

APPLICATION DETAILS

No: 25/0700 **Ward:** Ringland

Type: Full (Major)

Expiry Date: 28th October 2025

Applicant: *Tai Hedyn*

Site: *Land formerly known as the Open Hearth, Hendre Farm Drive, Newport NP19 9LH*

Proposal: **RESIDENTIAL DEVELOPMENT INCLUDING THE ERECTION OF 32NO UNITS, ACCESS, CAR PARKING, ENGINEERING, LANDSCAPING AND ASSOCIATED WORKS**

Recommendation: GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS AND DISCRETION TO REFUSE THE APPLICATION IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF THE DECISION

1. INTRODUCTION

- 1.1 The application is being reported to Planning Committee as it constitutes major development.
- 1.2 The applicant is seeking permission for 32no. affordable units comprising a mix of flats and houses and associated parking and infrastructure on the site of the former Open Hearth Public House in the Ringland Ward. The proposal is for three pairs of semi-detached houses and two flatted blocks containing 24 flats in total. One block will be two storey and the other three storey.
- 1.3 The proposed dwellings are traditional in appearance with pitched roofs and would be constructed primarily of brick, render, grey 'board' cladding and grey roof tiles. Details include stone effect window cills, headers and detailing bands, overdoor canopies and other brick detailing. Balconies are proposed for the 3 storey block. Rainwater goods are to be in black uPVC and window frames, soffits etc will be in white uPVC.
- 1.4 48no. parking spaces are proposed with some limited additional on-street parking available.
- 1.5 The site is currently in poor condition despite being cleared and has been subject to significant fly tipping.
- 1.6 The site is bounded by dwellings to the east and west, the Southern Distributor Road (SDR) to the south and Hendre Farm Drive to the north. The site slopes down from Hendre farm Road and is immediately adjacent to the footbridge from Ringland to Llanwern High School. The site is within the urban boundary for planning purposes.

1.7 The proposed accommodation is:

	1 bed	2 bed	Total
Houses		6	6
Flats	19	7	26
Total	19	13	32

1.8 The site location plan is shown below, application site coloured red.



2. RELEVANT SITE HISTORY

None. But formerly the site of the Open Hearth Public House, which was demolished in 2021 having closed in 2020.

3. POLICY CONTEXT

Newport Local Development Plan (2011-2026)

3.1 The following policies of the adopted Newport Local Development Plan 2011-2026 (NLDP) are relevant to this decision:

- SP1 – Sustainability
- SP10 – House Building requirement
- SP13 – Planning Obligations

SP18 – Urban Regeneration
GP1 – Climate Change
GP2 – Amenity
GP3 – Service Infrastructure
GP4 – Highways & Accessibility
GP5 – Natural Environment
GP6 – Quality of Design
GP7 – Environmental Protection
CE1 – Routeways, Corridors & Gateways
H2 – Housing Standards
H3 – Housing Mix and Density
H4 – Affordable Housing
H9 – Housing Estate Regeneration
T4 – Parking
CF12 – Protection of Existing Community Facilities
W3 – Provision for Waste Management Facilities in Development

Supplementary Planning Guidance

3.2 The following adopted Supplementary Planning Guidance is relevant:

- Sustainable Travel
- Planning Obligations
- Affordable Housing
- Wildlife & Development
- New Dwellings
- Waste Storage & Collection
- Outdoor Play Space Provision

4. CONSULTATIONS

4.1 **Health & Safety Executive (HSE):** No interest.

4.2 **Wales & West Utilities:** Advise of equipment in the area and safe working practices.

4.3 **National Grid Electricity Distribution:** Advise of equipment in the area and safe working practices.

4.4 **Dwr Cymru / Welsh Water (DCWW):** No objection but ask for conditions to prevent surface water drainage connecting to foul sewers.

4.5 **Heddlu Gwent Police (Designing Out Crime):** No inherent objection and offers advice on how to improve scheme security.

4.6 **Cyfoeth Naturiol Cymru / Natural Resources Wales (CNC/NRW):** Advise on ecological matters and conclude there is low risk of bats being present on the site but Great Crested Newts may be present and advise the Habitat Regulations be applied and certain application documents be conditioned.

4.7 **South Wales Fire & Rescue Service / Gwasanaeth Tan ac Achub De Cymru:** Offer generic advice.

5. INTERNAL COUNCIL ADVICE

- 5.1 **NCC Active Travel:** There is sufficient bicycle storage.
- 5.2 **NCC Highways:** No objection but asks for various conditions to be applied and that the applicant be reminded of responsibilities under the Highways Act in any note.
- 5.3 **NCC Housing Strategy:** Supports, the proposal responds to an identified housing need and aligns with NCC strategic housing priorities.
- 5.4 **NCC Landscaping:** the site offers engineering constraints which may impact on Green Infrastructure that is to be provided. Comments are made on points of detail.
- 5.5 **NCC Trees:** Objects over concerns in relation to retained trees on the site.
- 5.6 **NCC Public Rights of Way:** No objection.
- 5.7 **NCC Drainage Manager:** No response.

6. REPRESENTATIONS

6.1 NEIGHBOURS:

All properties within 50m of the application site were consulted (54no. properties), a site notice was displayed and a press notice published in the South Wales Argus on 20.09.2025.

2no. responses were received objecting and raising the following points:

- Overdevelopment.
- Increased local traffic endangering children using the footbridge.
- Increased pressure on local services - doctors and schools.
- The site should have sufficient greenspace and the area is a flood risk.
- Additional parking demand will worsen a poor situation, Hendre Farm Drive is already heavily parked and there is insufficient parking for existing residents as it is.

- 6.2 **COUNCILLORS:** Councillor Lacy supports the proposal but asks that the construction site is appropriately secured, disruption to neighbours is minimised and that there should be no obstruction or safety risks posed to the users of the adjacent footbridge.

7. ASSESSMENT

Key Issues

- 7.1 The principle of development is acceptable since the site is within the urban boundary. The key Issues are:

- Layout, Scale and Massing.
- Design & Appearance
- Impact on neighbours
- Amenity for future occupiers including open space
- Parking Levels
- Flooding
- Noise
- Ground contamination

- Biodiversity & Net Benefit for Bio-diversity

Minor Issues are:

- Retained Planting & Proposed Planting
- Air Quality
- Boundary Treatments
- Trees
- Waste collection
- Site Levels

Layout, Scale and Massing

- 7.2 The site is approximately square and contains a small portion of the adopted highway leading from Hendre Farm Drive (HFD) to Fred Edwards Close. The appropriate certificates have been served on the Council. The main site access will be via the existing road to Fred Edwards Close. The site slopes from Hendre Farm Drive down to the SDR with the top of the site being approximately 4m higher than the lower part.
- 7.3 In terms of layout the semi-detached houses are at the top of the site and face out onto Hendre Farm Drive and these are of a similar scale to the houses opposite. The end units on the 'terrace' are gabled which gives the row of houses a symmetrical appearance. Frontage onto HFD is desirable and has been effectively achieved.
- 7.4 The flatted blocks are lower down the site, with the two-storey block backing onto the existing houses at 54-62 HFD. Separation from the boundary is over 10m and 20m from the rear wall of the existing houses all of which is acceptable as set out in the New Dwellings SPG. These blocks are two storey and do not read as traditional flats having an appearance that is more house like to the casual observer.
- 7.5 The three-storey block is in the southeastern section of the site adjacent to the most southern terrace in Fred Edwards Close. Although at larger scale the block has a similar design motif to the other buildings with a pitched roof and gabled forms. The block is orientated north – south and effectively faces into the site.
- 7.6 In terms of internal access the existing highway will be extended and will loop round to the southern end of the site where parking places are proposed adjacent to the SDR. An additional road will run across the front of the site parallel to HFD to give access to the proposed houses and their parking.
- 7.7 Overall scale and siting of the dwellings are rational and acceptable.

Design & Appearance

- 7.8 Design is traditional in form and scale with gabled frontages. Materials are red brick, grey 'board' cladding, grey roof tiles, black uPVC rainwater goods, white uPVC window / door frames, fascias and soffits. Detailing is 'stone' window cills, headers and banding, with additional brick detailing. Over door canopies are proposed and the three-storey block will have balconies.
- 7.9 Design and materials are acceptable in context and NLDP Policies GP2 and GP6 are complied with

Impact on neighbours

- 7.10 The dwelling houses and the 2 storey flatted block have no potentially significant adverse impact on neighbouring amenity. In terms of the three-storey block, No. 1 Fred Edwards Close has a blank gable facing towards the proposed block of flats so there is no impact on outlook from within that house and the block does not project further forward than the front of No.1 again having minimal impact on outlook.
- 7.11 The upper floor flats on the south eastern corner of the block will have views towards gardens at 1-3 Fred Edwards Close from habitable room windows and proposed balconies. At its closest this will be from a distance of 11m. This is similar to a typical garden separation distance in a standard housing scenario and in any event these gardens are already overlooked from neighbouring houses. As such this change will not be a significant worsening over the current position and is acceptable.
- 7.12 Although three storeys high the separation is considered sufficient for there not to be an overbearing impact on gardens at Fred Edwards Close and given the siting of the proposed block most shading will fall upon the side elevation of No.1 and across front garden areas. There would be no demonstrable unacceptable shading effect on neighbouring garden areas. The proposal would have no demonstrable unacceptable impact on neighbouring amenity and is compliant with NLDP Policy GP2 (Amenity).

Amenity for future occupiers including open space

- 7.13 The New Dwellings SPG advises on space standards for the various types of dwelling. For houses there is a requirement for private gardens at least 10m deep and for the building footprints and hard surfacing to be less than 50% of the plot area. In this case garden areas are limited being 6.5m deep and about 8.5m wide and amount to approximately 60% of the plot area. The deficiency in garden depth is contrary to SPG guiding standard but not a significant issue here since the gardens are usable private space which although of insufficient depth provide a usable and sensibly shaped amenity area that can provide acceptable outdoor amenity space to future residents. The houses back onto one of the access roads, meaning that separation distances for privacy do not engage here and so the garden depth issue is of less importance than the shape, usability and area of the garden which are adequate as explained above. The gardens will be south facing and therefore enjoy prolonged periods of sunshine to maximise outdoor space enjoyment. As such the houses have suitable private amenity space. The Welsh Design Quality Requirements 2021¹ require a 4 Person 2 Bedroom house to have a gross internal floor area of 83 sqm with 2.5 sqm of storage and these standards are met. The New Dwellings SPG does not set out minimum floor areas for houses. The houses provide suitable levels of internal and external space and NLDP Policy GP2 (amenity) is complied with.
- 7.14 The flats in the two-storey block are a mixture of one and two bedroom units which meet the WDQR space standards and mostly meet the New Dwellings floor area requirements with any deficiencies being minor (0.5sqm) for two units.
- 7.15 In terms of private amenity space, none of the proposed flats in the 2 storey block have balcony areas but each of the flats will have access to a communal area at the rear of the block. The New Dwellings SPG requires new flats to provide communal amenity space according to occupancy which in this case would amount to 210 sqm in total for

¹ [Welsh Development Quality Requirements 2021](#)

the 8no. flats proposed. The shared garden area for the 8 flats comes to about 227 sqm and so meets the SPG standard. Overall these units are deficient in *private* amenity space as set out in the adopted New Dwellings SPG but in context given the availability of the shared ‘garden’ areas to the rear of the block then this deficiency is not seen as harmful overall.

7.16 In terms of the three storey block each flat has access to a private balcony space, these vary from 1.7 sqm to 2.3 sqm. The SPG requirement is for balconies of 2.25sqm for a 1 bed flat and 3sqm for a 2 bed flat, meaning some of the balconies are sub-standard, whilst others are over-sized. In the round the private amenity space is seen as acceptable for these units.

7.18 So far as communal space is concerned the 3 storey unit does not have any dedicated amenity space (outside of the balconies) and is reliant on what is available on site. The block generates a need for 406sqm² of shared amenity space for residents. The applicant has provided a breakdown of space on the site and although some areas are clearly not pragmatically usable as open space for residents there is sufficient space in terms of accessibility, utility and gradient to meet the communal space requirement for the 3 storey block.

7.19 An additional space requirement arises from the ‘Playspace’ SPG which requires the provision of additional Public Open Space for use by residents. This falls into three categories:

- Equipped Play Space for children (play area)
- Formal Play Space (football pitches etc)
- Informal Play Space (parks, woodlands etc)

7.20 The Outdoor Play Space SPG advises that this should be provided as follows:

Type	SQM per person	Occupancy	Requirement sqm
Equipped Play	2.5	55	137.5
Formal Play Space	16.0	55	880.0
Informal Play Space	5.5	55	302.5
Total			1320.0

7.21 The site provides a potential area for play (Local Area of Play – LAP) which covers 163sqm and covers off the equipped play requirement. The delivery of this can be secured by condition. The applicant has demonstrated that this area will be usable in terms of area and gradient.

7.22 In terms of the other space, it is unusual for development sites to be able to provide this. Therefore the usual mechanism is for developments to make contributions to existing facilities in the area to allow those facilities to be more able to serve an increased local population. The Outdoor Play Space SPG advises that Ringland has a deficit in Formal play space and in the normal run of things a contribution from the developer would be required to upgrade formal sports facilities at either Edward German Crescent and / or Cot Farm Circle and this would be secured by a S106 legal agreement. However under the currently adopted Planning Obligations SPG 100% affordable housing is exempt from making contributions to leisure and education

² 29 people * 14sqm

(Paragraph 15.4). As such should this scheme be delivered as 100% affordable housing it would not be required to make any leisure contributions under currently adopted local policy. In this scenario the applicant is expected to enter a legal agreement where contributions are required for any units delivered to the open market but no contributions are required for affordable units. The provision of the on site usable LAP, having regard to the general standards expressed above, is considered essential to the acceptable layout of this development in order to provide future occupiers easy access to a local area of play. The usability of this area in topographical terms in particular has been a point of negotiation with the agent and officers consider the details now supplied are acceptable in this regard and show the space to be usable and of suitably gentle slope that will facilitate the installation of seating and associated features for the benefit of the public.

- 7.23 Overall the proposed development is considered to provide an acceptable level of amenity for future occupiers and Policy GP2 (Amenity) is complied with.

Parking Levels

- 7.24 The applicant proposes 48 parking spaces across the site. There are 2no. spaces for the houses mostly provided as tandem spaces accessed off a private drive with a turning head at the end which is policy compliant. One visitor parking bay is included along the access drive. The flatted blocks have 33 spaces to serve the 26 proposed flats. Under the Parking SPG these would require 33 spaces so the requirement is fully met.
- 7.25 Visitor parking would be 1 space per 5 units, that is 7 spaces in total. The plan shows 3 visitor parking spaces off-street and additional opportunity for 2 further spaces on-road. Other potential opportunities to park arise in the nearby adopted highway. Visitor parking is seen as acceptable. Overall Policies GP4 (Access) and T4 (Parking) are complied with.

Flooding

- 7.26 The site is partially within Zones 2 & 3 for flooding from Surface Water & Small Watercourses³. The applicant has provided a Flood Consequences Assessment as required under TAN15 (Development, Flooding and Coastal Erosion). That assessment concludes that flooding on the site will be manageable due to site raising in the lower lying parts of the site by approximately 1m. The applicant has further clarified that any surface water flooding will run through the site via the proposed roads down to the reën at the bottom of the site with water not entering the proposed houses and flats which will be slightly elevated above the road deck. As such the surface water flood risk is acceptably mitigated and Policies SP3 (Flood Risk) and GP1 (Climate Change) are complied with.

Noise

- 7.27 The site is noise affected with the SDR being immediately to the south and this being the dominant noise source in the area. The applicant has provided a noise assessment which confirms that acceptable day and nighttime noise levels cannot be achieved internally with open windows at most of the units. As such a scheme of acoustic mitigation is required to ensure that glazing is sufficient to mitigate external noise down to acceptable levels. Additionally since internal noise levels cannot be met with open

³ [Flood Map for Planning](#)

windows a scheme for the mechanical ventilation of rooms with noise affected facades will also be necessary. Both of these measures can be secured by condition. Subject to such conditions Policy GP2 (Amenity) and GP7 (Environmental Protection) are complied with in relation to internal noise.

- 7.28 It is certain that external communal areas will also be exposed to significant noise from roads adjacent to the site and this cannot be realistically mitigated. These are communal landscaped areas rather than private gardens where expectations may differ. Likewise noise to balconies cannot be mitigated but the utility of these spaces can still be sufficiently high as to warrant their provision. Residents will choose to use them or not as suits them but the noise environment is not a reason to not provide this outdoor space. Overall, noise is a material consideration and will impact the scheme. Road noise to internal living spaces can be acceptably mitigated. Road noise to outdoor shared spaces cannot. On balance, this failing does not warrant a reason for refusal having regard to scheme merits.

Ground contamination

- 7.29 The historic uses on the site are reported as Public House and a Petrol Filling Station in the southeastern part of the site. The applicant has undertaken preliminary survey work but was unable to access the entirety of the site due to extensive amounts of fly-tipping. As such there is uncertainty over the potential for ground contamination on all of the site but the applicant concludes that any contamination encountered can be dealt with and potential contamination pathways be broken via the installation of a 'no-dig' membrane and the installation of clean cover. However given the remaining uncertainties it is proposed to apply the full suite of contamination conditions to prevent development occurring until such a time as a full information has been acquired and a fully informed decontamination / mitigation strategy arrived at. Subject to such a condition Policy GP7 (Environmental Protection) is complied with.

Biodiversity & Net Benefit for Bio-diversity

- 7.30 The site has limited bio-diversity potential. The applicant has provided an Ecological Impact Assessment (07.10.2024) which advises that there are some trees of low bat potential and a possibility of Great Crested Newts or other reptiles / amphibians (herptiles) being on the site. The EclA advises on methods of site clearance that will reduce risk to herptiles (common name for amphibians and reptiles) and this methodology can be conditioned. It should be noted that no herptiles have been identified on the site and that these measures would be entirely precautionary.
- 7.31 In terms of bats the identified trees of low bat interest (T16, T22, T23, T24 & T25) are all located on the site's western boundary and are outside the development footprint. The submitted tree survey advises the removal of certain of the above trees due to poor form or Ash dieback infection. Para 6.4.42 of PPW 12 states that tree removal will only be permitted where it would achieve significant and clearly defined benefits. The removal of diseased trees and the provision of much needed housing are considered to be of significant benefits and compensatory tree planting would be required. The EclA advises on how these trees might be removed in such a way as to minimise harm to bats. It is proposed to apply conditions to control tree removal and to protect retained trees during construction and these conditions can also control how the trees of low bat interest are removed, assuming they are removed at all. Subject to these controls risk to bats will be low. It should be carried in mind that no bat roosts have been identified on the site and that conditions are simply to minimise risk which of itself has been identified as low since no bats have been found on the site. Licensing controls

outside of planning will still be in place in the event that any bats are found during any approved tree works and there is no reason to think that if bats are found to be active on the site that the necessary derogation licence for 'bat works' would not be issued by CNC/NRW.

- 7.32 The applicant proposes the installation of bat and bird boxes on the buildings and notes that the proposed planting scheme will offer a variety of improved opportunities for biodiversity to establish on the site. These measures can be secured under condition and will mean the scheme is compliant with Policy GP5 (Natural Environment)

Minor Issues are:

Retained Planting & Proposed Planting

- 7.33 Planting is a mixture of retained and new elements. The applicant has provided a detailed planting plan. The Landscaping Officer has commented on this and notes that areas of the site will be reprofiled and how this might potentially impact upon the planting scheme. However the southern and western boundaries are currently vegetated and as noted these existing landscaping elements can be protected under condition. Additional proposed planting especially upon the northern boundary of the site along Hendre Farm Drive will significantly enhance the appearance of the site from the wider public realm and the provision of planting, SUDs features and green amenity areas within the site will also be additionally beneficial. The proposed scheme is considered achievable and will enhance the Placemaking credentials of the site. Planting can be secured under condition. Policy GP5vi (Planting) is complied with.

Air Quality

- 7.34 The site is not in an Air Quality Management Area or a buffer to such an area. Air quality is not a constraint on the development proposal.

Boundary treatments

- 7.35 A variety of boundary treatments are proposed including walls, railings, timber fencing and planted boundaries. These are generally acceptable subject to the securing of details and an alternative boundary treatment at the rear of Plots 1-4 and to the side of plot 1 where a close board fence is shown in a prominent and elevated position. A higher quality alternative is needed in this location and that can be secured under condition. Additionally control over the appearance of the proposed retaining walls on the site will be required and this also can be achieved under condition.

Trees

- 7.36 A variety of trees are on the site currently being primarily sited on the southern and western boundaries. The tree report identifies trees worthy of retention and also those that should be removed (mostly ash). Given the location of these trees those that are meritorious can be retained under this scheme. Conditions can control tree removal and protect trees during the construction phase. Currently no trees on the site are protected. In this case the removal of some trees due to disease or poor condition is likely but not inevitable, i.e. fellings are not required to allow the scheme to be implemented with the trees being on the site edge but rather to ensure public safety in the future. PPW12 requires a three to one replacement ratio for trees, the proposed planting scheme sets out for additional tree planting on the site which is sufficient in compensatory terms and can be secured under condition.

Waste collection

- 7.37 A variety of bin stores are proposed for the site. These are adjacent to turning heads and crew and resident drag distances are appropriate and within the distances required in the waste SPG. Waste and recycling arrangements are acceptable and are compliant with NLDP Policy W3 (Waste).

Site Levels

- 7.38 The submitted cross sections show no changes in levels at the site boundaries and no impact on neighbouring residents would accrue. All level changes proposed are within the main body of the site and are likewise acceptable in terms of impacts on neighbours.

Section 106 Planning Obligation

- 7.39 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?
Strategic Housing	to provide on-site affordable housing	20% of units to be provided as affordable housing. The develop advises 100% of the units will be delivered as affordable.	Agreed as asked	No
Education	To meet the additional demand for education induced by the development	Number of 2ry school pupils generated by any units disposed of to the open market x £29,741 for Llanwern High School Number of 1ry school pupils generated by any units disposed of to the open market x	To apply to any units disposed of to the open market on a formula basis. Agreed as asked.	No

		£19,034 for Ringland Primary School		
Open Space	To meet the additional demand for open space induced by the development	Number of one bed 'open market' dwellings (prior to commencement of development) x £1,821; Number of two bed 'open market' dwellings (prior to commencement of development) x £2,429;	To apply to any units disposed of to the open market on a formula basis. Agreed as asked.	No

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Regulation 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 this case the applicant has agreed the S106 terms as described above.

8. OTHER CONSIDERATIONS

8.1 *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.

8.2 **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.

8.3 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.6 **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.

8.7 **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.

9. **CONCLUSION**

9.1 Subject to conditions the development is policy compliant and is acceptable.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT WITH DELEGATED POWERS AND DISCRETION TO REFUSE THE APPLICATION IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN 3 MONTHS OF THE DECISION

Additional Conditions

01 Plans: The development shall be implemented in accordance with the following plans and documents, other than as amended by conditional discharges:

- Drawing LTS296.00.01 – Site Location Plan
- Drawing LT2401.04.01 D – Proposed Site Layout
- Drawing LT2401.04.02 C – Site Amenity Layout (sic)
- Drawing LT2401.04.03 B - Refuse Strategy Layout
- Drawing LT2401.04.04 B - Boundary Identification
- Drawing LT2401.04.05 A - Proposed Site Sections, Sheet 1
- Drawing LT2401.04.06 B - Proposed Site Sections, Sheet 2
- Drawing LT2401.04.11 A – POS Site Sections
- Drawing LT2401.04.100 A - Plans & Elev's, PLOTS 1 – 2
- Drawing LT2401.04.101 A - Plans & Elev's, PLOTS 3 – 4
- Drawing LT2401.04.102 - Plans & Elev's, PLOTS 5 – 6
- Drawing LT2401.04.200 B - Plans & Elev's, PLOTS 7-14
- Drawing LT2401.04.300 B - Grnd & 1st, PLOTS 15 – 32
- Drawing LT2401.04.301 B - 2nd Floor & Roof, PLOTS 15-32
- Drawing LT2401.04.302 B - Elevations 1, PLOTS 15 – 32
- Drawing LT2401.04.303 B - Elevations 2, PLOTS 15 – 32
- Drawing LB473 D01 F - Landscape and Green Infrastructure Strategy
- Drawing LB473 D02 C - Detailed Soft Landscape Proposal (Sheet 1 of 2)
- Drawing 2307 100 M – Engineering Appraisal
- Drawing 2307 101 A – Impermeable Areas
- Drawing 2307 101-1 – Catchment Areas
- Drawing 2307 102 – Existing Impermeable Area
- Drawing 2307 104-1 A - SAB Construction Details, Sheet 1
- Drawing 2307 104-2 A - SAB Construction Details, Sheet 2
- Drawing 2307 104-3 A - SAB Construction Details, Sheet
- Drawing 2307 111 A - Exceedance Flows

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

Pre- commencement conditions

02 Construction Environment Management Plan (CEMP): No works shall take place on the site including works of demolition (including breaking out of slabs) until a CEMP has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include:

- Details of onsite parking for contractors and unloading areas for deliveries and how these will be accessed from the highway.
- Details of welfare facilities and onsite offices including appearance, siting and height.
- Location and scale of semi-permanent plant such as cement silos or crane beds.
- The location and maximum height of material, waste and soil stores.

- Mechanisms to control construction site drainage in terms attenuation, routing and sediment removal.
- Details of wheelwashing facilities to be provided on site and a road cleansing regime.
- Details of hours of site operation, including delivery times.
- Details of hoarding / fencing.
- Details of temporary road signage.
- Measures to control noise and dust

For the avoidance of doubt all construction vehicles shall load/unload within the confines of the site and not on the highway. The development shall be carried out fully in accordance with the approved CEMP.

Reason: To ensure that adequate on-site provision is made for construction traffic, including allowance for the safe circulation, manoeuvring, loading and unloading of vehicles, as well as parking, and to reduce impact on residential amenity and the general amenity of surrounding occupiers. Policies GP2 and GP7.

03 Tree Protection Plan: No development shall commence on site until such a time as a Tree Protection Plan (TPP) has been submitted to and approved in writing by the Local Planning Authority. The TPP shall:

- Identify all trees to be removed including the timing and methodology of that removal so as to reduce risk to any bat interest on the site.
- Identify all works of lopping / topping to be undertaken to any retained trees.
- Identify the location of exclusionary fencing by plan and include details of the form of that fencing.

No tree works shall be carried out other than as approved until such a time as the site is fully occupied. Exclusionary fencing shall be kept in place whilst demolition and construction works are being undertaken and none of the following activities shall take place within that fencing:

- Storage of materials, waste or spoil
- Parking or trafficking of vehicles
- Disposal of fluids
- Lighting of fires
- Any works of excavation
- Any activity likely to be prejudicial to the long-term retention of trees on the site.

Reason: to protect existing green infrastructure on the site in the interests of visual amenity, biodiversity and overall sustainability. Policies SP1, SP9, GP2 & GP5.

04 Ground Contamination; Remediation Plan: Prior to the commencement of development on the site the following components of a scheme to deal with the risks associated with contamination relating to that development shall be submitted to and approved, in writing, by the Local Planning Authority:

- (1) A preliminary risk assessment which has identified:
 - (a) all previous uses;
 - (b) potential contaminants associated with those uses;
 - (c) a conceptual model of the site indicating sources, pathways and receptors;
 - (d) potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The site investigation results and the detailed risk assessment (2) and, based on

these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

Reason: To ensure that the proposed development will not cause pollution of the environment or harm to human health.

05 Ground Contamination Verification Report: Prior to the occupation of the development a verification report demonstrating completion of the works set out in the approved remediation strategy for the site and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan for the site to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to human health and controlled waters have been met and (if necessary) to secure longer-term monitoring of water quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters and human health following remediation of the site in the interests of the general environment.

06 Ground Contamination; Monitoring & Contingency: Reports on monitoring, maintenance and any contingency action for the site carried out in accordance with any agreed long-term monitoring and maintenance plan for the remediation of the site shall be submitted to the Local Planning Authority as set out in that plan (condition 05). On completion of the monitoring programme for the site, a final report demonstrating that all long-term site remediation criteria have been met and justifying the decision to cease monitoring the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters, human health and the wider environment have been met. Policies GP2 and GP7.

07 Ground Contamination; Unforeseen Contamination: If during development of the site, contamination not previously identified is found to be present at the site then no further development of the site shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy for the site detailing how this unsuspected contamination shall be dealt with.

Reason: Given the previous uses of the site it is considered possible that there may be unidentified areas of contamination or contaminants that could pose a risk to controlled waters, the wider environment and human health if they are not remediated. Policies GP2 & GP7.

Pre – construction conditions

08 Provision of onsite LAP: No works shall commence on the on-site Local Area of Play shown in Drawing LT2401.04.02 B – Site Amenity Layout until such a time as details of:

- Means of Enclosure & Gating.
- Seating and a litter bin.
- Planting.
- Paths and other surfaces.

Have been submitted to and approved in writing by the Local Planning Authority. The Local Area of Play shall be provided as approved prior to occupation of the 25th unit on site and shall be retained thereafter. The LAP shall be made available to the general public at all times.

Reason: to ensure that equipped play is provided on the site and to meet the wider demand for equipped play in the area. Policies SP1, SP2, SP12, GP2 & CF2 and the 'Outdoor Play Space' Supplementary Planning Guidance.

09 Noise Mitigation: There shall be no construction of any unit above slab level until a detailed noise assessment based on the approved plans has been submitted to and approved in writing by the Local Planning Authority. The assessment shall identify facades / habitable rooms that are unable to meet the WHO internal noise levels either during the night or day and shall additionally identify the specifications in building fabric or glazing required to mitigate the harm identified. The scheme shall also identify a system of mechanical ventilation so that noise affected habitable rooms can be appropriately ventilated with closed windows. The development shall thereafter be constructed fully in accordance with the approved noise mitigation strategy and the mitigation measures shall be retained as such for the lifetime of the development.

Reason: to ensure that residents are protected from excessive levels of noise in the interests of residential amenity. Policies GP2 & GP7.

10 ULEV Charging: Prior to construction activities a scheme for the provision of electric vehicle charging points, or passive provision, shall be submitted to and approved in writing with the Local Planning Authority. The approved scheme shall be provided prior to first occupation of the unit that it serves and shall be retained as such thereafter.

Reason: To ensure that appropriate provision for current and future electric and electric/hybrid vehicles and encourage more sustainable means of transport. Policy SP1.

11 Details of bin & bike stores: Notwithstanding the submitted details, full details shall be submitted to and approved in writing by the Local Planning Authority prior to their construction of the proposed bicycle and bin stores including their siting, scale, appearance (design and materials), including details of bike stands capable of securing bicycles against theft. The bicycle and bin stores shall be provided fully as approved prior to the occupation of the units they serve and shall be retained thereafter for the lifetime of the development.

Reason: to ensure that waste and recycling can be appropriately stored and accessed in the interests of waste collection, general sustainability and residential amenity and to enable and encourage active travel and sustainable transport. Policies SP1, SP2, GP2, T5 and W3.

12 Retaining Walls (Finishes): Prior to their construction, details shall be provided of the finishes of the proposed retaining walls on the site. Following the LPA's written approval the finishes shall be provided as approved before the last occupation of the site and retained as approved for the lifetime of the development.

Reason: to ensure the walls are constructed to a high visual standard. Policies GP2 & GP6.

Pre –occupation conditions

13 Bio-diversity enhancement: The bird and bat boxes described at Sections 5.1 and 5.2 of the Ecological Impact Assessment (October 2024) and located on Drawing LT2401.04.01 D shall be provided as described prior to the first occupation of the unit they are installed upon.

Reason: to secure bio-diversity enhancement. Policies SP1, SP9 & GP5.

14 Parking: No unit shall be occupied until the areas indicated on the submitted plans to be set aside for parking and servicing of that unit have been surfaced, drained and permanently marked out or demarcated in accordance with the details and specifications shown in Drawing LT2401.04.01 D – Proposed Site Layout. The parking and servicing areas shall be retained as approved thereafter and kept available for the purposes of parking and access for the lifetime of the development.

Reason: To ensure that adequate provision is made on the site for the traffic generated by the development, including allowance for safe circulation, manoeuvring, loading and unloading of vehicles as well as parking, and that hard-surfaced areas have a satisfactory appearance. Policies GP4 & T4.

15 Boundaries: Notwithstanding the submitted drawings, details of an alternative means of enclosure to the close board fence shown on the plans at the rear of Plots 1-4 and to the side of Plot 1 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on any of the named plots. The ‘galvanised flat top railings’ at the rear of Plots 15-32 shall not be installed until such a time as details of their appearance and finish have been submitted to and approved in writing by the Local Planning Authority and prior to the commencement of development on any of the named plots. All approved boundaries shall be installed prior to the occupation of the unit they serve. No other boundary treatments shall be installed without the prior written approval of the LPA.

Reason: to protect visual amenity and to secure public safety. Policies GP2, GP6 & GP7.

16 Road Provision: No unit within the development hereby approved shall be occupied or any first use commenced until that part of the internal highway infrastructure, including footways which provides access to the to the individual unit has been constructed to binder course surfacing level (or paved) and is available for use in accordance with the approved plans. All internal highways including footways shall be fully completed within 3 months of the last occupation on the site.

Reason: To ensure that satisfactory access is provided before the development becomes operative in the interests of road safety and the convenience of users of the highway. Policy GP4.

General conditions

17 Planting provision: The scheme of planting hereby approved 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 the development or first beneficial occupation of the development, whichever is the sooner. Thereafter the trees and shrubs 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. For the

purpose of this condition, a full planting season shall mean the period from October to April inclusive.

Reason: in the interests of visual amenity and biodiversity. Policies SP1, GP2 & GP5.

18 Site clearance: The site shall be cleared strictly in accordance with the timings and methodologies described at Sections 4.2 & 4.3 of the Ecological Impact Assessment (October 2024).

Reason: to protect nesting birds and any herptiles that maybe on the site. Policies SP1, SP9 and GP5.

NOTE TO APPLICANT

01 This decision relates to the following non-conditioned plans & documents:

- Tree Survey at Open Hearth Ringland Newport (06.12.2022)
- Transport Statement (May 2025)
- Site Investigation Report 14144/LS/23/SI (February 2023)
- Flood Consequences Assessment & Drainage Strategy (July 2025)
- Noise Impact Assessment Report (28.02.2023)
- Ecological Impact Assessment (07.10.2024)
- Planning Statement (May 2025)
- Air Quality Assessment (01.02.2023)
- Drawing LT2401.04.11 A – POS Site Sections

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP4, SP9, SP10, SP13, SP18, GP1, GP2, GP4, GP5, GP6, GP7, CE1, H2, H3, H4, T4, T5, CF2 & 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.

04 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

05 Should bats or other protected species be found on the site then any works that affect those species must cease immediately until such a time as a Derogation Licence to allow those works to proceed has been issued by CNC/NRW.