



Date: 4th September 2025

Our Ref: 19.257

Mr Geraint Roberts
Planning Department
Newport Council
Godrey Road
Newport
NP20 4UR

Dear Geraint,

APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING DEVELOPMENT RELATING TO THE COMMENCEMENT OF WORKS GRANTED BY PLANNING PERMISSION REF. 18/0973 AND RESERVED MATTERS APPROVAL REF. 19/1301/REM THE CRESCENT, CORPORATION ROAD, NEWPORT

Please find attached an application for a lawful development certificate which has been submitted via the Planning Portal (Ref. PP- 14305392) on behalf of the applicants and owners Tai Hedyn Limited ('Hedyn'), formerly Newport City Homes ('NCH').

This application is made pursuant to Section 191(1)(c) of the Town and Country Planning Act 1990 (as amended) to establish the lawfulness of the material operations undertaken on site to commence the development permitted by outline planning permission Ref. 18/0973 and reserved matters approval Ref. 19/1301/REM following the discharge of all relevant conditions.

Planning application 18/0973 was granted outline planning permission on 18th December 2019 for:

"... mixed use development comprising C2 residential institutions and C3 residential and drive thru coffee shop (A1/A3) along with associated infrastructure and facilities."

Hedyn subsequently submitted (Ref: 19/1301/REM) a reserved matters application on 19th December 2019 which was approved on 1st June 2022 for:

"...the construction of 62no. apartments (C3) and 1no. residential care building containing 5no. bedrooms (C2) pursuant to Outline Permission 18/0973 for mixed use development comprising C2 residential institutions and C3 residential and drive thru coffee shop (A1/A3) along with associated infrastructure and facilities."

Permission is stated within the outline approval to be required to take place within either 5 years of the date of that permission or two years from the date of the last reserved matters approval (which ever is the later). Therefore, the planning permission was required to be commenced by 17th December 2024.

Importantly commencement works started on the **18th November 2024**.

Further to the Applicant's case as set out in this letter and on the submitted application forms, the following evidence is also provided to establish that the approved development was "begun" within time

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by the undertaking of physical works comprising “a material operation”, as defined by Section 56(1)(a) and 56(4) of the Act respectively:

1. Location Plan;
2. Email correspondence from LRM Planning serving notice of a commencement on site (dated 18th November 2024):
 - 2.1. annex-4-notice-of-development-commencing The Crescent;
 - 2.2. Block plan; and
 - 2.3. Notice Location.
3. Confirmation of receipt of (2) from Mr Geraint Roberts;
4. Email Correspondence Email correspondence from LRM Planning to LPA with images of site works including digging and pegging out (with profile boards) dated (12th December 2024), along with attachments:
 - 4.1 21326-C-016 Highway Setting Out A;
 - 4.2 Commencement on access road Image 1;
 - 4.3 Commencement on access road image 2;
 - 4.4 Commencement on access road image 3;
 - 4.5 Start on 18th November Image 4; and
 - 4.6 Notice on 18th November image 5.
5. Confirmation of receipt of (4) from Mr Geraint Roberts.

PLANNING HISTORY

I sent out below a brief background of the planning history in respect of the site and the various planning consents in place.

Planning permission Ref. 18/0973

An application for outline planning permission for mixed use development comprising C2 residential institutions and C3 residential and drive thru coffee shop (A1/A3) along with associated infrastructure and facilities was submitted to Newport City Council by Lynwood Developments on 5th October 2018.

All matters were reserved other than the access. As such the scale and appearance of the buildings and the landscaping and layout of the site was not for detailed consideration under this application. However, the application provided maximum dimensions for buildings and the illustrative master plan for the site shows the following potential mix of uses:

- 6no. C2 residential care units providing fulltime care for young adults. There will be scope for 2 staff per resident;
- 12no. assisted living units with an on-site warden. These units would form the affordable housing element of the scheme:
- 50no. flats for private sale (21 one bed units and 29 two bed units); and
- Drive thru coffee shop.

The outline planning application (Ref: 18/0973) was reported to committee on 6th February 2019 and was approved by members subject to the signing of a s106 agreement. The s106 agreement itself was finalised subsequently and the decision notice was issued on 18th December 2019.

As set out earlier within this letter, permission is stated within the outline approval to be required to take place within either 5 years of the date of that permission or two years from the date of the last reserved matters approval (which ever is the later). Therefore, the planning permission was required to be commenced by 17th December 2024.

For completeness it is noted that there is only one listed approved plan which relates to access (Drawing 6050.007 B – Proposed Access Arrangements).

RELEVANT PRIOR TO COMMENCEMENT CONDITIONS DISCHARGED

There are only two conditions attached to the outline permission that explicitly state no development is to be started until they are discharged these have both been approved as set out below.

CONDITION NUMBER(S)	CONDITION RELATING TO	DISCHARGE DATE
3	Contamination	7 th November 0224
5	CEMP	14 th November 2024

Additionally, there are a number of further conditions that have also been discharged that require some information to be submitted, these were discharged as set out in the following table.

CONDITION NUMBER(S)	CONDITION RELATING TO	DISCHARGE DATE
4	Display of motor vehicles for sale	9 th May 2024
8	Site Sections	9 th May 2024
9	Drainage details	4 th April 2024
10	Treatment of run off for hydrocarbons	9 th May 2024

Non Material Amendments (NMA) Ref. 24/0817 and Ref. 24/0868

Two NMA's were submitted and approved (October 2024) in order to alter the wording of conditions 3 and 5 in the event that it was not possible to discharge them fully prior to commencement.

Both amendments allow the implementation of the works shown on the commencement works plan (document 4.1) in order to enable the permission to be started (and implemented) even if those conditions weren't fully discharged.

The decision notice for both NMA's confirm that development works can start in line with the commencement works plan at 4.1 regardless of whether conditions 3 and 5 had been discharged in the originally worded form.

Reserved Matters Permission Ref. 19/1301

Hedyn submitted a reserved matters application pursuant to outline planning permission 18/0973 (Ref: 19/1301). It was submitted on 19th December 2019 and sought permission for all the remaining reserved matters, namely landscape, layout, scale and appearance for the:

“...the construction of 62no. apartments (C3) and 1no. residential care building containing 5no. bedrooms (C2) pursuant to Outline Permission 18/0973 for mixed use development comprising C2 residential institutions and C3 residential and drive thru coffee shop (A1/A3) along with associated infrastructure and facilities.”

It was granted approval on 22nd May 2022. Condition 1 sets out the list of approved plans whilst these predominantly relate to building elevations and floor plans, in respect of the site layout it includes:

- Drawing 6050.007 B - Proposed Access Arrangements;
- Drawing R450-08 A3 - Bin Store Drawing;
- Drawing 19353 C-100 B - Engineering Layout;
- Drawing 1866 03A Bin Store Drawing - Site Plan, Bin & Bike Store Layouts;
- Drawing 1866 03 Bin & Bike Store Drawing - Site Plan, Bin & Bike Store Locations;
- Drawing 19239.201 C - Hard Landscape Proposals;
- Drawing 19239.101 H - Landscape Proposals;
- Drawing 19353 SK102 F - Preliminary Drainage Strategy; and
- Drawing 1866 01 Site Plan_Block B-F C - Site Plan, Block B-F.

There were no pre commencement conditions to be discharged before development could begin.

Non Material Amendment (NMA) Ref. 23/0629

It is noted that since the reserved matters application was granted, Hedyn have acquired Block A of the wider outline application area. They intend to develop this for residential purposes and submitted an NMA (23/0629) in order to align the car parking areas and ensure that there were no conflicts that prevent either of the applications being implemented.

The NMA adds the following approved plans:

- Drawing 19239.101 I – Landscape Proposals;
- Drawing 19239.201 D – Hard Landscape Proposals;
- Drawing 19353 C-100 Rev B - Engineering Layout;
- Drawing 19353 SK102 F – Preliminary Drainage Strategy;
- Drawing 21326 SK-003 O – Section Through Proposed Car Park;
- Drawing 1866 01 Masterplan Block A-E – Masterplan Block A-E;
- Drawing 1866 01 Site Plan Block B-f – Site Plan Block B-F; and
- Drawing 1866 03 Bin & Bike Store Drawing B – Site Plan, Bin & Bike Store Locations.

The new residential development for Block A will be subject to a new full planning application. This has been subject to a separate pre-application inquiry and it is expected that an application will be submitted before the end of the year for residential development.

Commencement of Development

Following the discharge of the pre-commencement conditions, a formal start was made on site on the 18th November 2024 with notice duly served on the Authority as required by the guidance (document 2 inclusive of 2.1, 2.2 and 2.3).

Photographic evidence was submitted to the Local Planning Authority on the 12th December 2024 (Document 4 inclusive of 4.1, 4.2, 4.3, 4.4, 4.5 and 4.6). This comprised digging out part of the access road to base in line with the approved plans and as shown on plan 4.1 and within the photos).

With regard to the time when a development is begun, Section 56(2) of the Act states:

“For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.”

Section 56(4) of the Act defines “material operation” in an exhaustive list as follows:

“... material operation’ means:

(a) any work of construction in the course of erection of a building;

(aa) any work of demolition of a building;

(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;

(c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);

(d) any operation in the course of laying out or constructing a road or part of a road;

(e) any change in the use of any land which constitutes material development.”

For the purposes of part (d), the Courts have held that relatively modest works are sufficient, such as the marking out of the line of a road with pegs which were later removed: *Malvern Hills DC v SoSE [1982] JPL 43*.

The works undertaken on site actually comprised of the digging out of the access within the site in line with an element of the approved plans. The evidence of the start is as set out above and unequivocally amounts to a commencement of development on site in line with the Act, insofar as they:

- constitute any operation in the course of laying out or constructing a road or part of a road that has been approved; and
- were undertaken by 17th December 2024 within 5 years of the date of the outline planning application.

Conclusion

At the time of implementation on site (18th November 2024), all relevant pre-development conditions had been discharged and the scheme lawfully implemented by sufficient on site works undertaken in line with approved plans.

Having regard to the above, it is respectfully requested that a lawful development certificate is granted accordingly.

I trust that the information submitted is sufficient for the application to be registered and I look forward to acknowledgement of its receipt in due course.

Please do not hesitate to contact me should you wish to discuss any of the above or require any further information.

Yours sincerely



Michael Rees
Director

Enc.

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