

Delegated Decision Report

Application No:	26/0351	Statutory Period Expires:	1st July 2026
------------------------	----------------	----------------------------------	----------------------

Site:	Site Of 21 St Mellons Road Marshfield Cardiff South Wales		
Proposal:	PARTIAL DISCHARGE OF CONDITIONS 5 (ACCESS) AND 10 (LANDSCAPING) OF 25/0927 S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF APPLICATION 19/1003 - AMENDMENT TO THE DESIGN OF PLOT 5		
Applicant:	G Harry		
Type:	Discharge Conditions	Ward:	Tredegar Park And Marshfield
Decision:	APPROVED		

1. BACKGROUND

- 1.1 Application 25/0927 was granted with conditions for S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF APPLICATION 19/1003 - AMENDMENT TO THE DESIGN OF PLOT 5.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site forms part of a residential development comprising five houses. The site lies within an Archaeologically Sensitive Area and Flood Zone 3. In addition, a protected group of trees (TPO 77/Mon) is situated to the front and southern side of the property.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks the partial discharge of condition 05 and 10 of 26/0351.

05 Within 3 months of the date of this consent, a scheme to detail how the original access point will be closed off, including the replacement means of enclosure and finish shall be submitted to and approved by the Local Planning Authority. The scheme to close off the access shall be carried out in accordance with the approved details and use of the access for vehicular traffic shall permanently cease.

Reason: In the interests of highway safety, visual amenity and residential amenity, GP2, GP6 and GP7, T4 of the Adopted LDP

10 Notwithstanding the details as submitted shown on the submitted landscaping drawing SMW 21 St Mellons Road TPOs /003), prior to the occupation of plot 5, written approval of the Local Planning Authority is required to a scheme of landscaping (indicating the number, species, heights on planting and positions of all shrubs). The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
25/0927	S73 APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF APPLICATION 19/1003 - AMENDMENT TO THE DESIGN OF PLOT 5	GC	31.03.2026
19/1003	DEMOLITION OF DERELICT HOUSE AND CONSTRUCTION OF FIVE DETACHED DWELLINGS	Granted with Conditions	23.09.2021

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.

6. CONSULTATION RESPONSES

6.1 Landscape Officer:

CONDITION 10 (LANDSCAPING) Tree planting approved under 19/1003 for the site is shown below but not reflected in the submitted planting proposal by DLP Architecture Ltd and there is a clash. Have tree 2 and 3 along with other planting shown been planted? Although this may be part of a separate condition - see condition 9 below – the species and location should still be shown on plans submitted to meet condition 10.

The DLP proposal submitted for condition 10 below is for 1no hazel on the boundary otherwise ornamental specimen shrubs placed individually in regimented rows rather than as a group or hedge. The size shown is the mature size not the nursery stock size at planting which is required.

I would advise a revised planting scheme is provided by a consultant with planting knowledge and incorporates the tree planting already approved.

6.2 Local Highways Authority:

The proposals for the access include the closure of an existing access. We believe however that the access may be the subject of another application, which seeks to retain it.

7. **PUBLIC REPRESENTATIONS**

None.

8. **ASSESSMENT**

8.1 This application seeks the partial discharge condition 05 (Access) of 26/0351:

05 Within 3 months of the date of this consent, a scheme to detail how the original access point will be closed off, including the replacement means of enclosure and finish shall be submitted to and approved by the Local Planning Authority. The scheme to close off the access shall be carried out in accordance with the approved details and use of the access for vehicular traffic shall permanently cease.

Reason: In the interests of highway safety, visual amenity and residential amenity, GP2, GP6 and GP7, T4 of the Adopted LDP.

8.2 The applicant has provided details and states the existing access is to be closed up between existing brickwork pillars (which are to be retained), with a 1.2m high 9" fair faced buff brickwork wall to match existing wall. As the applicant has stated that the materials will match the existing brick wall, this is deemed acceptable and will be visually coherent within the streetscene. The highway officer has no formal objections to the proposal. Therefore, the details are satisfactory to partially discharge condition 5.

8.3 This application also seeks the partial discharge condition 10 (Landscaping):

10 Notwithstanding the details as submitted shown on the submitted landscaping drawing SMW 21 St Mellons Road TPOs /003), prior to the occupation of plot 5, written approval of the Local Planning Authority is required to a scheme of landscaping (indicating the number, species, heights on planting and positions of all shrubs). The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner.

8.4 The applicant has submitted a landscaping scheme that includes native hedge planting along the rear boundary fence. A schedule of planting, including species and anticipated mature sizes, has been provided. Additional shrubs and trees are proposed within the rear garden, supported by a planting and maintenance plan.

- 8.5 The Landscape Officer was consulted on the application and raised concerns that planting approved under the original application (19/1003) was not reflected in the current landscaping plan. However, this planting was secured under a previous condition, and the wording of the current condition explicitly references the earlier scheme, stating: *“Notwithstanding the details as submitted shown on the submitted landscaping drawing SMW 21 St Mellons Road TPOs /003.”* As such, the planting approved under application 19/1003 remains secured and can still be enforced. On this basis, this matter is considered acceptable. The Landscape Officer also noted that ornamental specimen shrubs were shown individually in regimented rows rather than in cohesive groups or hedge formations, and that the sizes indicated appeared to be mature sizes rather than nursery stock sizes at the time of planting. Since these comments were made, the applicant has amended the scheme to include native hedge planting along the rear boundary, although some ornamental shrubs have been retained. While the sizes shown are mature sizes, this is considered acceptable as the layout and positioning of planting are clearly demonstrated. Finally, the Landscape Officer recommended that a revised planting scheme be prepared by a suitably qualified consultant. However, given the scale of the development and the level of detail provided, the submitted information is considered sufficient to partially discharge Condition 10.

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 Overall, sufficient information has been provided to partially discharge condition 05 and 10 of 25/0927.

11. DECISION

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: P816_Landscaping Proposals_Rev A; P816_L_002_Site Plan as Proposed_Rev C; P816 L 001 - Site Location Plan.

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.