

Delegated Decision Report

Application No:	26/0218	Statutory Period Expires:	20th July 2026
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Site:	<i>Land formerly known as the Open Hearth, Hendre Farm Drive, Newport, South Wales</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITIONS 2 (CEMP), 3 (TREE PROTECTION PLAN) AND 4 (GROUND CONTAMINATION) OF PLANNING PERMISSION 25/0700 RESIDENTIAL DEVELOPMENT INCLUDING THE ERECTION OF 32NO. UNITS, ACCESS, CAR PARKING, ENGINEERING, LANDSCAPING AND ASSOCIATED WORKS</i>		
Applicant:	<i>Hedyn</i>		
Type:	Discharge Conditions	Ward:	Ringland
Decision:	Approved		

1. BACKGROUND

- 1.1 The applicant is seeking to partially discharge conditions 2 (CEMP), 3 (Tree Protection Plan) and 4 (Ground Contamination) of planning permission 25/0700 for the construction of 32 residential units on the site of the former Open Hearth pub in Ringland.

2. SITE LOCATION AND CONTEXT

- 2.1 The site was formerly occupied by the Open Hearth pub and a petrol filling station. Both of these buildings have been demolished and the site is clear although hard standing remain in place. The site is bounded by dwellings and the SDR to the south and Hendre Farm Drive to the north.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 See above.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision & Date
25/0700	RESIDENTIAL DEVELOPMENT INCLUDING THE ERECTION OF 32NO UNITS, ACCESS, CAR PARKING, ENGINEERING, LANDSCAPING AND ASSOCIATED WORKS	GC 13 March 2026

5. PLANNING POLICY

5.1 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

The following Policies of the adopted Newport Local Development Plan 2011-2026 (NLDP) are relevant:

SP9 – Conservation of the Natural, Historic & Built Environment

GP2 – General Amenity
GP5 – Natural Environment
GP7 – Environmental Protection

5.4 SUPPLEMENTARY PLANNING GUIDANCE (SPG)

The following SPG is relevant:

- Wildlife & Development (December 2025)
- Trees, Woodland, Hedgerows and Development Sites (January 2017)

6. CONSULTATION RESPONSES

6.1 Cyfoeth Naturiol Cymru / Natural Resources Wales: No interest.

6.2 NCC Landscaping: No objection.

6.2 NCC Highways: No objection.

6.3 NCC Scientific Officer: No objection to the decontamination plan and the decontamination verification plan.

7. PUBLIC REPRESENTATIONS

No publicity was carried out for this application.

8. ASSESSMENT

8.1 The conditions in question read as follows:

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.*

- 8.2 Given the lack of objection from the key consultees the submitted information is acceptable and the conditions can be discharged in part.

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 submitted information is acceptable and the conditions can be discharged in part.

11. **DECISION**

Approved

NOTE TO APPLICANT

01 This decision relates to the following plans & documents:

- Construction Environmental Management Plan (22.06.2026)
- Outline Remediation Strategy Report (March 2026) (14144/RH/26/ORS)
- Arboricultural Method Statement and Tree Protection Plan (16.03.2026)
- Unnumbered Drawing - Tree Protection Plan
- Drawing LTS296.00.01 – Site Location Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies:

- SP9 – Conservation of the Natural, Historic & Built Environment
- GP2 – General Amenity
- GP5 – Natural Environment
- GP7 – Environmental Protection

were relevant to the determination of this application.

03 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.