

APPLICATION DETAILS

No: 17/0041 **Ward:** ST JULIANS

Type: DISCHARGE CONDITIONS

Expiry Date: 16-MAR-2017

Applicant: KEEPMOAT

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

Proposal: PARTIAL DISCHARGE OF CONDITION 04 (CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN) 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 (RELATES TO PHASE 1 OF DEVELOPMENT ONLY)

DECISION APPROVED

1. CONSULTATIONS

1.1 None

2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF REGENERATION AND REGULATORY SERVICES (PUBLIC PROTECTION MANAGER): No objection.

2.2 HEAD OF STREET SCENE AND CITY SERVICES (HIGHWAYS):
Initially objected to the scheme, based on the fact that a jet wash was proposed which would not be sufficient in this instance and that a wheel wash would need to be provided within the site. Further information regarding the location of the jet wash and general layout of the site was provided. The Highway Officer is satisfied that the jet wash is suitable in relation to Phase One in order to partially discharge Condition 04.

3. REPRESENTATIONS

3.1 None

4. RELEVANT SITE HISTORY

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	GRANTED WITH CONDITIONS
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5. ASSESSMENT

5.1 The applicant is seeking to partially discharge Condition 04 (Construction and Environmental Management Plan) 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. That condition reads as follows:

5.2 Prior to the commencement of development in relation to each phase as defined by Condition 7 or for any other works over any other agreed area of the site, a Construction Environmental Management Plan (CEMP) pertaining to those specific works and the area they affect shall be submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following:

- i. The position of temporary haul roads and compounds containing site offices, workers welfare facilities or compounds containing plant or for the storage of equipment and materials;
 - ii. wheelwashing facilities;
 - iii. dust suppression measures;
 - iv. noise mitigation measures;
 - v. details of temporary lighting during construction works; these shall include details of how light spill to the river will be prevented
 - vi. details of enclosure of working areas;
 - vii. the drainage strategy to operate during construction setting out controls of contamination during construction, including controls to surface water run-off, water pumping, storage of fuels and hazardous materials, spill response plans and other pollution control measures.
 - viii. Other pollution prevention and contingency measures that are to be implemented.
 - ix. Details of specific measure to protect the conservation objectives of the river Usk in terms of control of operations within 10m of the top of the river bank.
- Works for each phase or any other agreed area shall be implemented in accordance with the approved CEMP for that phase or area unless otherwise agreed.

Reason: to protect the amenities of nearby residents and in the interests of safeguarding the conservation objectives of the River Usk SAC and SSSI.

5.3 The submitted Construction and Environmental Management Plan has been reviewed and the Head of Regeneration and Regulatory Services (Public Protection Manager) is satisfied that there is sufficient information to recommend that condition 4 can be partially discharged. Further comments included that a Construction and Environmental Management Plan needs to be submitted for each phase of the development.

5.4 Head of Streetscene and City Services (Highways) originally objected to the partial discharge of the condition because a jet wash was stated within the CEMP as being proposed to be operated within the site rather than a wheel wash. Concern was raised that a jet wash rarely works in this type of site and a wheel wash should be provided. Further information was then provided by the applicant that confirmed the location and functioning of the jet wash within the site. As a result, the Highways Officer is satisfied that the wheel wash is adequate in this instance as it only relates to the first phase of the development, but a wheel wash will be required for later phases of development. The jet wash will be monitored separately by Highways and appropriate action will be taken to rectify any misuse or inefficiencies of using the jet wash post the partial discharge of the condition.

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 This condition is discharged in part.

8. DECISION

APPROVED

NOTE TO APPLICANT

(01) This decision relates to plan Nos: *Phasing Plan* (Received 20th January 2017) *Site Location Plan* (Received 20th January 2017), *Construction Environmental Management Plan*, (Received 20th January 2017)

(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.
