

Delegated Decision Report

Application No:	26/0379	Statutory Period Expires:	4th September 2026
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Site:	<i>Land Adjacent To And South Of Matalan Newport Retail Park Seven Stiles Avenue Newport South Wales</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITIONS 2 (DORMICE MITIGATION STRATEGY), 3 (ARBORICULTURAL METHOD STATEMENT) AND 4 (LANDSCAPING/PLANTING SCHEME ONLY) OF 24/0604 ERECTION OF SECURITY FENCING AT SITE PERIMETER</i>		
Applicant:	<i>Car Hire (Day Of Swansea) Ltd</i>		
Type:	Discharge Conditions	Ward:	Liswerry
Decision:	APPROVED		

1. BACKGROUND

- 1.1 The land has been granted planning permission for vehicle hire/rental and associated building and works under planning permission 24/0969. The site received permission for the erection of security fencing at the site perimeter under planning permission 24/0604.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is a 0.90ha parcel of broadly rectangular land that is located within the Newport Retail Park District Centre. The land is south of a retail unit and north of a variety of car hire and sales premises on the eastern side of the park. The character of the site is distinctly commercial.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 It is proposed to partially discharge Condition 2 (Dormice Mitigation Strategy), Condition 3 (Arboricultural Method Statement) and Condition 4 (Landscaping) of planning application ref.24/0604.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0969	CHANGE OF USE TO VEHICLE HIRE/RENTAL (SUI GENERIS), ERECTION OF A VEHICULAR MAINTENANCE AND WORKSHOP BUILDING, FORMATION OF CAR PARKING AREAS, EV CHARGING POINTS, LANDSCAPING AND ASSOCIATED DEVELOPMENT	GRANTED WITH CONDITIONS	30/04/2025
24/0604	ERECTION OF SECURITY FENCING AT SITE PERIMETER	GRANTED WITH CONDITIONS	01/11/2024

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)

SP1, SP9, CE6, GP2, GP4, GP5, GP6.

6. CONSULTATION RESPONSES

6.1 ECOLOGY OFFICER

No objection.

6.2 LANDSCAPE OFFICER

No objection.

6.3 TREE TEAM

No response received to date.

7. PUBLIC REPRESENTATIONS

N/A

8. ASSESSMENT

8.1 Condition 2 (Dormice Mitigation Strategy) reads:

"No development including any site clearance shall take place within the hatched area marked on "Drawing No. 01 – Development Exclusion Zone" attached to this decision notice until a dormice mitigation strategy for that area has been submitted to and approved in writing by the Local Planning Authority. The clearance of that area shall then be undertaken in full accordance with the approved strategy at all times.

Reason: In the interests of protecting European Protected Species in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015)."

A dormice precautionary working method has been submitted. The report sets out the protective measures for Dormice (and other species such as nesting birds) during the development, notably during the vegetation clearance required to erect the new fencing along the perimeter of the site. The Council's Ecology Officer has advised that the Dormouse Mitigation Strategy provided is acceptable however the applicant is advised that if clearance takes place during the bird nesting season, and an active bird nest is detected during clearance, then that area of vegetation will need to be left until the nest is no longer active. Secondly, if dormice or a dormouse nest is found during clearance, then all works will need to cease until a licence is obtained from NRW who are unlikely to issue such a licence during the dormouse breeding season (roughly June to September). The information provided is sufficient to partially discharge the conditions, insofar as it relates to the submission of a Dormice Mitigation Strategy, although the scheme remains to be adhered to.

8.2 Condition 03 (Arboricultural Method Statement) reads:

"No development including any site clearance shall take place within the hatched area marked on "Drawing No. 01 – Development Exclusion Zone" attached to this decision notice until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. All works shall then take place in full accordance with the approved method statement at all times.

Reason: In the interests of protecting the adjacent landscape features in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015)."

The application is accompanied by an Arboricultural Report which provides details including

a Tree Survey Data & Tree Constraints Plan, an Arboricultural Impact Assessment and a Tree Protection Plan and Arboricultural Method Statement to the British Standard 5837:2012. The report demonstrates that in adhering to the tree protection details provided, the proposed development can be constructed without any significant long-term adverse impact on the retained trees or the area's amenity. The information provided is sufficient to partially discharge the condition, insofar as it relates to the submission of an Arboricultural method statement, although the scheme remains to be adhered to.

8.3 Condition 4 (Landscape/Planting Scheme) reads:

"A scheme of soft landscaping and planting for the site (to include details of the Ecological Enhancement as set out within the approved PEA) shall be submitted to and approved in writing by the Local Planning Authority within 6 months of the date of this approval.

The approved scheme of planting shall then be carried out in its entirety by a date not later than the end of the full planting season following substantial completion of the fence. Thereafter the approved landscaping/planting 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 years establishment phase is to be confirmed by:

- a) *A short report with photo evidence by the landscape consultant to be submitted to and approved in writing by 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 report with photo evidence by the landscape consultant to be submitted to Newport City Council by 31st July for years 2 and 5 of the five-year establishment period (and thereafter approved in writing by the Local Planning Authority) 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 and biodiversity enhancement having regard to policies GP2 and GP5 of the adopted Newport Local Development Plan 2011-2026 (adopted January 2015)."

The application is accompanied by a Landscape and Planting Scheme. This was not submitted within 6 months of the date of the permission it relates to and therefore does not meet this timing requirement. The Council's Landscape Officer initially requested revisions to the scheme, which have since been undertaken and a revised plan submitted. The soft landscape proposals by DEP landscape architecture ltd have been updated to Rev B which shows additional 2no trees along Seven Stiles Road which is welcome, but removal of another native hedge to the north boundary. The Landscape Officer has no objection to the proposal although has noted that application 24/0969 already allows for an approved native hedge to this boundary and a double hedge would be preferable. The information provided is acceptable, insofar as it relates to the submission of a Landscaping and Planting scheme, although the condition requires ongoing monitoring to satisfy the requirements of Part a and Part b which require a report following the completion of the scheme and for years 2 and 5 of the establishment period. These details must be provided at a later date. Therefore, although the details are provided later than the timing specification in the condition, in this case the details are acceptable and the failure to provide in accordance with the submission deadline in the condition is not considered prejudicial to the acceptability of the development or the details, so it is considered that the requirements of Condition 4 are satisfied, insofar as it relates to the submission of a scheme.

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 to partially discharge Condition 2 (Dormice Mitigation Strategy), Condition 3 (Arboricultural Method Statement) are acceptable insofar as it relates to the submission of information although the schemes remain to be adhered to. The landscaping/planting scheme provided for Condition 4 (Landscaping) is acceptable however the condition requires ongoing monitoring to satisfy the requirements of Part a and Part b which require a report following the completion of the scheme and for years 2 and 5 of the establishment period. As these details cannot be provided until a later date, it is considered that the requirements of Condition 4 are satisfied, insofar as it relates to the submission of a scheme.

11. **DECISION**

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: Arboricultural Report, Dormouse Precautionary Working Method, Landscape review document, Site Location Plan, Covering Letter, 5477.01C Planting Plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, CE6, GP2, GP4, GP5, 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.