

Delegated Decision Report

Application No:	25/0326	Statutory Period Expires:	25th June 2025
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Site:	1-5 Malpas Road Newport NP20 5PA		
Proposal:	PARTIAL DISCHARGE OF CONDITION 2 (LANDSCAPING) (PART B) OF 23/0138 PROVISION OF ADDITIONAL ELECTRIC VEHICLE CHARGING BAYS AND ASSOCIATED WORKS		
Applicant:	Shell UK Oil Products Limited		
Type:	Discharge Conditions	Ward:	Shaftesbury
Decision:	APPROVED		

1. BACKGROUND

- 1.1 Part A of Condition 02 that required evidence that the planting on site had been undertaken in accordance with the approved plans was partially discharged in May 2024.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is the Shell Petrol station located at 1-5 Malpas Road, in the Shaftesbury ward.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks partial discharge of Condition 02 (Part B) (Landscaping) of planning permission 23/0138 for provision of additional electric vehicle charging bays and associated works at the Shell Petrol Station, 1-5 Malpas Road in the Shaftesbury ward.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/0138	PARTIAL DISCHARGE OF CONDITION 2 (LANDSCAPING) OF 23/0138 PROVISION OF ADDITIONAL ELECTRIC VEHICLE CHARGING BAYS AND ASSOCIATED WORKS	GRANTED WITH CONDITIONS	29/06/2023
24/0291	PARTIAL DISCHARGE OF CONDITION 2 (LANDSCAPING) (PART A) OF 23/0138 PROVISION OF ADDITIONAL ELECTRIC VEHICLE CHARGING BAYS AND ASSOCIATED WORKS	APPROVED	02/05/2024

5. PLANNING POLICY

- 5.1 NONE.

6. CONSULTATION RESPONSES

- 6.1 LANDSCAPE OFFICER: No objection.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

- 8.1 Condition 02 (Landscaping) states;

The proposed soft landscaping/tree planting for the site hereby approved shall be carried out in its entirety by a date not later than the end of the full planting season following substantial completion. 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. The monitoring and remediation of the landscape mitigation planting during the 5 year establishment phase is to be confirmed by:

- a) *A short report with photo evidence by the landscape consultant to be submitted to Newport City Council immediately following the completion of the landscape scheme and showing the site before and after planting, seeding, fencing has been undertaken, and to confirm this is all in line with the approved documents e.g. plant species, plant size, planting operations etc; and*
- b) *A short annual report with photo evidence by the landscape consultant to Newport City Council submitted by 31st December for each year of the five-year establishment period summarising any issues with planting or seeding, any replacement planting required and the timetable for replacements.*

For the purpose of this condition, the planting season shall mean the period of October to March.

Reason: To secure the satisfactory implementation and maintenance of the soft landscape scheme in the interests of visual amenity having regard to policies GP2 and GP5 of the adopted Newport Local Development Plan 2011-2026 (adopted January 2015).

- 8.2 Condition 2 Part b) requires ongoing annual monitoring of the trees that have been planted, for the next five years. In accordance with the requirements of the condition, photographic evidence has been provided to demonstrate that the trees remain in good condition and that no replacement planting is necessary at this time. The Council's Landscape Officer has confirmed that the information submitted is acceptable, albeit has noted that the photographs submitted should be dated in future submissions.
- 8.3 Condition 02 (Part B) 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 The details submitted are acceptable to partially discharge Condition 02 Part B of planning permission 23/0138.

10.2 The application is approved.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; Covering Letter – JMS Planning (29th April 2025).

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 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.