

Delegated Decision Report

Application No:	25/1010	Statutory Period Expires:	20th January 2026
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Site:	Land To The East And Adjacent To Telford Street Depot Telford Street Newport South Wales		
Proposal:	PARTIAL DISCHARGE OF CONDITION 13 (NOISE ASSESSMENT) OF PLANNING PERMISSION 20/1138 FOR PROPOSED CONSTRUCTION OF 54NO. RESIDENTIAL UNITS, ACCESS, STOPPING UP OF HIGHWAY, ENGINEERING OPERATIONS, LANDSCAPING, DRAINAGE AND ASSOCIATED WORKS		
Applicant:	Pobl Group		
Type:	Discharge Conditions	Ward:	Liswerry
Decision:	APPROVED		

1. BACKGROUND

- 1.1 The condition is specific and requires additional noise assessment detail pursuant to the primary consent as the noise report that accompanied 20/1138 was lacking the specific detail cited in the condition. The condition was not requested by NCC Environmental Health. The condition was added by Planning Officers. The officer report further clarified:

In relation to neighbouring industry, Telford Depot noise was audible during daytime but no mitigation is proposed or deemed required. The Public Protection Manager does not dispute this. No recommendations are made at all in relation to Phoenix Park. The site abuts rear service yard and manoeuvring areas for some units and whilst this area was not in use due to Covid restrictions at time of writing, there appears to be a reasonable prospect that this area will be used by both general and light industrial traffic. A previous acoustic report relating to previous phases of residential development abutting Phoenix Park suggested that an acoustic fence would be ineffective. The Public Protection Manager advised that the provision of a fence to act against low grade noise in the industrial area was preferable and the applicant agreed to this. This scheme appears to be at similar risk, potentially more, but having regard to the relationship of existing housing to the industrial estate there is a reasonable prospect of any noise exposure being entirely capable of mitigation. It is recommended that additional assessment is secured by way of condition, to be accompanied by appropriate mitigation along this boundary.

- 1.2 A previous submission to partially discharge the condition was refused (application reference 24/0110) as the noise report provided did not meet the requirements of the condition and did not assess the impact of Phoenix Park on the residential noise environment or include any recommendations relating to it.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is at an advanced stage of construction pursuant to a full planning application being granted for residential development adjacent to the existing residential estate known as Loftus Garden Village. The units comprise 14 flats and 40 houses with 8 houses backing onto Phoenix Park. The site is 1.89 hectares and was previously part of a larger industrial area. The modern Phoenix Park employment site abuts the eastern boundary, Loftus Garden Village to the south and a public right of way and Telford Depot (a housing allocation H1(63) to the west.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 Condition 13 states:

13. Prior to the commencement of construction, an updated noise assessment or noise addendum shall assess and detail the impact of noise associated with general and light industrial use along the site boundary with Phoenix Park (emphasis added). Any assessment must accord with current British Standards and detail mitigation necessary to meet both acceptable external and acceptable internal noise levels. Following the LPA's written agreement, any mitigation required shall be provided as agreed prior to the

*occupation of any plot that backs onto Phoenix Park and shall be retained thereafter.
Reason: to protect those plots from excessive noise in accordance with Policy GP2 of the adopted Local Development Plan.*

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0110	PARTIAL DISCHARGE OF CONDITION 13 (NOISE ASSESSMENT) OF PLANNING PERMISSION 20/1138 FOR PROPOSED CONSTRUCTION OF 54NO. RESIDENTIAL UNITS, ACCESS, STOPPING UP OF HIGHWAY, ENGINEERING OPERATIONS, LANDSCAPING, DRAINAGE AND ASSOCIATED WORKS	Refused	27/03/2024

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 11

10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

13. There may be circumstances when it is acceptable, or even desirable in order to meet other planning objectives, to allow noise generating activities on land near or adjoining a Welsh Office Circular 35/95, 'The Use of Conditions in Planning Permissions' noise-sensitive development. In such cases, local planning authorities should consider the use of conditions or planning obligations to safeguard local amenity.

5.4 ENVIRONMENT (AIR QUALITY AND SOUNDSCAPES) ACT (WALES) 2024

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

5.6 SUPPLEMENTARY PLANNING GUIDANCE

New Dwellings SPG – January 2020

6. CONSULTATION RESPONSES

- 6.1 Environmental Health Officer:
No response received to date.

7. PUBLIC REPRESENTATIONS

None.

8. ASSESSMENT

- 8.1 A document entitled “Noise Impact Assessment for Planning Purposes” dated 11th November 2025 and prepared by Acoustics and Noise Limited has been submitted for consideration. Plot 9 was used for survey as the building is constructed. It is a detached residence with an intervening rear boundary shared with Phoenix Park. Apparatus for the survey were set up on the rear patio (to measure external noise) and a first floor rear bedroom (to measure internal noise).
- 8.2 The Assessment concludes that the internal and external noise levels meet the requirement in BS 8233 for reasonable internal and external conditions to be achieved. The glazing at the rear elevation is upgraded double glazing and is required to be in the closed position to effectively control noise ingress. This requirement has been catered for with the inclusion of MHVR units to ensure that there is adequate ventilation with the windows closed. One bedroom is impacted by this provision in each of the houses along the boundary. No mitigation is required for external noise.
- 8.3 Mechanical ventilation has been agreed in principle for multiple plots across the development by reason of impact from noise generators including the railway line to the north of the site. Such mitigation is commonly used and is acceptable in this case. Closed window internal noise assessment shows required noise levels in the British Standards being met over the assessment period. External noise levels were at the upper acceptable range of the British Standards during the assessment and consequently no mitigation is proposed.

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 details are acceptable and the condition can be partially discharged.

11. **DECISION**

APPROVED

NOTE TO APPLICANT

01 This decision relates to the document: "Noise Impact Assessment for Planning Purposes" dated 11th November 2025 and prepared by Acoustics and Noise Limited.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policy GP2 and GP7 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.