

Delegated Decision Report

Application No:	24/0950	Statutory Period Expires:	28th November 2025
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Site:	Llanwern Village Development Site Phase 1 Cot Hill Llanwern Newport South Wales		
Proposal:	PARTIAL DISCHARGE OF CONDITIONS 11 (CONSTRUCTION MANAGEMENT PLAN), 12 (FOUL AND SURFACE WATER DRAINAGE) AND 15 (ARBORICULTURAL ASSESSMENT) (IN RELATION TO PROPOSED PRIMARY SCHOOL PHASE ONLY) OF 16/0864 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)		
Applicant:	Redrow Homes Ltd.		
Type:	Discharge Conditions	Ward:	Llanwern
Decision:	PART APPROVED PART REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is located within the Llanwern Village Development Site, Cot Hill in the Llanwern Ward.

2.2 Within the Outline planning permission for the overall redevelopment site, this area was approved for the construction of a Primary School. Subsequently, a Reserved Matters application (24/0537) has been approved that secures the details.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application is seeking partial discharge of Condition 11 (Construction Management Plan), 12 (Foul and Surface Water Drainage) and 15 (Arboricultural Assessment) of Outline planning permission 16/0864.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
06/0845	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, 397/10 -LLANWERN)	GRANTED WITH CONDITIONS	01.10.2009
13/0806	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	GRANTED WITH CONDITIONS	03.02.2014

	PUBLIC RIGHTS OF WAY 397/3, 397/7, 397/9 AND 397/10 LLANWERN)		
16/0864	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)	GRANTED WITH CONDITIONS	23.06.2017
18/0691	PARTIAL DISCHARGE OF CONDITION 03 (DESIGN CODE) OF PLANNING PERMISSION 16/0864 FOR 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)	APPROVED	24.01.2019
24/0537	RESERVED MATTERS APPLICATION FOR A PRIMARY SCHOOL, NURSERY, ALN LEARNING RESOURCE BASE, MUGAS, DIVERSION OF EXISTING PROW AND OTHER ASSOCIATED WORKS PURSUANT TO 16/0864 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)	APPROVED WITH CONDITIONS	18.06.2025

5. PLANNING POLICY

5.1 NONE.

6. CONSULTATION RESPONSES

6.1 DWR CYMRU WELSH WATER: No objection.

6.2 NATURAL RESOURCES WALES: No objection.

6.3 HIGHWAYS: Recommend No Discharge - The CEMP appears to be a generic document with no site-specific information. For example no site plans, no phasing or vehicle schedules and no information on site parking or access to the site.

6.4 ENVIRONMENTAL HEALTH: No response.

6.5 TREES: No response.

6.6 SAB: No response.

6.7 DRAINAGE: No response.

7. PUBLIC REPRESENTATIONS

N/A

8. ASSESSMENT

8.1 Condition 11 (Construction Management Plan) states;

Prior to commencement of development (including site preparation) of any development parcel defined under Condition 02 (Phasing) or other area as agreed, or any access road works a construction management plan for that parcel or the access road works including details of any necessary means of mitigation against construction noise and vibration, provision of a noise management plan, details of any temporary site access/parking and the likely position of haul roads, details of the location of compounds for the storage of plant and materials, measures to prevent dust pollution and suitable plant and wheelwash facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the approved measures shall remain in operation for the duration of the development of the parcel concerned.

Reason: In the interests of residential amenity and highway safety.

8.2 A CEMP has been submitted to satisfy this condition, however the detail included appears very generic, is not site specific for this development proposal and lacks precision. It also includes phrases such as "if required" and as such is not realistically enforceable. A response has not been received from the Environmental Health Officer, however the Council's Highways Officer does not recommend the condition is partially discharged. Their reason being the generic nature of the document and lack of site specific plans and information, such as but no limited to information on site parking, access, vehicle schedules etc.

8.3 The opportunity has been provided for an updated version of the CEMP to be submitted to address concerns, however no details have been submitted in line with the timescales agreed. In respect of Condition 11 the detail is insufficient to meet the requirements of the condition and to safeguard matters of residential amenity and highway safety and the request for partial discharge if refused.

8.4 Condition 12 (Foul & Surface Water Drainage) states;

No development shall commence on the site until an overarching strategy to deal with the foul and surface water drainage; including details of a surface water attenuation & storage system for the site (both on and off-site works) including any means of discharge into the drainage network, has been submitted to and approved in writing by the Local Planning Authority. Thereafter reserved matters for each development parcel (or any other area as may be agreed) shall contain details of the foul and surface water drainage system and details of any mechanisms for surface water attenuation all of which shall accord with the overarching drainage strategy that has been first agreed. The drainage and attenuation details shall be installed fully as agreed prior to the first occupation of any development parcel (or other agreed area) to which they relate.

Reason: To reduce flood risk and to ensure that appropriate sewerage is provided to the development.

8.5 This condition required an overarching strategy for foul and surface water drainage for the redevelopment site and that has been previously agreed (17/0902). That established a principle of replication of the existing natural drainage catchments on the site with run-off via the introduction of hydrobrakes and attenuation ponds to hold water back as it was released under the agreed controlled rates.

8.6 It then requires agreement of the foul and surface water drainage system for each phase of development in line with the overarching drainage strategy approved. A Drainage Strategy

Plan was approved under the 24/0537 Reserved Matters application and showed surface water and foul drainage infrastructure within the site to join the approved overarching drainage network located outside of this site and within the highway infrastructure. Those details were considered to be acceptable and the drainage plan submitted to satisfy this condition matches those details.

8.7 As such, it is considered that the condition can be partially discharged.

8.8 Condition 15 (Arboricultural Assessment) states;

Prior to commencement of development on any development parcel (or other area as may be agreed), including works to provide roads, drainage or any other infrastructure, a schedule of all tree/hedge works, shading patterns of existing trees (in and surrounding the site), falling distances for surrounding woodland trees and an Arboricultural Impact Assessment shall be submitted to and approved in writing by the Local Planning. The development shall be implemented in accordance with the results of these details.

Reason: In the interests of protecting existing trees within and surrounding the application site.

8.9 The Arboricultural Impact Assessment submitted relates only to this phase of development and matches that approved under the Reserved Matters application 24/0537 for this primary school. No response has been received from the Tree Officer for this application, however as the details have been accepted and approved as part of the Reserved Matters there is no reason that the lack of response should withhold approval.

8.10 The details are acceptable in relation to this phase only and the partial discharge of the condition can be approved.

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 satisfactory to approve the partial discharge of Condition 12 and 15 of 16/0864.

10.2 The details submitted are insufficient to approve the partial discharge of Condition 11 of 16/0864.

10.3 The application is part approved and part refused.

11. DECISION

PART APPROVED PART REFUSED

01 Insofar as the application relates to Condition 12 (Foul and Surface Water Drainage) and Condition 15 (Arboricultural Assessment) for the proposed primary school development the information is acceptable and the application is approved.

02 Insofar as the application relates to Condition 11 (Construction Management Plan) insufficient information has been submitted in support of the request to partially discharge the condition and the application is refused.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Tree Shadow Plan A3 Proposed Primary School, Llanwern; Tree Protection Plan A3 Proposed Primary School, Llanwern; Arboricultural Impact Assessment (Associated Plans); CC1823 CAM ZZ 00 DR C 52 1101-P10 Drainage Strategy Plan; 18074-PDA-V1-XX-DR-A-05-1000 - Site Location Plan; Arboricultural Impact Assessment (March 2025); CEMP Rev 5.

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.