

## APPLICATION DETAILS

**No:** 19/0937      **Ward:** ST JULIANS

**Type:** DISCHARGE CONDITIONS

**Expiry Date:** 13-NOV-2019

**Applicant:** ENGIE

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

**Proposal:** PARTIAL DISCHARGE OF CONDITIONS 18 (OPEN SPACE MANAGEMENT) AND 22 (PRIVACY SCREENING) OF PLANNING PERMISSION 18/0293 FOR DEVELOPMENT OF 195NO. RESIDENTIAL UNITS, INTERNAL ROAD NETWORK, PARKING AND ASSOCIATED WORKS

### DECISION: APPROVED

#### 1. CONSULTATIONS

1.1 None.

#### 2. INTERNAL COUNCIL ADVICE

2.1 HEAD OF STREETSCENE & CITY SERVICES (LANDSCAPING): No issues with the submitted Open Space Management Plan.

#### 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 19 December 2018

#### 5. ASSESSMENT

5.1 The applicant is seeking to discharge the following conditions of planning permission 18/0293:

Condition 18 (Open Space Management):

*No building shall be occupied in the approved scheme in relation to each phase as defined by Condition 30 until a management strategy for the maintenance of all areas of formal and informal open space for that phase, not subject to adoption by the local authority, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of any management company proposed and its terms of reference. The management strategy for each phase shall be implemented in accordance with the approved details for that phase for a period of 5 years following the completion of the last dwelling on that phase.*

*Reason: to ensure that areas of open space are maintained until fully established in the interests of residential and visual amenity.*

Condition 22 (Privacy Screening)

*The two central balconies in the Flat L1 'terraced blocks' comprising Plots 01-36 shall not be used until details of a means to provide privacy screening between those balconies has*

*been provided to the Council in writing. Following the Council's written agreement the privacy screening shall be installed as agreed prior to the use of those central balconies. Reason: to protect the privacy of adjoining occupiers.*

- 5.2 The applicant has submitted a Management Plan for the planting in the public areas of the site. This confirms that the public area will be managed by Pobl Living Limited who will act as the management company to deliver the Maintenance Plan. The Council's Landscape officer has considered the proposed plan and sees it as an appropriate on-going maintenance regime for the planting in the public areas of the site. Policy GP5vi (landscaping) is met since an appropriate landscape scheme has been proposed and the submitted maintenance plan will mean the proposed planting can be secured long-term. The submitted plan is acceptable and condition 18 of permission 18/0293 can be discharged in part.
- 5.3 In terms of the privacy screening to be installed on the 'shared' balconies a glass screen of 2.0m in height and 1.0m wide is proposed. The balconies have depth of 1.35m and allowing for fixings the screen is of sufficient width to protect mutual privacy. The proposed glass is 'Pilkingtons Optifloat Opaque' which has light transmission of 82-85% and will provide a suitable level of obscurity. This is considered sufficient to protect the privacy of future residents. Policy GP2i (privacy) is met 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 *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 information is acceptable and the relevant conditions can be partially discharged.

## **8. DECISION**

### **APPROVED**

#### *NOTE TO APPLICANT*

01 This decision relates to the following plans and documents:

- Management Strategy for the Maintenance of areas of formal and informal open space not considered for adoption by the Local Authority (Phases 1, 2 & 3).
- Balco ALU1 balcony system (glazed privacy screen)
- Drawing 319858 – Aluminium Balcony, Assembly, Building Type L
- Email from Liam Griffiths 29 November 2019, 15:00

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.

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