

APPLICATION DETAILS

No: 17/0970 Ward: ST JULIANS

Type: DISCHARGE CONDITIONS

Expiry Date: 15-DEC-2017

Applicant: KEEPMOAT

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

Proposal: PARTIAL DISCHARGE OF CONDITIONS 16 (REEN WIDENING WORKS) AND 24 (BOUNDARY TREATMENTS AROUND THE REEN) OF PLANNING PERMISSION 13/1279 FOR DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS

DECISION: APPROVED

1. CONSULTATIONS

1.1 CYFOETH NATURIOL CYMRU / NATURAL RESOURCES WALES (CNC/NRW): No comment.

2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF STREETSCENE & CITY SERVICES (DRAINAGE): No objection. However, the applicant should be informed that as an existing watercourse is to be modified that ordinary watercourse consent may be required and therefore the applicant should make contact with the relevant authority.

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 the following conditions of Planning Permission 13/1279 in relation to the area of Phase 1.

Condition 16 - Full details of the reen 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 reen. The information submitted shall demonstrate that the widened reen has sufficient capacity to contain surface water run-off from the site. Reason: In the interests of residential amenity and to safeguard drainage interests.

Condition 24 - No work shall be commenced on the construction of any building in the approved scheme in relation to each phase as defined by Condition 7 until full details of all boundary treatments have been submitted to and approved in writing by the local planning authority for that phase. Boundary treatment details in relation to any dwelling or building shall be implemented in accordance with the approved scheme prior to first occupation of that dwelling or building and shall be maintained as such thereafter. Reason: to ensure adequate security and privacy and that the scheme is completed in a compatible manner to its surroundings.

- 5.2 The applicant has provided information in relation to the works that are proposed to Lottery's Reen. This includes a setting out drawing and an assessment confirming that the re-engineered reen has sufficient capacity to accept surface water flows from the development site, including during a storm event whilst accommodating the existing inflow from upstream all during tidelock conditions when water cannot leave the reen to enter the Usk. The Drainage Manager has not objected to the submitted information. As such the information is sufficient to partially discharge Condition 16 since the expanded reen has been shown to be capable of accommodating the run-off from the site.
- 5.3 The applicant has also provided details of the fencing to be provided around the reen. This would be 1500mm high painted ball top steel railings to be coloured grey. The fence will include a pair of double gates 3m wide made of similar materials. These will be sited at the top of the access ramp down into the reen and will allow entry for maintenance purposes. These details are considered acceptable and the condition 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 Condition 16 (Details of Reen Widening and Flap Valve) of planning permission 13/1279 can be discharged in part in relation to the re-engineering of Lottery's Reen to provide additional surface water storage volume.

7.2 Condition 24 (Details of Boundary Treatments) of planning permission 13/1279 can be discharged in part in relation to the proposed fence and gates around the reen.

8. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to the following plans and documents:

- Drawing 3154 (90)204 A – Proposed Site Plan (5 of 6)
- Drawing 3154 (90)205 A – Proposed Site Plan (6 of 6)
- Drawing 1155090 551 – Reen Setting Out
- Surface Water Calculations; Reen Sizing

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 conditional approval relates to planning permission 13/1279 and deals with:

- Condition 16 (Reen Widening & Flap Valve) – in relation to the re-engineering of Lottery's Reen to provide additional surface storage water volume.
 - Condition 24 (Means of Enclosure) – in relation to the fence and gates around the re-engineered reen.
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