

Delegated Decision Report

Application No:	25/0808	Statutory Period Expires:	30th January 2026
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Site:	Red Barn Wellfield Road Marshfield Cardiff CF3 2UB		
Proposal:	S73 APPLICATION TO VARY THE STANDARD TIME CONDITION IN RESPECT OF 19/0875 FOR THE ERECTION OF DETACHED DWELLING		
Applicant:	D Watkins		
Type:	Renewals and Variation of Conditions	Ward:	Tredegar Park And Marshfield
Decision:	REFUSED		

1. BACKGROUND

- 1.1 The proposal seeks to extend the period of time to commence development for a further 5 years regarding 19/0875. This application is the first instance of the commencement of development time period proposed to be extended.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located in the western part of Marshfield on the edge of settlement. The site is accessed from Wellfield Road and forms part of the wider holding of the residential unit know as Red Barn; a detached dwelling with outbuildings and notably an isolated barn at the most western extent of the site, which has a lawful use as B8 (Storage and distribution) as per 23/0045.
- 2.2 The dwelling benefits from a large rear garden leading onto the Site of Special Scientific Interest (SSSI) beyond the southern boundary. The application site subject of this application has a SSSI land designation. The site does lie within the village boundary of Marshfield, but outside of the urban boundary.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 Extend the period of time to commence development of the previous consent 19/0875.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/0045	LAWFUL DEVELOPMENT CERTIFICATE FOR EXISTING B8 STORAGE USE (RESUBMISSION FOLLOWING WITHDRAWAL OF 21/1095)	Issued	20.04.2023
20/0622	ERECTION OF DETACHED GARAGE CONSTRUCTED OF TIMBER WITH METAL PROFILED SHEET ROOF	Granted with conditions	01.10.2020
19/0875	ERECTION OF DETACHED DWELLING	Granted with conditions	15.10.2020
08/0816	ERECTION OF REAR EXTENSION TO DETACHED GARAGE	Granted with conditions	05.08.2008
06/0041	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF LAND AS RESIDENTIAL CURTILAGE	Issued	25.04.2007
06/0040	CERTIFICATE OF LAWFULNESS FOR PROPOSED ERECTION OF 2NO. GARDEN SHEDS	Granted	25.04.2007
93/0525	PROPOSED BATHROOM EXTENSION TO EXISTING DWELLING	Granted with conditions	02.08.1993
89/0932	ERECTION OF A DETACHED DOUBLE DOMESTIC GARAGE AND OUTBUILDINGS	Granted with conditions	06.07.1990

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 Technical Advice Note 5: Nature Conservation and Planning

Technical Advice Note 12: Design

Technical Advice Note 15: Development, Flooding and Coastal Erosion

Technical Advice Note 24: The Historic Environment

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP3 – Flood Risk
- SP4 – Water Resources
- SP6 – Green Belt
- SP8 – Special Landscape Area
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP13 – Planning Obligations
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- CE6 – Archaeology
- H4 – Affordable Housing
- H6 – Subdivision of Curtilages, Infill and Backland Development
- T4 – Parking
- W3 - Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Planning Obligations
- New Dwellings
- Waste Storage and Collection
- Archaeology and Archaeologically Sensitive Areas
- Wildlife and Development
- Parking Standards
- Trees, Woodland, Hedgerows and Development Sites

6. CONSULTATION RESPONSES

6.1 Ecology Officer: No response.

6.2 Landscape Architect:

The application is seeking variation of the five year time condition.

The time extension sought is not specified.

I have no objection as the soft landscape proposals have been approved.

If there is scope to plant ahead of development [where this is sited away from the works] this would help early amenity integration of the proposal into the landscape and deliver early biodiversity benefit.

- 6.3 Drainage Manager: No response.
- 6.4 Housing Development Officer: No response.
- 6.5 Tree Team: No response.
- 6.6 Planning Contributions Manager: Planning contributions required.
- 6.7 SAB Officer: A SAB application may be required.
- 6.8 Waste Manager: No response.
- 6.9 Glamorgan Gwent Archaeological Trust: The current proposal is for a time extension. We recommended an archaeological condition be attached to 19/0875 in our letter dated 13th December 2019, and indeed such a condition was attached (condition 3). However, the current application does not relate to any archaeological constraints or conditions. As such we have no further comment to make at this time.
- 6.10 Highways Officer: No objection – the variation would have no highway related impacts.
- 6.11 Natural Resources Wales: We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition (CEMP) to any planning permission granted.

Protected Sites - Construction Environmental Management Plan (CEMP) The application site is located within the Gwent Levels – Rumney and Peterstone Site of Special Scientific Interest (SSSI). The SSSI is notified for its range of aquatic plants and invertebrates associated with the reens and ditches of the drainage system. In summary, the special interests of the SSSI are dependent on the water quality, water quantity, the existence of the drainage system and its continued management. Any development which has an adverse impact on any of these factors will have an adverse impact on the wildlife for which the area was notified.

Updated Planning Policy Wales 12 provides the policy position on the protection of SSSIs (6.4.25- 6.4.27). It clearly states that there is a presumption against all forms of development in a SSSI, with the exception of developments necessary for the management of a SSSI and minor developments necessary to secure the SSSI's role as a living landscape.

This consultation is small for one home and its location is at the boundary of SSSI within footprint of the village, with no adjacent field ditches and on a field that is unlikely to support SSSI features. Therefore our view is that it is unlikely there would be adverse impacts on the qualifying or notified features of the SSSI.

However, we request the following condition should be included on any planning permission your authority is minded to grant.

Condition

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP should include:

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Flood Risk

The S73 application proposes to vary the standard time condition for the erection of a detached dwelling (highly vulnerable development). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 2 and 3 Rivers, Flood Zone 3 – Sea and TAN 15 Defended Zone.

We note that the Flood Consequences Assessment (FCA) that has been submitted for this S73 application, was previously submitted as part of application 25/0023. This application was for an outline application for three dwellings where had concerns regarding flood risk and requested further information. We note that this outline application was later withdrawn

However, for the on the initial application 19/0875, our reference CAS-104996-Z2Y8, dated 19/12/2019 we raised no objection regarding flood risk. The conclusions of the approved FCA still apply, and therefore, we have no objection to extending the time to construct Plot 1.

We would recommend that the approved 2018 FCA (the one submitted with the 19/0875 planning application) be included within the document on the decision notice rather than the 2024 FCA that was used for the outline application

Further advice

Land Drainage

Wellfield East & West Reens and Wood Ditch Reen are located to the south and southeast of the application site. These are Internal Drainage District (IDD) maintained watercourses. Provided no run-off enters the watercourses we have no objection to the proposed development. Please note, any proposed surface water run-off into these reens requires a formal Land Drainage Consent, in accordance with Section 23 of the Land Drainage Act 1991. Further information, including application forms, are available on our website.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on the 9th October 2025 and a Site Notice was put up on the 17th October 2025.

7.1 NEIGHBOURS: No responses received.

7.2 Marshfield Community Council: No response.

8. ASSESSMENT

8.1 Section 73

8.1.1 The application was validated prior to the expiration of the original consent 19/0875; as such the scheme can utilise the Section 73 to allow for the consideration of extending the time to commence development for a further 5 years.

8.2 Impact on Flooding

8.2.1 Since the determination of the previous application 19/0875, the policy context with regarding to flooding and flood risk has changed through the introduction of Technical

Advice Note 15 – Development, Flooding and Coastal Erosion (2025) (TAN15). Along with this, a new mapping system known as the Flood Map for Planning (FMfP) has also been introduced which represents the most up to date data regarding flooding, and a recategorization of the Flood Zones, now categorised as Flood Zones 1, 2 and 3; with Flood Zone 3 being an area at the highest risk of flooding. The FMfP goes further in identifying what type of flood risk a site may have, for example, rivers, sea, surface water and small watercourses.

- 8.2.2 The application site is located within a TAN15 defended zone from Sea, Flood Zone 3 Sea, Flood Zones 2 and 3 Rivers to the south of the site, and Flood Zone 2 Surface Water and Small Watercourses near the eastern boundary. The proposed dwelling would be considered as a form of highly vulnerable development as per the definition within TAN15.
- 8.2.3 Application 06/0041 has confirmed that the area subject of this application is lawful residential curtilage associated with the dwelling known as Red Barn. In reference to the definition of *previously developed land* as contained within Planning Policy Wales (Ed.12), the area would be considered as previously developed land.
- 8.2.4 Section 10.17 of TAN15 states:
'On brownfield sites redevelopment proposals should not over intensify use neither should they reduce the area's ability to absorb flood water nor cause problems with flooding elsewhere. All applications should consider opportunities to incorporate flood resilient design as appropriate and any proposal involving highly vulnerable development must be compliant with the tolerable conditions set out in section 11.'
- 8.2.5 Section 10.21 of TAN15 states that:
'Allocations for redevelopment in zone 3 should be avoided and may only be made in exceptional circumstances where it is essential to the strategy of an LDP or where it addresses national security or energy security needs, or public health or it mitigates the impacts of climate change. Planning authorities must not allocate sites for highly vulnerable redevelopment unless there is a clear commitment that flood mitigation measures will be provided to protect those sites. Such measure must be set out in the LDP Infrastructure Plan.'
- 8.2.6 Section 10.23 of TAN15 states that:
'Other proposals will only be appropriate if they are essential to the Development Plan Strategy to regenerate an existing settlement or achieve key economic or environmental objectives. Any redevelopment proposal must be consistent with the acceptability considerations in section 11. In addition, proposals which include residential development must ensure that such uses do not occur at ground floor level. Proposals that address national security or energy security needs, mitigate the impacts of climate change, that are necessary to protect and promote public health may also, by exception, be appropriate provided that their locational need is clear and the potential consequences from flooding have been considered and found to be acceptable.'
- 8.2.7 The scheme presented would contribute a single dwellinghouse to an existing settlement; the scale of development is not proportionate to be considered to regenerate an existing settlement. Furthermore, notwithstanding the benefit to the local economy through supply chains and employment opportunities during the construction phase, it is considered these benefits would not significantly contribute toward key economic or environmental objectives. Furthermore, the scheme involves the use of the ground floor for residential purposes, this aspect is also not supported as set out in Section 10.23 of TAN15.
- 8.2.8 The consultation response from Natural Resources Wales is noted that it finds the previously submitted Flood Consequences Assessment acceptable and raises no objection. However, it is the role of the Local Planning Authority to establish whether the scheme is justifiable in reference to the criteria within TAN15. The previously approved scheme was considered on the basis of the previous TAN15 and the associated Development Advice Maps which located the development site within a C1 flood zone and the development was justified in accordance with its position within the flood zones and policy at the time. This position has significantly changed since the implementation of the updated TAN15 and FMfP. Accordingly, the LPA considers that the change to the flood zones and the advice

within the existing TAN15 considerably changes the policy framework and it has no longer been possible to arrive at a positive outcome for new highly vulnerable development within this location.

- 8.2.9 In this case, it is concluded that the residential scheme is not considered as a regeneration scheme to an existing settlement and would not significantly contribute toward economic or environmental objectives as outlined within the Local Development Plan. The national policy changes that have occurred between the previous application being determined and that considered under the current application are materially, and significantly different which thereby justifies how the scheme is now considered in terms of flood risk. Therefore, the scheme is found to be unacceptable in terms of the siting of a highly vulnerable use within Flood Zone 3, contrary to the aims of Technical Advice Note 15 and Policy SP3.

8.3 Principle of Development

- 8.3.1 It is noted that the site lies within a village boundary as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and in general terms, developed should be focused within defined settlement boundaries. However, the land designation of being within a village boundary does not shift the balance in favour of development when considered against the level of flood risk.

8.4 Water Resources

- 8.4.1 The site is hydrologically linked to the wider reën network by the presence of field ditches. No objection has been raised by Natural Resources Wales or the Sustainable Drainage Approval Body. Surface water run-off into reëns is not permitted by Natural Resources Wales, therefore any drainage plan, if relevant, would have to ensure this is respected and consents gained.

- 8.4.2 Turning to foul drainage, the previous approval contained a condition for the submission of details to ensure foul flows only discharged into the existing network. Welsh Water/Dwr Cymru commented on the previous application confirming that capacity exists in the existing drainage network for foul water flows. No other means of foul drainage is proposed, therefore the method of foul drainage is considered acceptable and the drainage hierarchy is suitably addressed.

8.5 Impact on the Green Belt

- 8.5.1 The policy considerations regarding development within a Green Belt have also changed since the determination of the previous consent. Planning Policy Wales (Ed.12) states that:

'3.73 When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply.'

And;

'3.75 The construction of new buildings in a Green Belt or green wedge is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;*
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;*
- limited extension, alteration or replacement of existing dwellings; or*
- small scale diversification within farm complexes where this is run as part of the farm business.'*

- 8.5.2 The proposed development is not linked to any form of rural enterprise, essential outdoor facilities, works to an existing dwelling, or small-scale rural diversification. As such, the proposal is considered to be an inappropriate development within the Green Belt contrary to Planning Policy Wales (Ed.12) and Policy SP6. This position has been arrived at in part given that the proposed development is unjustified with respect of it being highly vulnerable development within a flood zone and as it does not accord with the requirements as stated within PPW12, accordingly this alters the considerations from the previous consent and therefore the LPA no longer considers the development to be acceptable in this regard.

8.6 Impact on the Special Landscape Area

8.6.1 The application site is located adjacent to the Wentlooge Special Landscape Area (SLA); a desktop assessment of the submitted site location plan and the GIS special landscape area mapping layers identify that a slight incursion into the SLA would occur in the south west corner of the site. However, this area was previously considered to form part of the residential curtilage of Red Barn as shown on drawings submitted with application 06/0041.

8.6.2 Notwithstanding the above, the Landscape Architect has raised no objection to the proposal and therefore, the schemes impact upon with the Special Landscape Area is considered to not result in any adverse impact upon the wider landscape in accordance with Policy SP8.

8.7 Impact upon Archaeology

8.7.1 The site is located within an archaeological sensitive area as designated by the plans contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). The previous consent contained a condition securing a written scheme of historic environment mitigation. Notwithstanding the comments received from Heneb Glamorgan Gwent Archaeology, should all other matters be acceptable, the condition would be attached. Subject to condition, the proposal accords with Policies SP9 and CE6.

8.8 Impact upon Amenity and Character & Appearance

8.8.1 The previously consented scheme achieved adequate separation distances with common boundaries, resulting in no adverse impacts regarding overshadowing, daylight or sunlight entering neighbouring properties. The side elevations did not contain any windows at first floor, therefore the proposal would not result in an unacceptable level of overlooking toward Red Barn or any other residential property. Views gained from the first floor front and rear elevations would have views toward the adjacent highway, and far reaching views over the Wentlooge Levels. It is considered these views would not result in harm, or reduce the amount of privacy afforded to existing residents.

8.8.2 The scale, form and finish of the proposed dwelling is considered to not result in any adverse impact with regard to visual amenity. The siting of the dwelling is considered to not result in any significant adverse impact with regard to the settlement pattern or overdevelop the site. The proposal accords with Policies GP2, GP6 and H6.

8.9 Impact on the Highway and Parking

8.9.1 The proposal does not alter the previously approved vehicle access onto Wellfield Road, parking layout, or amount of off street parking afforded to the dwelling. No objection has been raised by the Highways Officer, therefore the scheme is considered to be acceptable in regard to highway safety and parking in accordance with Policies GP4 and T4.

8.10 Impact on Ecology

8.10.1 The application site is a designated Site of Special Scientific Interest (SSSI). Planning Policy Wales (Ed.12) sets out the policy position on developments in a SSSI which states a presumption against development in these areas, except those which contribute towards the management of the SSSI.

8.10.2 The consultation response from Natural Resources Wales confirms that the site is unlikely to support SSSI features or impact on the qualifying or notified features of the SSSI. A condition securing a Construction Environment Management Plan (CEMP) is recommended by Natural Resources Wales in the interests of protecting the water environment.

8.10.3 The application includes a proportionate Green Infrastructure Statement (GIS) addressing the Step-wise approach including mitigation for the loss of a grassed area and the installation of bird and bats boxes as a form of enhancement. No objection has been received from Natural Resources Wales of the Councils Ecologist regarding these matters. Therefore, the scheme is considered on balance to be acceptable in terms of impact upon ecology in accordance with Policy GP5 and Planning Policy Wales (Ed.12).

8.11 Waste and Recycling

8.11.1 A scheme of waste and recycling storage is required to ensure that the site has sufficient onsite waste storage facilities. No details have been provided, however should all other

matters be acceptable, the details can be secured by way of condition. Subject to a suitably worded condition, the proposal would accord with Policy W3.

8.12 Section 106 Planning Obligation Matters

8.12.1 In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)

b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site).

In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration and Economic Development	To provide a contribution toward off site affordable housing.	A commuted sum of £3,212 toward off site affordable housing.	Agreed	No.

HEADS OF TERMS AGREED BY APPLICANT

Section 106 Planning Obligations (Without prejudice & subject to contract)

1. Introduction

Based upon a development of 1 x 4 bed house, the following S106 planning obligations are required to mitigate the impact of the development.

NB: this is an extension of time application linked to ref: 19/0875

2. Affordable Housing

Commutated sum payments for affordable housing will normally be sought on developments of 1 to 2 dwellings anywhere in Newport. The site lies within the Housing Target Area of Rural Newport. Rural Newport requires the delivery of 40% affordable housing on new development. The equivalent commuted sum generated is £3,212

This sum will be paid prior to occupation and index linked to the RPI

3. Fees

Administration Fee

In accordance with the Planning Obligations SPG (2020), a £200 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.

Legal Fee

Planning Obligations can be contained in Unilateral Undertakings or s.106 Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas s.106 Agreements are usually drafted by the Council's in-house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the s.106 Agreement with prior agreement). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing the s.106 Agreement and Unilateral Undertakings, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed. There is a minimum contribution to legal costs of £700, although more time-consuming and complex documents would require an increased contribution to legal costs.

Please Note:

Planning Obligations can be contained in Unilateral Undertakings or Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas Agreements are usually drafted by the Council's in house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the Agreement if preferred). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing any Deed of Obligation, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed.

You are required to agree to these Heads of Terms in writing. In doing so you also agree to an extension of time for the determination of your proposal in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits)(Wales) Regulations 2015 and the Town and Country Planning (Development Management Procedure)(Wales) Order 2012. This will extend the statutory period for determination of your application by 16 weeks from the date the Local Planning Authority resolve to grant your planning permission (i.e. the Planning Committee date or the delegated Agenda date) subject to a legal agreement. This extension of time is required to enable completion of the section 106 Agreement (although the Local Planning Authority will endeavour to determine your application as soon as possible prior to this date).

Once your written agreement to the Heads of Terms for section 106 has been received by the Authority and a resolution made on the basis of such agreement, the Local Planning Authority will NOT enter into any negotiations that seek to alter the Heads of Terms in terms of discounting agreed figures due to, for example, viability reasons before the final Notice of Decision is issued. It is important that you check the Heads of Terms you receive thoroughly and if you have any questions regarding the figures included or the justification for them, you must raise these and satisfy yourself that the request is reasonable, relevant and necessary, prior to providing your written agreement to the Terms.

Any negotiations must take place before Heads of Terms are agreed by you and if you seek to discuss or re-negotiate section 106 Heads of Terms having agreed them in writing and having received a resolution (but not a decision notice), your application must be withdrawn to enable re-negotiation to take place. Failure to sign a section 106 within 3 months of any

resolution being made may lead to your application being refused. Alternatively, you may proceed to complete the section 106, receive a Notice of Decision and then make a new submission to the Authority that will enable altered terms to be negotiated. Please be advised that any such re-submission will likely attract a new planning application fee.

- 8.12.2 Despite the agents agreement to the Section 106 terms as reported above, in the absence of a signed Section 106 agreement, this forms a further reason for refusal on technical grounds. As such, a reason for refusal on this matter is attached, however it is acknowledged that should all other matters be acceptable and the Section 106 terms agreed, this reason for refusal would be suitably addressed.

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 extension of time to commence development is hereby refused due to the significant change to the policy position regarding redevelopment in Flood Zone 3 and through insufficient justification for the construction of new buildings within the Green Belt

contrary to Technical Advice Note 15 – Development, Flooding and Coastal Erosion (2025), Planning Policy Wales (Ed.12), Policy SP3 and SP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

11. DECISION

Refuse, for the following reason(s):

01 The proposed highly vulnerable development on previously developed land is considered to not contribute toward key employment, economic aims or the regeneration of the existing settlement contrary to the justification criteria as set out within Technical Advice Note 15 – Development, Flooding and Coastal Erosion (2025) and Policy SP3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 The proposal would result in the construction of new buildings within the Green Belt and is not justified through any of the exemption tests as outlined within Planning Policy Wales (Ed.12) and is therefore contrary to national and local policy SP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 The development would have a significant adverse impact upon interests of acknowledged importance, namely it represents an unsustainable form of development which fails to be mitigated by contributions towards affordable housing. As such, the scheme is contrary to the Planning Obligations SPG dated January 2020 and Policies SP1, SP13 and H4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Flood Consequences Assessment (Reference: 17856-FCA, February 2024)
- Planning Statement (Received: 30/09/2025)
- Site Location Plan (Drawing ref: 399-19-01)
- Green Infrastructure Statement (Received: 30/09/2025)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP4, SP6, SP8, SP9, SP13, GP2, GP4, GP5, GP6, CE6, H4, H6, T4 and W3 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.