

Delegated Decision Report

Application No:	24/0610	Statutory Period Expires:	11th July 2025
Site:	<i>Llanwern Village Development Site Phase 1 Cot Hill Llanwern Newport NP18 2DP</i>		
Proposal:	PARTIAL DISCHARGE OF CONDITION 3 (FENCING DETAILS) AND 4 (CIRCULAR PATH) OF RESERVED MATTERS APPROVAL 21/0184 FOR SURFACE WATER ATTENUATION PONDS AND A SEWAGE PUMPING STATION & RISING MAIN PURSUANT TO OUTLINE PERMISSION 16/0864 FOR RESIDENTIAL DEVELOPMENT OF UP TO 1100 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND SUBMISSION OF DETAILS TO PARTIALLY DISCHARGE CONDITION 12 (DRAINAGE) OF THE SAME OUTLINE PERMISSION		
Applicant:	<i>Z. Aubrey</i>		
Type:	Discharge Conditions	Ward:	Llanwern
Decision:	Approved		

1. BACKGROUND

- 1.1 The applicant is seeking to partially discharge the following conditions of Reserved Matters approval 21/0184:

03 Details of a fence (appearance, materials and location) or other means of enclosure to be provided along the top of the coloured sections of banking shown in Drawing BM11513-137 D shall be provided in writing to the Council. Following the Council's written agreement the fence / means of enclosure shall be provided as agreed prior to the first public access to the site.

Reason: to ensure public safety, good design and to protect visual amenity. Policies GP2, GP6 and GP7.

04 Details of a circular pathway broadly in accordance with approved Drawing DE 220 002 E – Landscape & Open Space Strategy (held on file 16/0864) including timing of implementation, routing, materials and details of the design, materials and siting of street furniture (to include minimally one bench and one bin) around the ponds shall be provided in writing to the Council. Following the Council's written agreement the path and other approved elements shall be provided as agreed and no public access shall be permitted to the site until the circular pathway has been completed.

Reason: to ensure compliance with approved outline details, residential amenity, recreational opportunities and to enhance the Placemaking credentials of the scheme. Policies SP2, SP12, GP2, GP6 and CE3 and Planning Policy Wales Edition 11.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located at the southern end of the Cot Hill development being undertaken by Redrow. The site falls relatively steeply from north to south and abuts Station Road in Llanwern. The area contains infrastructure serving the housing development these

being primarily two large surface water attenuation ponds, a sewage pumping station and the southern part of the 'spine road' that has replaced the route via Cot Hill from the Southern Distributor Road (SDR) to Llanwern village and which passes through the new housing estate.

3. DESCRIPTION OF DEVELOPMENT

3.1 See Paragraph 1.0.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision & Date
16/0864/O	VARIATION OF CONDITIONS 02 (RESERVED MATTERS), 03 (MASTERPLAN) AND 05 (DESIGN CODE) OF PLANNING PERMISSION 13/0806 FOR VARIATION OF CONDITION (TIME LIMITS) OF PLANNING PERMISSION 06/0845 FOR RESIDENTIAL DEVELOPMENT (UP TO 1100 DWELLINGS) AND PROVISION OF PRIMARY SCHOOL, VILLAGE CENTRE, PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS (AFFECTING PUBLIC RIGHTS OF WAY 397/3, 397/7, 397/9 AND 397/10 LLANWERN)	GC 23 June 2017
17/0887/RM	PARTIAL DISCHARGE OF CONDITION 01(RESERVED MATTERS) IN RELATION TO ROADS & FOOTWAYS AND LANDSCAPING AROUND THE PROPOSED SURFACE WATER ATTENUATION PONDS AND PARTIAL DISCHARGE OF CONDITION 06(MATERIALS FOR HARDSURFACING), CONDITION 09 (CONSTRUCTION DETAILS OF ROADS, CYCLEWAYS & FOOTWAYS) AND CONDITION 25 (STREETLIGHTING) ALL PURSUANT TO PLANNING PERMISSION 16/0864 (VARIATION OF CONDITIONS OF PERMISSION 13/0806) FOR THE DEVELOPMENT OF UP TO 1100 DWELLINGS, A PRIMARY SCHOOL, VILLAGE CENTRE, PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE.	AC 13 September 2018
21/0184/RM	RESERVED MATTERS APPLICATION FOR PARTIAL DISCHARGE OF CONDITION 01 (RESERVED MATTERS) IN RELATION TO DETAILS OF PROPOSED SURFACE WATER ATTENUATION PONDS AFFECTING PUBLIC RIGHT OF WAY 397/10/1 AND A SEWAGE PUMPING STATION & RISING MAIN BOTH PURSUANT TO OUTLINE PERMISSION 16/0864 FOR RESIDENTIAL DEVELOPMENT OF UP TO 1100 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND SUBMISSION OF DETAILS TO PARTIALLY DISCHARGE CONDITION 12 (DRAINAGE) OF THE SAME OUTLINE PERMISSION	AC 19 August 2021

5. PLANNING POLICY

5.1 ADOPTED NEWPORT LOCAL DEVELOPMENT PLAN 2011-2026 (NLDP)

- GP2ii – Visual Amenitv
- GP6 - Design
- CE3 – Environmental Spaces

- T5 – Walking & Cycling

6. CONSULTATION RESPONSES

- 6.1 NCC Highways: No objection / no comment.
- 6.2 NCC Landscaping: Comments in regard to hedge management, path routing and siting of fencing.
- 6.3 Dwr Cymru / Welsh Water (DCWW): No objection but note a failure to agree pumping station details with DCWW as part of the S104 adoption process (Water Industry Act 1991).

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

- 8.1 The submission initially included details to partially discharge Condition 02 which sought details of the foul pumping station approved under 21/0184/RM prior to its completion. The details were required due to the station's prominence adjacent to the spine road through the site. That condition has now been removed from the consideration.
- 8.2 Condition 03 relates to details of fencing to be installed around the northern attenuation pond which is steep sided and had a proposed pedestrian routeway near to it. The purpose of the fence was to reduce fall risk. The applicant has provided Drawings showing the location and style of the fence (1.4m high 5 bar ranch style fence) which are acceptable, and the condition can be discharged in part. Policies GP2 and GP6 are complied with, the fence is acceptable in appearance and visual amenity is preserved.
- 8.3 Condition 04 relates to the circular pathway around the proposed attenuation ponds. The condition required that this be delivered to secure the utility of a communal outdoor amenity area for the people living in the development. The applicant has provided the routing of the circular walk and that the grass elements will be mowed. Details of a bench and bin have been provided with the submission and are acceptable. The applicant confirms the path and the street furniture will be provided on approval of these details (covering letter). Although not ideal as a trigger (a specified time would have been preferable) there is no reason to think that this trigger is unenforceable. Indeed the only risk is to the applicant who will be immediately in breach of condition on approval assuming the path and street furniture have not been provided already. However the public interest can clearly be protected in the event these facilities are not provided in a reasonably timely way, for example 3 months from the date of this decision.

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 submitted details are acceptable and the condition can be discharged in part.

11. **DECISION**

Approved

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Unnumbered Drawing - 1.4m Ranch Rail (Fence)

- BM11513-006A - Pond Location Plan
- Drawing P23 0521 EN 13 F 1 - Detailed Soft Landscape Proposals
- Covering Letter dated 12.07.2024
- Letter from Zoe Aubrey dated 08.11.2024

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 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.