

# Notice of Decision



Llyr Morris  
Asbri Planning Ltd  
Unit 9, Oak Tree Court,  
Cardiff Gate Business Park  
Cardiff  
CF23 8RS

**TOWN AND COUNTRY PLANNING ACT 1990 [as amended]  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(WALES) ORDER 2012 [as amended]**

**Application No:** 17/0223  
**Application Type:** Discharge Conditions  
**Proposal:** PARTIAL DISCHARGE OF CONDITIONS 14 (NOISE ATTENUATION FENCING) AND 24 (BOUNDARY TREATMENTS) OF PLANNING PERMISSION 13/1279 FOR THE DEVELOPMENT OF 251 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PUBLIC RIGHT OF WAY 407/1  
**Site/Location:** Land To South Of Glan Usk Primary School, Herbert Road, Newport  
**Decision Date:** 15-Jun-2017

In pursuance of its powers under the above legislation the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 13-Mar-2017. The application has been:-

**Approved**

## NOTE TO APPLICANT

The development should be carried out fully in accordance with the proposals shown in the application and in the plans and particulars accompanying such application as varied and amended by this permission.

This decision notice is issued in respect of Planning Permission only and does not convey any decision which may be required under any other legislation or provisions, such as the Building Regulations. For advice on the requirements of the Building Regulations and allied legislation, and/or whether there is a need for a Building Regulations submission, please contact the Council's Building Control Section on 01633 656656 or email [building.control@newport.gov.uk](mailto:building.control@newport.gov.uk).

This decision is issued in respect of a condition imposed on the previous consent referred to above. Please refer to that previous consent for other conditions which may have been imposed.

The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.

1. This decision relates to the following documents:
  - Drawing 1155090 305 – Gabion Basket and Reinforced Earth Bank Extents Plan
  - Drawing 1155090 304 C – Gabion Basket Retained Boundary
  - Drawing 1155090 303 C - Gabion Basket Retained Boundary
  - Drawing 1155090 302 B - Gabion Basket Retained Boundary
  - Drawing 1155090 301 A – Reinforced Earth Details (70 Degrees)
  - Drawing 1155090 300 A – Reinforced Earth Details (60 Degrees)
  - Unnumbered Drawing – Retaining Walls Revision A (07.03.2017)
  - Acoustic Fencing PCD12
  - Photograph of Proposed Gabion Fill (09.06.2017)
  - Information Sheet (Stone facing, limestone)
  - Email from Emma Harding 09.06.2017 (14:20) – in relation to 1.2m high ball top fencing.
  - Email from Emma Harding 09.06.2017 (16:33) – in relation to the appearance of the acoustic fence

2. 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.
3. 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.
4. Condition 14 (noise attenuation) is partially discharged in relation to acoustic fencing only. Additional information will need to be submitted to show internal noise levels can be appropriately mitigated; further details relating to glazing and ventilation will be required.

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Signed on behalf of the Council

Newport City Council  
Regeneration, Investment and Housing  
Civic Centre  
NEWPORT  
South Wales  
NP20 4UR



**Keir Duffin**  
Head of Regeneration, Investment and Housing / Pennaeth Adfywio Buddsoddi a Thai  
Cyngor Dinas Casnewydd / Newport City Council

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*IMPORTANT! PLEASE READ THE NOTES ON THE REVERSE OF THIS FORM*



# Notes for Applicants

## TOWN AND COUNTRY PLANNING ACT 1990

### Appeals to the Welsh Government

If you are aggrieved by the decision of your Local Planning Authority to refuse an application or to grant it subject to conditions, you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However, if you are appealing against a decision relating to a householder or minor commercial development the time limit for lodging the appeal is 12 weeks.

Appeals must be made using a form which you can get from the Welsh Government, Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ, or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)

The Welsh Government can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Welsh Government will not consider an appeal if it seems that the Local Planning Authority could not have granted permission for the proposed development or could not have granted it without the condition they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Welsh Government does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by them.

### The Choice of Appeal Procedure

The appeal procedures available are:

- a) by written representations which you and the Local Planning Authority make, normally followed by an unaccompanied site inspection
- b) by Hearing, when both parties make oral representations to an Inspector appointed by the Welsh Government. A Hearing is conducted on a less formal basis than a Public Inquiry.
- c) by Public Inquiry which takes the form of a formal hearing by an Inspector appointed by the Welsh Government.

### Purchase Notices

If either the Local Planning Authority or the Welsh Government refused planning permission or listed building consent or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the local planning authority in whose area the land is situated.

This Notice will require the Council to purchase the owner's interest in the land in accordance with Part VI of the Town and Country Planning Act 1990. (The Local Planning Authority may accept the notice and proceed to acquire the land; or reject the notice in which case they must refer the notice to the Welsh Government.)