

Delegated Decision Report

Application No:	25/0246	Statutory Period Expires:	10th June 2025
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Site:	Llanwern Village Development Site Phase 1 Cot Hill Llanwern Newport NP18 2DP		
Proposal:	NMA APPLICATION TO VARY CONDITION 2 (FOUL PUMPING STATION) OF 21/0184 RESERVED MATTERS APPLICATION FOR PARTIAL DISCHARGE OF CONDITION 01 (RESERVED MATTERS) IN RELATION TO DETAILS OF PROPOSED SURFACE WATER ATTENUATION PONDS AFFECTING PUBLIC RIGHT OF WAY 397/10/1 AND A SEWAGE PUMPING STATION & RISING MAIN BOTH PURSUANT TO OUTLINE PERMISSION 16/0864 FOR RESIDENTIAL DEVELOPMENT OF UP TO 1100 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND SUBMISSION OF DETAILS TO PARTIALLY DISCHARGE CONDITION 12 (DRAINAGE) OF THE SAME OUTLINE PERMISSION		
Applicant:	S. Thomas		
Type:	Non-Material Amendment	Ward:	Llanwern
Decision:	Approved & Conditions		

1. BACKGROUND

- 1.1 Reserved Matters approval 21/0184 agreed details of a swage pumping station and attenuation ponds at the Cot Hill site west of Llanwern village. Condition 02 of that approval required details of the pumping station given its prominence.

- 1.2 That condition read as follows:

Notwithstanding the submitted details of the foul pumping station and its access no work shall commence on any surface element of the station and its access until details of surfacing, fencing and equipment housings have been submitted to the Council and agreed in writing. Thereafter the foul pumping station and its access shall be completed in accordance with the agreed details prior to its first operation and maintained as such thereafter.

Reason: *to ensure the foul pumping station and its access are of a high-quality appearance in a visually prominent location. Policies GP2 and GP6.*

The applicant is seeking revision of that condition so that it reads:

Notwithstanding the submitted details of the foul pumping station and its access, no work shall commence on any surface element of the station and its access until further details of the surfacing and landscaping have been submitted to the Council and agreed in writing. Thereafter the foul pumping station and its access shall be completed in accordance with the agreed details in the first available planting season.

Reason: *to ensure the foul pumping station and its access are of a high-quality appearance in a visually prominent location. Policies GP2 and GP6.*

2. SITE LOCATION AND CONTEXT

- 2.1 The pumping station is located adjacent to the 'spine road' (Pen y Wal Drive) that runs through the Cot Hill development which is now the only vehicular route to Llanwern village following the closure of the old lane over Cot Hill to motor vehicles. The pumping station is prominently located adjacent to the northern attenuation pond and is readily visible to passers-by.
- 2.2 The pumping station has been built and is currently operational and its appearance is currently this (24.02.2025):



- 2.3 The appearance is prosaic and currently in breach of the condition as written since construction details have not been agreed. The applicant is seeking to amend the condition so that the scheme can be retained as built, other than surfacing and so that it can be screened by planting as an alternative to seeking higher quality fencing and equipment housing.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The applicant claims the proposed changes to the condition are non-material in context.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision Date &
17/0887	PARTIAL DISCHARGE OF CONDITION 01(REERVED MATTERS) IN RELATION TO ROADS & FOOTWAYS AND	AC

	LANDSCAPING AROUND THE PROPOSED SURFACE WATER ATTENUATION PONDS AND PARTIAL DISCHARGE OF CONDITION 06(MATERIALS FOR HARDSURFACING), CONDITION 09 (CONSTRUCTION DETAILS OF ROADS, CYCLEWAYS & FOOTWAYS) AND CONDITION 25 (STREETLIGHTING) ALL PURSUANT TO PLANNING PERMISSION 16/0864 (VARIATION OF CONDITIONS OF PERMISSION 13/0806) FOR THE DEVELOPMENT OF UP TO 1100 DWELLINGS, A PRIMARY SCHOOL, VILLAGE CENTRE, PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE.	13 September 2018
21/0184	RESERVED MATTERS APPLICATION FOR PARTIAL DISCHARGE OF CONDITION 01 (RESERVED MATTERS) IN RELATION TO DETAILS OF PROPOSED SURFACE WATER ATTENUATION PONDS AFFECTING PUBLIC RIGHT OF WAY 397/10/1 PURSUANT TO OUTLINE PERMISSION 16/0864 FOR RESIDENTIAL DEVELOPMENT OF UP TO 1100 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND SUBMISSION OF DETAILS TO PARTIALLY DISCHARGE CONDITION 12 (DRAINAGE) OF THE SAME OUTLINE PERMISSION	AC 19 August 2021
24/0610	PARTIAL DISCHARGE OF CONDITIONS 2 (PUMPING STATION), 3 (FENCING DETAILS) AND 4 (CIRCULAR PATH) OF 21/0184 RESERVED MATTERS APPLICATION FOR PARTIAL DISCHARGE OF CONDITION 01 (RESERVED MATTERS) IN RELATION TO DETAILS OF PROPOSED SURFACE WATER ATTENUATION PONDS	

5. PLANNING POLICY

5.1 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

GP2ii – Visual Amenity
GP5vi – Planting Scheme
GP6 – Quality of Design

6. CONSULTATION RESPONSES

6.1 None.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

8.1 Approving Non-material Amendments to an Existing Planning Permission (July 2024) advises that the following tests are applied to NMA submissions:

(a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,

- (a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?*
(b) would the interests of any third party or body be disadvantaged in planning terms; or,
(c) would the proposed change conflict with national or development plan policies?

And any other test that presents itself as relevant.

- 8.2 In this case the proposal will change the appearance of the completed scheme away from that which the condition sought to control. In essence the prosaic appearance of the pumping station which the condition sought to control will be broadly retained with some control retained over surfacing materials but not other built elements. In compensation the approved planting around the pumping station could be amended under condition to better screen the pumping station from Pen y Wal Drive. Test a(i) is failed.
- 8.3 In terms of test a(ii) the revised condition will require additional planting details to be submitted. Enhanced planting beyond that approved under 17/0887/RM could successfully mitigate the poor visual appearance of the pumping station and offset the adverse effects of its current low quality appearance. This means that visual amenity could be preserved under the conditional change meaning the impact would be non-material. Test a(ii) is passed.
- 8.4 No third party would be disadvantaged in planning terms given the opportunity to protect visual amenity via the revised condition.
- 8.5 Given that visual amenity can be protected under the wording of the new condition then Policies GP2ii (Visual Amenity) and GP6 (Design Quality) would be complied with.
- 8.6 No other tests present themselves as relevant in this case.
- 8.7 It is necessary to amend the applicant's proposed wording since the pumping station is currently in place and any harm is currently on-going. As such it is necessary to secure the details in a timely way and ensure they are implemented promptly. However these changes do not frustrate the purposes of this application or have any material effect unto themselves so the proposal remains non-material even subject to these amendments.

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 change to conditional wording as amended is non-material.

11. DECISION

Approved & Conditions

01 The pumping station shall be demolished and completely removed from the site within 6 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- i) within 3 months of the date of this decision a scheme of planting and surfacing, including materials, species, spacings and height when planted of all new planting, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- ii) if within 11 months of the date of this decision the local planning authority refuse to approve the planting and surfacing scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers.
- iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Welsh Ministers.

iv) the approved planting and surfacing scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In the interests of safeguarding visual amenity and design quality. Policies GP2 & GP5.

NOTE TO APPLICANT

01 This decision relates to the following plans & documents:

- Covering Letter dated 13.05.2025
- Drawing 3558 15 9011 - Ponds & Pump Station Red Line

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 & GP6 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.

04 Any approved Planting must be maintained in accordance with a Management Plan agreed under discharge of Condition 24 of Planning Permission 16/0864/VC.

05 This decision should be read in conjunction with those for 16/0864/O, 17/0887/RM and 21/0184/RM since conditions and legal agreements attached to those decisions remain relevant and enforceable to the development as proposed.