

Delegated Decision Report

Application No:	24/1018	Statutory Period Expires:	12th May 2025
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Site:	<i>Phase 4A Glan Llyn Development Site Queensway Llanwern Newport South Wales</i>		
Proposal:	ERECTION OF BRICK BUILT ELECTRIC SUBSTATION		
Applicant:	J Underwood		
Type:	Full	Ward:	Llanwern
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 This application relates to phase 4a of the Glan Llyn development site at Queensway, Llanwern.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks full planning permission for the construction of 1no. brick built substation and associated landscaping works.

3.2 The proposed substation would measure 4.42m in width, 4.42m in length and 4.73m in height and would be finished in red brick with a grey tiled roof and grey doors.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision
06/0471	REDEVELOPMENT OF THE SITE TO CREATE A MIXED USE URBAN EXTENSION	Granted with Conditions 01 April 2010
19/1267	RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE APPLICATION 06/0471 FOR 500 NO. DWELLINGS, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT PARCELS 3C AND 4A ON THE GLAN LLYN REGENERATION SITE	Approved with Conditions 15 April 2021
24/0564	NON MATERIAL AMENDMENT APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 19/1267 RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE APPLICATION 06/0471 FOR 500 NO. DWELLINGS, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT PARCELS 3C AND 4A ON THE GLAN LLYN REGENERATION SITE. AMENDMENTS INCLUDE THE ADDITION OF A SUBSTATION	Refused 22 August 2024

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.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policies SP9 (Conservation of the Natural, Historic and Built Environment), GP2 (General Amenity), GP5 (Natural Environment) and GP6 (Quality of Design) are relevant to the determination of this application.

6. CONSULTATION RESPONSES

6.1 LANDSCAPE OFFICER: The applicant has provided the proposed soft landscape context. New native structure planting will soften views of and help integrate the substation structure. No further comments.

6.2 ENVIRONMENTAL HEALTH OFFICER: No response.

6.3 CONTAMINATED LAND OFFICER: No observations to make.

6.4 GGAT: The proposal will require archaeological mitigation. The information in the Historic Environment Record (HER) shows that the proposed development site is located within the Gwent Levels Archaeologically Sensitive Area. This is defined for the concentration of evidence of activity relating to the prehistoric, Roman and Medieval periods, particularly relating to land reclamation and water management, with buried land surfaces, and evidence of associated activity. Additionally, it is the site of the Llanwern Works, which was built on the Gwent Levels. Much of the site has been contaminated and remediated and has varying depths of made ground, however, buried land surfaces such as peats are known to survive in some areas. The proposed development involves the erection of a brick built electric substation. Whilst we note the small scale of the proposal it is located within an archaeologically sensitive area, and on the site of the Llanwern works. Therefore, it is possible that buried archaeological remains could be encountered during the groundworks. Therefore, in order to mitigate the impact of the development on the archaeological resource we recommend that a condition, for a programme of archaeological work, taking the form of an archaeological watching brief during the groundworks required for the development, should be attached to any consent granted. We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

6.6 HIGHWAYS OFFICER: As previously advised, parking and boundary treatments are critical to Highways' support, particularly in a cul de sac and adjacent to a footpath. We would therefore request further information.

6.7 NATURAL RESOURCES WALES: We have no objection to the application as submitted. We advise that the substation is set to the same, or higher flood outline design levels as the current residential proposals.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 13th January 2025 and a Site Notice was put up on 17th January 2025.

7.1 NEIGHBOURS: Neighbours with a common boundary and opposite were consulted and a site notice erected and no responses were received.

7.2 LLANWERN COMMUNITY COUNCIL: Llanwern Community Council have no comment to make on this application.

8. ASSESSMENT

8.1 This full application seeks planning permission for 1no. proposed substation on Phase 4a of the Glan Llyn development site, Llanwern. This site benefits from reserved matters approval for 500no. dwellings, associated infrastructure and landscaping under application ref: 19/1267.

8.2 This submission follows the refusal of a non-material amendment application for the location of the proposed substation on an area of public open space to the south of the site to the east of plot 418 (24/0564). This application was refused for the following reason:

01 The location of the proposed substation will cause an impact different to that of the approved scheme and have a detrimental impact in respect of visual amenity. This conflicts with the objectives of local design policy and national placemaking objectives and does not meet the tests for non-materiality. The development represents a material change to the planning permission.

8.3 This location is at the end of a cul de sac fronting the 'Avenue' in the south west corner of Phase 4A adjacent to a LEAP. The sub-station would be set back from the Avenue but would be adjacent to a footway link and visible from adjacent plots, mainly Plots 241-243. The proposal also includes additional landscaping in the form of native structure planting to the east, south and west of the new substation.

8.4 In terms of design, the proposed substation would be constructed from high quality materials and the proposed landscaping would help assimilate the building into its context, screening views from the east, south and west. Whilst the proposal would be visible from the private drive and associated plots to the north, the closest plot would be located approximately 19m away therefore the proposal would not adversely impact on amenity and would not be highly visible from the wider surrounding area. The proposed development is therefore considered to accord with policies GP2 and GP6.

8.5 In terms of flood risk, NRW have no objection to the proposals subject to the substation being set to the same, or higher flood outline design levels as the current residential proposals. This can be controlled via condition.

8.6 The site is also located in an Archaeologically Sensitive Area and therefore GGAT have been consulted on the proposals. They have advised that archaeological mitigation is required in the form of a watching brief, this can be dealt with by way of a condition.

8.7 Highways have requested further detail in relation to parking for the substation, however

given nature of the site and the location of the substation, directly adjacent to an estate road it is not considered that dedicated parking for the substation is required as this can be accommodated on street. No boundary treatments are proposed and the substation will be enclosed with new native shrub planting which as outlined above is considered acceptable. No further information in respect of parking or boundary treatments is therefore required.

- 8.8 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy SP9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Whilst the applicant has not indicated any measures as part of the application, it is considered reasonable and necessary in this instance to secure a scheme of biodiversity enhancement measures to ensure that a net benefit is provided to biodiversity as part of the application. These measures can be secured via condition. In addition, in accordance with Chapter 6 of PPW 12 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, however due to the scale and nature of the proposed development it is not considered proportionate to request one in this instance. On this basis the proposed development is considered acceptable in accordance with policy GP5.

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 proposed development is considered acceptable in accordance with the relevant policies of the Newport Local Development Plan 2011-2026.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents:

- Revised Site Location Plan (received 20/03/2025)
- GL4A-15-04-41 - Rev C - Composite Layout - 12.12.24
- edp6046_sk003---Substation
- 1806034 GRP Tile Effect Substation Roof

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

02 The site shall be raised to 6.5m above AOD and the finished floor level of the substation hereby approved shall be 6.75m above AOD.

Reason: to mitigate the risk of flooding on this defended floodplain. Policies SP3, GP1, GP7 and CE9.

03 Prior to the commencement of development, a scheme of Biodiversity Enhancement Measure(s) and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Measure(s) shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and policies SP9 and GP5 of the Newport Local Development Plan 2011-2026.

04 The scheme of landscaping hereby approved (ref: edp6046_sk003---Substation) shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of the development hereby approved. Thereafter the trees, grasses and shrubs shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established.

Reason: To secure the satisfactory implementation and maintenance of the soft landscape scheme in the interests of residential and visual amenity and rural character having regard to policies SP5, GP2 and GP6 of the adopted Newport Local Development Plan.

05 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

NOTE TO APPLICANT

01 This decision relates to the following non-conditioned plans and documents:

- Revised Site Location Plan (received 20/03/2025)
- GL4A-15-04-41 - Rev C - Composite Layout - 12.12.24
- edp6046_sk003---Substation
- 1806034 GRP Tile Effect Substation Roof

02 Policies SP9 (Conservation of the Natural, Historic and Built Environment), GP2 (General Amenity), GP5 (Natural Environment) and GP6 (Quality of Design) 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.