

## APPLICATION DETAILS

**No:** 17/0183      **Ward:** ST JULIANS

**Type:** DISCHARGE CONDITIONS

**Expiry Date:** 26-APR-2017

**Applicant:** KEEPMOAT

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

**Proposal:** PARTIAL DISCHARGE OF CONDITION 02 (DRAINAGE), 08 (ROADS/CYCLEWAYS/FOOTWAYS), 17 (HYDROCARBON REMOVAL) AND 23 (MATERIALS) OF PLANNING PERMISSION 13/1279 FOR 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 IN RELATION TO PART OF PHASE 1.

## DECISION: APPROVED

### 1. CONSULTATIONS

1.1 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW): We have reviewed the submitted documents and note that an A Class 1 separator will be used to remove hydrocarbons on site. We therefore are able to recommend the discharge of condition 17. The other conditions are not CNC/NRW conditions and no comment is offered.

### 2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF STREETSCENE & CITY SERVICES (HIGHWAYS):  
Condition 02 Drainage and Condition 08 (Roads / Cycleways / Footways); The Highways Section is in discussion with the applicant's Consultant Engineer Regarding highway design and drainage. Whilst the proposals are not to an adoptable at the moment they are fit for purpose and an acceptable solution is available such that I would not oppose the discharge of this Condition.  
Condition 17 (Hydrocarbons Removal) – No comment.  
Condition 23 (Materials) – No comment.

2.2 PUBLIC PROTECTION MANAGER (SCIENTIFIC OFFICER): No comment since none of the conditions relate to Human Health.

### 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
16/1285	PARTIAL DISCHARGE OF CONDITION 7 (PHASING) 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	A 26 January 2017

### 5. ASSESSMENT

- 5.1 The applicant is seeking to partially discharge conditions condition 02 (Drainage), Condition 08 (Roads / Cycleways / Footways), Condition 17 (Hydrocarbon Removal) and Condition 23 (Materials) of planning permission 13/1279 for 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. Those conditions read as follows:

*Condition 02 (Drainage): No development shall commence in relation to each phase as defined by Condition 7 (unless in relation to remediation of contamination or other specific advanced works as agreed in writing) until details of the foul and surface water drainage and storage system for that phase (or for any other area as may be agreed) including means of discharge into the drainage network, have been submitted to and approved in writing by the local planning authority. The development associated with each phase shall be implemented in accordance with the approved details prior to first occupation of that phase.*

*Reason: to ensure the protection of the River Usk SSSI and the River Usk SAC and to prevent overloading of the local sewerage and surface water drainage network.*

*Condition 08 (Roads / Cycleways / Footways): Roads/cycleways/footways on the site in relation to each phase (as defined by Condition 7) shall be constructed in accordance with plans submitted to and approved in writing by the local planning authority prior to commencement of development of the relevant phase and completed in accordance with the approved details prior to first occupation of that phase unless an alternative timescale has been approved in writing by the local planning authority.*

*Reason: in the interests of highway and pedestrian safety and to ensure that the road works are completed to an adoptable standard.*

*Condition 17 (Hydrocarbon Removal): Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, hardstandings and road surfaces shall be cleansed of hydro-carbons. The capacity and design of the mechanism to remove hydro-carbons shall be submitted to and approved in writing by the local planning authority prior to its installation. The mechanism shall be retained thereafter.*

*Reason: to safeguard the conservation objectives of the River Usk Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).*

*Condition 23 (Materials): No work shall be commenced on the construction of the approved scheme in relation to roads, parking areas and dwellings on any phase as defined by Condition 7 until details/samples of materials and finishes to be used on the external surfaces (including buildings and hard landscaped areas; car park and access road areas) in relation to that phase have been submitted to and approved in writing by the local planning authority. The development of each phase shall then be carried out using the approved materials for that phase.*

*Reason: to ensure that the development is completed in a manner compatible with its surroundings.*

- 5.2 The applicant has submitted drawings showing the proposed foul and surface water drainage for the blocks of flats in Phase 1 of the site. These are the flatted blocks at the southern end of the site in the 'tail' that extends along the riverfront. The drawings show surface water drainage running to the north and through an oil separator to an outfall on the banks of the River Usk. Foul drainage will run along the rear of the flats and join to an existing on-site sewer that runs approximately due east. Dwr Cymru / Welsh Water under their consultation response to the parent application (13/1279) required that surface water did not connect to the foul sewerage system either directly or indirectly and this submission shows this objective is achieved with surface water draining to the adjacent River Usk. As such the proposed drainage for this part of the site is acceptable and condition 02 (Drainage) can be discharged in part.

- 5.3 The application has provided details of roads and footways that relate to this part of the site. The layout and geometry of the roads is shown and details of construction have been provided. These confirm that roads and footways are provided to a sufficient standard to

assure residential amenity. The Highways Section does not object to the proposal whilst noting that the current arrangement would not be adoptable as shown. However this is not a planning matter. The roads and footways as shown provide appropriate access and will achieve an acceptable level of amenity. Condition 08 (Roads / Footpaths / Cycleways) can be discharged in part.

5.4 The applicant has provided details of an oil separator provided by Klargestor. CNC/NRW has no objections to the proposed oil separator and Condition 17 can be discharged in part.

5.5 In terms of materials the submitted drawings show the roads and footpaths being constructed with appropriate sub-base and 'tarmac' surfacing. Kerbs are to be of concrete with in-kerb drainage. The proposed materials are acceptable and Condition 23 (materials) can be discharged in part.

## **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 02 (Drainage), 08 (Roads / Cycleways / Footways), 17 (Hydrocarbon Removal) and 23 (Materials) of planning permission 13/1279 are discharged in part in relation to part of Phase 1 as defined in approval 16/1285.

## 8. DECISION

### APPROVED

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos:

Drawing AR-510 – Klargestter Oil / Petrol Separator

Drawing S104 – S104 Drainage Layout (Phase 1)

Drawing 511 – S04 Long Section (Phase 1)

Drawing 512 – S104 Drainage Construction Details

Drawing 699 – Proposed Phase 1 Highways Layout (Single Sheet).

Drawing 700 A – Proposed Phase 1 Highways Layout

Drawing 701 A – Proposed Phase 1 Highways Layout

Drawing 702 A – Proposed Phase 1 Highways Layout

Drawing 703 – Proposed Phase 1 Highways, Road Long Sections

Drawing 704 A – Proposed Phase 1 Highways Construction Details

Drawing 799 – Proposed Road Layout (Single Sheet)

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.

04 This approval only discharges the relevant conditions in part and only in relation to Parts of Phase 1 of the scheme as defined in approval 16/1285. Further details will need to be submitted to fully discharge these conditions or to discharge them in relation to other parts of the site.

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