

Delegated Decision Report

Application No:	26/0070	Statutory Period Expires:	14th May 2026
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Site:	<i>Land On The South West Side Of East Dock Road Newport South Wales</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITION 3 (TREE FELLING) AND CONDITION 5 (LANDSCAPING) OF 20/1225 CONSTRUCTION OF RESIDENTIAL DEVELOPMENT FOR NO.149 UNITS, LANDSCAPING,CAR PARKING , DRAINAGE ARRANGEMENTS AND ASSOCIATED WORKS</i>		
Applicant:	<i>P Page</i>		
Type:	Discharge Conditions	Ward:	Pillgwenlly
Decision:	APPROVED		

1. BACKGROUND

- 1.1 20/1225 was the original permission granted with conditions at the application site for, CONSTRUCTION OF RESIDENTIAL DEVELOPMENT FOR NO.149 UNITS, LANDSCAPING,CAR PARKING , DRAINAGE ARRANGEMENTS AND ASSOCIATED WORKS.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is vacant land which is covered by scrub, hardstanding and grasses. The south western boundary of the site has a line of mixed broadleaved trees, which run alongside Usk Way. To the north west there is a car dealership (BMW and Mini) and in front of this, within the application site, is a landscaped park. To the north east is housing which was developed as part of phase 1 of the Old Town Dock development, which was granted under permission 14/0355 (varied by permission 18/0170), beyond this is East Dock Road. To the south east is East Dock Road as it meets with Usk Road. In the south eastern corner (outside of the application site) is Costa drive-thru restaurant.
- 2.2 In the wider surrounding area, there are residential developments to the north east and the Riverside walk and River Usk beyond these. To the south east is a pub/restaurant and the Southern Distributor Road further on. On the western side of the application site there is light industrial and commercial development.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks the partial discharge of condition 03 (tree felling) and condition 05 (landscaping) of application 20/1225.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
26/0230	PARTIAL DISCHARGE OF CONDITION 2 (CEMP) OF 20/1225 CONSTRUCTION OF	PCO	

	RESIDENTIAL DEVELOPMENT FOR NO.149 UNITS, LANDSCAPING,CAR PARKING , DRAINAGE ARRANGEMENTS AND ASSOCIATED WORKS		
26/0113	PARTIAL DISCHARGE OF CONDITION 10 (DRAINAGE) OF 20/1225 CONSTRUCTION OF RESIDENTIAL DEVELOPMENT FOR NO.149 UNITS, LANDSCAPING,CAR PARKING , DRAINAGE ARRANGEMENTS AND ASSOCIATED WORKS	A	16.03.2026
22/0651	PARTIAL DISCHARGE OF CONDITION 13 (MATERIALS), 15 (BOUNDARY TREATMENTS), 16 (GATES) RELATING TO PLANNING PERMISSION 20/1225 FOR CONSTRUCTION OF RESIDENTIAL DEVELOPMENT FOR NO. 149 UNITS	A	25.08.2022
22/0050	PARTIAL DISCHARGE OF CONDITIONS 8 AND 9 (NOISE) RELATING TO PLANNING PERMISSION 20/1225 FOR THE CONSTRUCTION OF RESIDENTIAL DEVELOPMENT OF 149NO. UNITS	A	21.03.2022
22/0024	PARTIAL DISCHARGE OF CONDITION 6 (REPTILE METHOD STATEMENT) RELATING TO PLANNING PERMISSION 20/1225 FOR THE CONSTRUCTION OF RESIDENTIAL DEVELOPMENT OF 149NO. UNITS	A	17.03.2022
22/0023	PARTIAL DISCHARGE OF CONDITION 12 (ELECTRIC VEHICLE CHARGING) OF PLANNING PERMISSION 20/1225 FOR THE CONSTRUCTION OF RESIDENTIAL DEVELOPMENT OF 149NO. UNITS	A	25.02.2022
20/1225	CONSTRUCTION OF RESIDENTIAL DEVELOPMENT FOR NO.149 UNITS, LANDSCAPING,CAR PARKING , DRAINAGE ARRANGEMENTS AND ASSOCIATED WORKS	GC	01.12.2021

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

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 Landscape:

'Planting & Management Plan' sheets 1 and 2 rev B by catherine etchell associates fully details the proposals including the above ground SuDS elements.
I have no further comments.

Later informal correspondence has taken place since the comments above

6.2 Tree Team:

Conclusion:

A general tree pit specification is provided within Planting & Management Plan 2026. This does not fully comply with the Latest British Standard 8545 Trees from Nursery to Independence in the Landscape.

As the site is completely engineered, the risk of limited soil volumes, poor drainage and soil compaction is high to very high. I'm concerned at the depth of the rootball (as shown) is too deep as the top of the rootball is below ground level. Rootballed semi-mature trees should be installed on a compacted pit base to prevent settlement post-planting. No soil volumes are shown sufficient to support the tree in maturity. This is likely to impact on both the short and long-term survival of the installed trees and should be addressed.

The original consent application showed Silver Maples (trees 5 -21) to be removed and replaced with 19 fastigate trees along Usk Way. Working methods for tree works are shown and are acceptable. This area now appears to be outside the RED line of the application Site in the Planting & Management Plan Sheet 2 of 2, January 2025 Rev B Jan 2026. Condition three specifically relates to these trees and cannot therefore be discharged as no tree replacements are shown.

Tree protection is stated as complying with BS 5837 (2005) this should be in accordance with BS5837:2012 as a minimum as indicated in the Approved Arb TS report.

Later informal correspondence has taken place since the comments above

6.3 Ecology: No comments received.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 **Condition 03**

8.1.1 Condition 03 of 20/1225.states:

8.1.2 *03Notwithstanding the screening process, no operations of any description (this includes all forms of development, tree felling, tree pruning, temporary construction access, soil moving and operations involving the use of motorised vehicles or construction machinery) shall commence until details of tree felling (Acer Saccharinum along Usk Way) and replacement trees (as set out in the Arboricultural Report, 13th May 2021) have been submitted to and approved in writing by the Local Planning Authority. The details shall include:*

- a) how the existing Acer Saccharinum along Usk Way will be removed, including details of felling and root removal, hours of working, traffic management on Usk Way and disposal of tree material;*
- b) the position, species and size of the 19 no. replacement fastigate trees;*
- c) a tree planting methodology, in include tree irrigation systems; and maintenance specification; and*
- d) a timetable for the removal and planting of replacement trees.*

The tree removal and planting shall take place in accordance with the approved details and timetable.

Reason: To ensure the ground is suitable for replacement trees and to secure appropriate replacement trees in the interests of visual amenity, in accordance with policies GP2 and GP5.

8.1.3 On assessment of the information submitted, the applicant has provided a Tree work method statement and an implementation timetable. The tree officer previously raised concerns that the original consent application showed Silver Maples (trees 5 -21) to be removed and replaced with 19 fastigate trees along Usk Way. Working methods for tree works are shown and are acceptable. This area now appears to be outside the RED line of the application Site in the Planting & Management Plan. On assessment, it is noted that the original consent was granted with these trees outside of the red line boundary. Therefore, on later correspondence with the tree officer, this is noted, and this does not change over the existing consent already granted. Therefore, given the works are agreeable, this does no change over the previously approved red line boundary.

8.1.4 Moreover, the tree protection plan was not in accordance with BS5837:2012. This has now been rectified and on later correspondence, the tree team does not hold objections on this basis.

8.1.5 Furthermore there were concerns on the general tree pit specification and the depth of the rootball being too deep as the top of the rootball is below ground level. The applicant has provided updated information in this regard. The tree officer does not raised objections on this basis through later correspondence.

8.1.6 Finally, the applicant provided information in relation to a timetable. The tree officer has stated there is no objection subject to an implementation date. The applicant has confirmed that the landscaping works will be carried out between the landscaping and demobilisation phase (01/12/2028 and will end 29/04/2029). Wider site clearance will commence in September 2026. The trees along Usk Way can be retained during the main construction phases. As such, they don't need to be removed until the final landscaping phase.

8.1.7 Therefore, there is sufficient information provided to partially discharge condition 03.

8.2 **Condition 05**

8.2.1 Condition 05 of 20/1225 states:

8.2.2 *05 Notwithstanding the screening process and notwithstanding the approved drawings, before the development commences, written approval of the Local Planning Authority is required for a scheme of landscaping and tree planting (except those controlled through condition 3) for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme 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 that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management and maintenance schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.*

Reason: In the interests of visual amenity and to secure ecological mitigation, in accordance with policies GP5 and GP6.

8.2.3 The applicant has provided a planting and landscaping management plan. The landscape officer provided comments on the scheme and has no objections through correspondence. Therefore, the condition can be partially discharged.

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 Overall, it is considered that the information provided is satisfactory to partially discharged condition 03 (tree felling) and condition 05 (landscaping) of 20/1225.

11. **DECISION**

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: 647.D.Old Dock Road; 9688-PL01 -
Proposed Location Plan; Timetable programme; Timetable email 18/04/2026;
Tree Work - Method Statement; Risk Assessment

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.