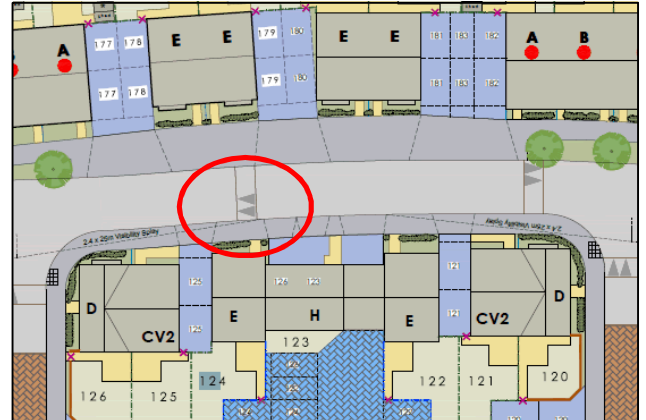
- 5.5 As such the proposal moves the bike store from within the parking area to adjacent to the block of flats. Although access is still via the parking area this is not seen as materially

different to the approved arrangement and so this change is considered to be non-material in context. The submission provides no details of the revised bike store but that is controlled by Condition 04 of Permission 18/0273 with a pre-occupation trigger. As such the Council retains control over the appearance of the store and the only matter for consideration here is the locational change which is deemed non-material.

Traffic Calming Ramp – 124 to 179

18/0273

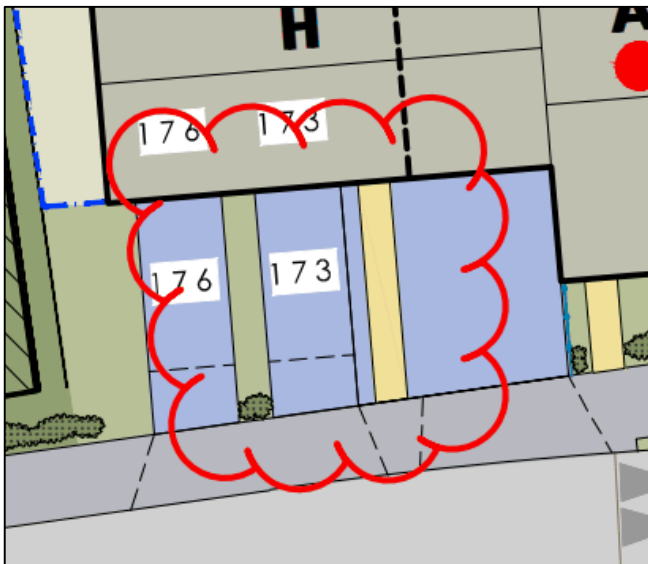
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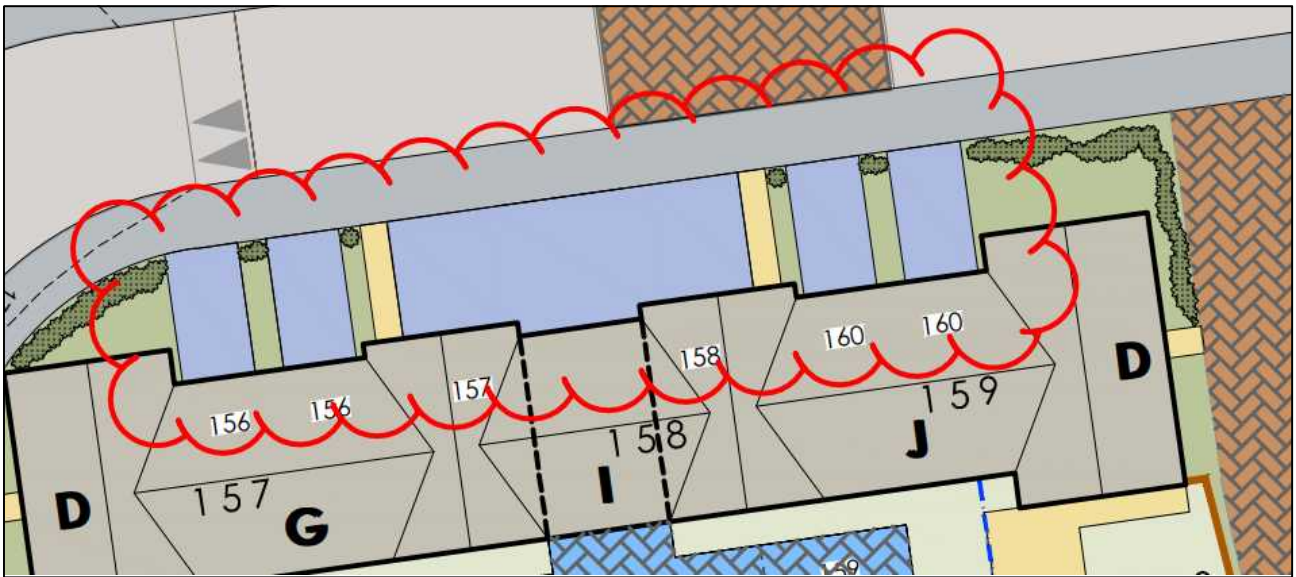


- 5.6 In effect the ramp has been moved from in front of Plot 177 to in front of Plot 179, approximately 14m. This change is considered de minimis.

Grass Strips – Plots 134-136, 157-159, 173-176, 187-189, 191 & 192-193

- 5.7 The applicant is seeking to omit planting shown to the front of various units. These are in effect narrow strips normally between driveways, see exemplars below:





5.8 The applicant points to the practical difficulties of delivering these narrow strips since haunching and in some cases drainage runs reduces these in reality to well below 1m and with no soil depth to support any planting. It is presumed that they will be replaced by blacktop as the cheapest possible solution. However it is clear that if this happens then significant frontages will be tarmacked without relief. Tarmac parking bays will open on to tarmac footways which in turn will abut tarmac roads. Frontages will be materially hardened and there will be an adverse impact on visual amenity and a reduction in placemaking quality. As such the proposed change more than 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 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 following proposed changes are non-material:

- Relocation of Bike store to apartment block plots 161-166,
- Relocation of traffic calming ramp between plots 124 & 179,

7.2 The following proposed changes are more than non-material:

- Relocation of bike & bin store to apartment block plots 138-143,
- Omission of grass strips between driveways and paths between plots 123-126, 136-135, 157-160, 186 & 193.

## 8. **DECISION**

### **Part Approved & Conditions**

- Relocation of Bike store to apartment block plots 161-166,
- Relocation of traffic calming ramp between plots 124 & 179,

01) The non-materially amended development shall be carried out in accordance with the following plans so far as they apply to the above works:

- Drawing 1839 PRL-01 S – Production Layout

### **Part Refused**

- Relocation of bike & bin store to apartment block plots 138-143,
- Omission of grass strips between driveways and paths between plots 123-126, 136-135, 157-160, 186 & 193.

01) The above changes fail the relevant tests for non-materiality and are considered to be more than non-material.

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos:

- Drawing 1839 PRL-01 S – Production Layout (annotated)
- Drawing 1839 PRL-01 S – Production Layout
- Drawing 3073 (04) 001 B – Site Location

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4 & 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.

04 It is considered that the decision has been made in conformity with the Marine Policy Statement (2011) and in accordance with marine national planning policy contained within the Welsh National Marine Plan (2019) as demonstrated in the assessment of this proposal.

05 This decision should be read in conjunction with that for Permission 18/0293 since conditions and the legal agreement that form part of that permission remain relevant and enforceable in relation to the proposal non-materially amended in this decision.

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