

Delegated Decision Report

Application No:	25/0318	Statutory Period Expires:	7th October 2025
------------------------	----------------	----------------------------------	-------------------------

Site:	<i>Orb Works Stephenson Street Newport South Wales NP19 0RB</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITIONS 11 (FOOTWAY AND CYCLE WAY IMPLEMENTATION) AND 14 (BOUNDARY TREATMENTS) OF 24/0424 S73 APPLICATION TO VARY THE WORDING OF CONDITION 21 (CONTROL OF USE CLASS MIX) IN RESPECT OF 23/0477 PROPOSED CLASS B1(C)/B2/B8 DEVELOPMENT (PHASE 1) TOGETHER WITH ASSOCIATED DEMOLITION/ELEVATIONAL TREATMENT, PARKING, LANDSCAPING, DRAINAGE, ECOLOGICAL ENHANCEMENT AND PROVISION OF IMPROVED PEDESTRIAN/CYCLIST FACILITIES</i>		
Applicant:	<i>Starburst UK Ltd</i>		
Type:	Discharge Conditions	Ward:	Lliswerry
Decision:	APPROVED		

1. BACKGROUND

- 1.1 Planning permission was originally granted for construction of Class B1(C), B2 and B8 development along with associated demolition and other external works through planning permission reference 23/0477.
- 1.2 An application was submitted post approval to vary the wording of Condition 21 and this was approved through application reference 24/0424.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is the former Orb Works site, located at Stephenson Street in the Lliswerry Ward.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application is seeking partial discharge of Condition 11 (Footway and Cycleway) and 14 (Boundary Treatments) of planning permission 24/0424.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/0477	PROPOSED CLASS B1(C)/B2/B8 DEVELOPMENT (PHASE 1) TOGETHER WITH ASSOCIATED DEMOLITION/ELEVATIONAL TREATMENT, PARKING, LANDSCAPING, DRAINAGE, ECOLOGICAL ENHANCEMENT AND PROVISION OF IMPROVED PEDESTRIAN/CYCLIST FACILITIES	GRANTED WITH CONDITIONS	10/04/2024
24/0424	S73 APPLICATION TO VARY THE WORDING OF CONDITION 21 (CONTROL OF USE CLASS MIX) IN RESPECT OF 23/0477 PROPOSED CLASS B1(C)/B2/B8 DEVELOPMENT (PHASE 1) TOGETHER WITH ASSOCIATED DEMOLITION/ELEVATIONAL TREATMENT, PARKING, LANDSCAPING, DRAINAGE, ECOLOGICAL ENHANCEMENT AND PROVISION OF IMPROVED PEDESTRIAN/CYCLIST FACILITIES	GRANTED WITH CONDITIONS	04/09/2024

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)

N/A

5.4 SUPPLEMENTARY PLANNING GUIDANCE

N/A

6. CONSULTATION RESPONSES

6.1 Highways: Final Comment – No objection.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 Condition 11 (Footway & Cycleway) states;

Prior to the first use of any building hereby approved the proposed footway/cycle way on Stephenson Street and through the site to the River Usk walkway shall be provided in accordance with construction details that have firstly been submitted to and approved in writing by the Local Planning Authority and retained available for use and kept clear of any obstruction thereafter.

Reason: In the interests of highway and pedestrian safety, active travel and sustainability and air quality in accordance with Policies SP1, GP2, GP4 and GP7 of the NLDP 2011-2026 (adopted January 2015).

8.2 A proposed Highway Works General Arrangement plan has been submitted for the 2.0 metre wide pedestrian footway along Stephenson Street. The Council's Highways Officer initially raised concerns with this, as it was shorter than that shown on the approved plans and with no dropped kerbs or tactile paving. However, revised plans implementing the full length of footway along Stephenson Street, including tactile crossing points have now been submitted and the proposal is considered to be of suitable quality and to an adoptable standard – Subject to S111 agreement, which has been advised as being acceptable.

8.3 The section drawing shows the footway through the site has been designed so that it is 2.0 metres wide and providing access from Stephenson Street via two gates with two routes leading to and then following the northern boundary of the site to the River Usk Walkway. The route will be demarcated by white lines and vehicular access prevented by inclusion of a 0.75 metre barrier.

8.4 The details are considered to be acceptable.

8.5 Condition 14 (Boundary Treatment) states;

Notwithstanding the existing boundary treatment, details of a replacement boundary treatment along the Stephenson Street boundary and the proposed new pathway leading to the River Usk walkway (including location, height, design and colour and details of gates) shall be submitted to and approved in writing by the Local Planning Authority prior to first beneficial use of any unit hereby approved. The approved details shall be installed in full prior to the first beneficial use of any unit hereby approved.

Reason: In the interests of good design and visual amenity in accordance with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

8.6 Elevation details of the new boundary to be used at Stephenson Street propose a 1.80m high weldmesh fence in colour 'Ocean Blue BS 18B39'. The details include elevation drawings of the vehicular access gates and pedestrian gates that are also to be used. These details are acceptable within the surrounding commercial and industrial context of the site and will also be partially screened over time following the implementation of the approved soft landscaping scheme for the development that includes boundary planting.

8.7 The footway through the site that provides pedestrian access to the River Usk walkway will be enclosed by an 'Armco' safety barrier 0.75 metres in height to protect users from vehicles using the site. The details are considered to be acceptable.

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 information submitted to partially discharge Condition 11 and 14 of planning permission 24/0424 is considered to be acceptable.
- 10.2 The application is approved.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: 20-00705_GA01 Rev C General Arrangement; Drawing No. 027042/PH1/19 - Location Plan for New Fencing, Gates and Pedestrian Walkways Rev B; 027042-PH1-21; 027042-PH1-20; 20-00705 SP03 Mariner Way Swept Path; Photo of Example Fencing

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.