

Delegated Decision Report

Application No:	25/0386	Statutory Period Expires:	25th September 2025
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Site:	<i>Ford House Leeway Leeway Industrial Estate Newport South Wales</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITIONS 3 (BIODIVERSITY MITIGATION AND ENHANCEMENT SCHEME), 4 (LANDSCAPING), 5 (TREE PROTECTION), 6 (CONSTRUCTION TRAFFIC AND ENVIRONMENTAL MANAGEMENT PLAN) AND 7 (DETAILS OF THE APPROVED ACCESS SURFACING) OF APPEAL DECISION CAS-03596-M5N9H1 OPEN STORAGE AND STORAGE/LOCK UP BUILDING</i>		
Applicant:	<i>T Chivers</i>		
Type:	Discharge Conditions	Ward:	Liswerry
Decision:	APPROVED		

1. BACKGROUND

- 1.1 The Council refused planning permission for the proposed steel framed lock up building, hardstanding for open storage, landscaping and associated works. The decision was appealed, and the appeal was allowed subject to conditions.

2. SITE LOCATION AND CONTEXT

- 2.1 The appeal comprises a parcel of previously developed land located adjacent to, and accessed from, Nash Road via an existing gateway.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks to discharge conditions 3 (BIODIVERSITY MITIGATION AND ENHANCEMENT SCHEME), 4 (LANDSCAPING), 5 (TREE PROTECTION), 6 (CONSTRUCTION TRAFFIC AND ENVIRONMENTAL MANAGEMENT PLAN) and 7 (DETAILS OF THE APPROVED ACCESS SURFACING) of appeal decision CAS-03596-M5N9H1 for the proposed steel framed lock up building, area of hard standing for open storage, landscaping and associated works.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0294	PROPOSED STEEL FRAMED LOCK UP BUILDING, AREA OF HARD STANDING FOR OPEN STORAGE, LANDSCAPING AND ASSOCIATED WORKS (RESUBMISSION OF 23/1051)	REFUSED – ALLOWED AT APPEAL	14/03/2025

5. PLANNING POLICY

- 5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

6. CONSULTATION RESPONSES

- 6.1 Natural Resources Wales - Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about application CONNEX/25/0386, which we received on 24 June 2025. NRW did not request the conditions as per the proposal description for appeal case - CAS-03596-M5N9H1 nor as part of the original planning application CONNEX/23/1051. Therefore, we have no comment to make on this application as submitted. The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.
- 6.2 Highways - I can confirm that the amended Plan (25/605/CTEMP/D) is acceptable and we would be content to support partial discharge insofar as the Plan is approved but remains to be followed.
- 6.3 Ecology - The Landscape management Plan Rev B has addressed my concerns set out in my previous response of 12th August 2025, so I have no objection to discharge of condition 3, subject to implementation in full.
- 6.4 Landscape - Landscaping Plan rev E by DRaW UK Ltd • confirms retention of roadside hedge and other vegetation within red dashed area adjacent to proposed bund • proposes feathered trees to vary nursery stock size and incorporates holly into mixes Sections by DRaW UK Ltd landscape architects (A through the bund and B through the swale) have now been submitted and clearly show the proposals. Aftercare reports are now confirmed for the end of year 1 and 3 and 5. The changes and clarifications are welcome and I have no further comments.
- 6.5 Tree - The tree protection details must be submitted by a bona fide Tree Consultant – in the absence of this there are objects to this application.
- 6.6 Environmental Health - No objection to discharge of condition 6 (CEMP).
- 6.7 Senior Scientific Officer - I have no comments in respect of the above application in terms of contaminated land or air quality.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

- 8.1 Condition 3 (BIODIVERSITY MITIGATION AND ENHANCEMENT SCHEME) states

No development shall take place until a scheme for biodiversity mitigation and enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Reason: In the interest of maintaining and enhancing biodiversity, in accordance with LDP Policies SP9, GP5 and Future Wales Policy 9.

- 8.2 The Council's Ecology Officer is satisfied with the details submitted and has no objection to the partial discharge of condition 3.
- 8.3 Condition 4 (LANDSCAPING) states

No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping and a landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas. The landscaping scheme and management plan shall be carried out as approved. Reason: In the interests of conserving the character and appearance of the area, in accordance with LDP Policy GP5.

- 8.4 The Council's Landscape Officer is satisfied with the details submitted and has no objection to the partial discharge of condition 4.

- 8.5 Condition 5 (TREE PROTECTION) states

No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees shown to be retained on the approved scheme of landscaping. The approved scheme for the protection of trees shall be carried out throughout the course of the development. Reason: In the interests of conserving the character and appearance of the area, in accordance with LDP Policy GP5.

- 8.6 The Council's Tree Officer has objected to the discharge of condition 5 as the tree protection details were not submitted by a bona fide tree consultant. The condition requires a scheme for the protection of trees shown to be retained on the approved scheme of landscaping. The landscape plan shows that trees T2, T3 and T4 are to be retained. The submitted plan shows the location of the trees including the tree trunk location, crown spread and root protection area. The proposed tree protection fencing follows the line of the root protection area within the site. These details are considered to be acceptable to partially discharge condition 5.

- 8.7 Condition 6 (CONSTRUCTION TRAFFIC AND ENVIRONMENTAL MANAGEMENT PLAN) states

No development shall commence until a Construction Traffic and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:

- *Construction traffic routes, including provision for access to the site;*
- *Details of loading and unloading of plant and materials;*
- *Details of street sweeping/street cleansing/wheelwash facilities;*
- *Hours of working;*
- *Dust suppression measures;*
- *Noise mitigation measures;*
- *Details of temporary lighting;*
- *Details of enclosure of working areas;*
- *A drainage strategy to operate, setting out controls of contamination, including controls to surface water run-off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures. Reason: In the interests of highway safety, safeguarding of the living conditions of neighbouring occupants and to prevent pollution of the environment, in accordance with LDP Policies GP2, GP4, GP7 and T4.*

- 8.8 Both the Councils Highways and Environmental Health Officers confirm that they are satisfied that the details submitted to discharge condition 6 are acceptable and offer no objection to the partial discharge of the condition.

- 8.9 Condition 7 (DETAILS OF THE APPROVED ACCESS SURFACING) states

No development shall take place until details of surfacing of the approved access for a minimum distance of 12m into the site from the nearside edge of the highway boundary of Nash Road have been submitted to and approved in writing by the local planning authority. The approved details shall be completed before the access is brought into use and retained as such for the lifetime of the development. Reason: In the interest of highway safety, in accordance with LDP Policies GP4 and T4.

- 8.10 The Council's Highways Officer confirms that the details submitted to discharge the condition are acceptable and therefore offers no objection to the partial discharge of condition 7.

9. OTHER CONSIDERATIONS

9.1 *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.

9.2 *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.

9.3 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.

9.4 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.

9.5 *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.

9.6 *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.

10. CONCLUSION

- 10.1 The details submitted with the application are considered acceptable to partially discharge conditions 3 (BIODIVERSITY MITIGATION AND ENHANCEMENT SCHEME), 4 (LANDSCAPING), 5 (TREE PROTECTION), 6 (CONSTRUCTION TRAFFIC AND ENVIRONMENTAL MANAGEMENT PLAN) and 7 (DETAILS OF THE APPROVED ACCESS SURFACING) of appeal decision CAS-03596-M5N9H1 for the proposed steel framed lock up building, area of hard standing for open storage, landscaping and associated works

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: Landscape Management Plan Rev B, Access Surface Specification Drawing No.25-605-SK03 Rev A, Landscaping Plan Section A-A Drawing No.LLH002REVA, Landscaping Plan Section B-B Drawing No.LLD003REVA, Landscaping Plan Drawing No.LLH001REVE, Barriers and Ground Protection and Construction Traffic Management Plan Ref.25/605/CTEMP/D.

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.