

Notice of Decision



J. Hurley
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Unit 9
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Cardiff
CF23 8RS

TOWN AND COUNTRY PLANNING ACT 1990 [as amended] ENVIRONMENT (WALES) ACT 2016

Application No: **25/0700**
Application Type: **Full (Major)**
Proposal: **RESIDENTIAL DEVELOPMENT INCLUDING THE ERECTION OF 32NO UNITS, ACCESS, CAR PARKING, ENGINEERING, LANDSCAPING AND ASSOCIATED WORKS**
Site/Location: **Land formerly known as the Open Hearth, Hendre Farm Drive, Newport, NP19 9LH**
Decision Date: **13 March 2026**

In pursuance of its powers under the above Act the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 2nd September 2025. The application has been:

Granted with Conditions and subject to a S106 legal agreement

STANDARD CONDITIONS

The development must begin not later than the expiration of **FIVE YEARS** from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority.

- (a) stating the date on which the development is to begin;
- (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended.

ADDITIONAL CONDITIONS

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

- o Drawing LTS296.00.01 - Site Location Plan
- o Drawing LT2401.04.01 D - Proposed Site Layout
- o Drawing LT2401.04.02 C - Site Amenity Layout (sic)
- o Drawing LT2401.04.03 B - Refuse Strategy Layout
- o Drawing LT2401.04.04 B - Boundary Identification
- o Drawing LT2401.04.05 A - Proposed Site Sections, Sheet 1
- o Drawing LT2401.04.06 B - Proposed Site Sections, Sheet 2
- o Drawing LT2401.04.11 A - POS Site Sections
- o Drawing LT2401.04.100 A - Plans & Elev's, PLOTS 1 - 2
- o Drawing LT2401.04.101 A - Plans & Elev's, PLOTS 3 - 4
- o Drawing LT2401.04.102 - Plans & Elev's, PLOTS 5 - 6
- o Drawing LT2401.04.200 B - Plans & Elev's, PLOTS 7-14
- o Drawing LT2401.04.300 B - Grnd & 1st, PLOTS 15 - 32
- o Drawing LT2401.04.301 B - 2nd Floor & Roof, PLOTS 15-32

- o Drawing LT2401.04.302 B - Elevations 1, PLOTS 15 - 32
- o Drawing LT2401.04.303 B - Elevations 2, PLOTS 15 - 32
- o Drawing LB473 D01 F - Landscape and Green Infrastructure Strategy
- o Drawing LB473 D02 C - Detailed Soft Landscape Proposal (Sheet 1 of 2)
- o Drawing 2307 100 M - Engineering Appraisal
- o Drawing 2307 101 A - Impermeable Areas
- o Drawing 2307 101-1 - Catchment Areas
- o Drawing 2307 102 - Existing Impermeable Area
- o Drawing 2307 104-1 A - SAB Construction Details, Sheet 1
- o Drawing 2307 104-2 A - SAB Construction Details, Sheet 2
- o Drawing 2307 104-3 A - SAB Construction Details, Sheet
- o 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 - Sire Amenity Layout (sic) until such a time as details of:
o Means of Enclosure & Gating.
o Seating and a litter bin.
o Planting.
o 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 and 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 and shall be retained for the lifetime of the development.
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 and side 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. The agreed railings shall be installed prior to the occupation of the three-storey flatted block. All other approved boundaries shall be installed prior to the occupation of the unit they serve or within one month of the final occupation of the site, whichever is sooner. 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.
- 17 **Lighting Scheme:** Prior to the occupation of any part of the scheme a lighting scheme shall be provided to the LPA in writing. The scheme shall contain details of the location and type of external lighting fixtures and shall include a layout plan showing illuminance levels across the site and adjacent to it. Following the LPAs written agreement the lighting scheme shall be installed as agreed prior to the occupation of the area it serves or within 3 months of the final occupation of the site whichever is the sooner. The lighting scheme shall be retained as agreed thereafter. No other external lighting shall be installed.
- Reason:** to ensure the site and its environs are appropriately lit in the interests of residential amenity and public safety. Policies GP2 and GP7.
- General conditions**
- 18 **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.
19. **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.
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- NOTE TO APPLICANT**
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- 01 This decision notice is issued in respect of Planning Permission only and does not convey any decision which may be required under any other legislation or provisions, such as the Building Regulations. The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.
- 02 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
- 03 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.
- 04 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.
- 05 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.
- 06 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.
- 07 This planning permission is subject to a S106 legal agreement the terms of which must be complied with.

Signed on behalf of the Council



Newport City Council
Regeneration and Economic Development
Civic Centre
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South Wales
NP20 4UR

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Pennaeth Adfywio a Datblygu Economaidd / Head of Regeneration and Economic Development
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Application Number: 25/0700

Decision Date: 13 March 2026

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

Notes for Applicants

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

Appeals to the Welsh Government

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission or grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act (as amended).
- Appeals must be made within a prescribed time period that is dependent on the application type. These time periods along with further information on the appeals process are available here and should be checked immediately: [Planning appeals | Sub-topic | GOV.WALES](#)
- Appeals in respect of:
 - Householder and 'minor commercial' development must be received within 12 weeks from the date of the decision notice;
 - Advertisement consent applications must be received within 8 weeks from the date of the decision notice; and,
 - Other types of planning application must be received within 6 months from the date of the decision notice.

Appeal forms can be downloaded at Planning Casework (gov.wales) or are obtainable from Planning and Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ, email PEDW.Casework@gov.wales

- The Welsh Ministers can allow a longer period for giving notice of an appeal, but are not normally prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Welsh Ministers do not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices

- If either the Local Planning Authority or the Welsh Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).