

Delegated Decision Report

Application No:	26/0425	Statutory Period Expires:	19th August 2026
------------------------	----------------	----------------------------------	-------------------------

Site:	<i>Land to the rear of the Kings Arms, Belmont Hill, Caerleon, Newport, South Wales (Los Reyes)</i>		
Proposal:	CONSTRUCTION OF RETAINING WALLS TO FACILITATE THE CREATION OF A KITCHEN GARDEN AND ORCHARD TO PROVIDE ORGANIC FOOD FOR THE ASSOCIATED RESTAURANT (PART RETROSPECTIVE)		
Applicant:	A. Tafa		
Type:	Full	Ward:	Caerleon
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site comprises land to the rear of Los Reyes Tapas & Wine Bar, Belmont Hill. The wine bar is prominently located on Belmont Hill with an expansive area of car parking directly adjacent to the highway. There are timber structures to the back of the car park, and the area subject of this application is situated behind these structures.

2.2 The site is located outside of the urban boundary within the open countryside. It is situated outside of the Conservation Area but within close proximity to it.

3. DESCRIPTION OF DEVELOPMENT

3.1 The development site has an area of approximately 22m in length by 10m in width. The proposed site plan includes 4no raised beds, a greenhouse, covered wood store and gravel area. It also shows a storage container. A 1.3m retaining wall has been constructed along the northern edge with the land beyond rising to the north.

3.2 It is stated within the supporting information that the proposals will provide a garden area and orchard to provide organically grown fruit, vegetables, and herbs for use within the associated restaurant, enhancing the sustainability of the business and supporting local food production.

4. RELEVANT SITE HISTORY

Ref. No.	Description	Decision & Date
94/0609	PROPOSED CHANGE OF USE OF BEER GARDEN TO PROVIDE GRAVEL BOULES PITCH AND CREATION OF CHILDRENS PLAY AREA	REFUSED 16/09/1994
01/0746	PROVISION OF GOLF CART TRACK AND HARDCORE AREAS; RETENTION OF EXISTING HARDCORE AREAS AND WIDENED ACCESS/ENTRANCE OFF CATSASH ROAD, AFFECTING PUBLIC FOOTPATHS 389/38 AND 389/44 CAERLEON	GRANTED WITH CONDITIONS 12/029/2026
04/0530	REPLACEMENT OF EXISTING SEWAGE TREATMENT PLANT	GRANTED 28/05/2004
04/1212	REPLACEMENT OF EXISTING SEWAGE TREATMENT PLANT (AMENDED SCHEME)	GRANTED 24/09/2004

16/0070	RELOCATION OF VEHICULAR ACCESS	GRANTED WITH CONDITIONS 17/03/2016
20/0036	DEVELOPMENT OF A 44 NO. BEDROOM HOTEL, PARKING, ACCESS AND ASSOCIATED WORKS	REFUSED 6/5/2020

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 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

5.4 Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.

Policy SP5 Countryside limits development outside of the settlement boundary.

Policy SP9 Conservation of the Natural, Historic and Built Environment protects habitats and species as well as Newport's listed buildings, conservation areas, historic parks and gardens, scheduled ancient monuments, archaeologically sensitive areas and landscape designated as being of outstanding historic interest.

Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers. Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

Policy CE7 Conservation Areas sets out the criteria that development proposals within or adjacent to the conservation area must comply with in order to preserve or enhance the

conservation area.

- 5.4 SUPPLEMENTARY PLANNING GUIDANCE
PARKING STANDARDS
WILDLIFE AND DEVELOPMENT
TREES, WOODLAND, HEDGEROWS AND DEVELOPMENT SITES

6. CONSULTATION RESPONSES

- 6.1 Natural Resources Wales: No response.
- 6.2 Local Highways Authority: No objection.
- 6.3 Heritage officer: The works area is outside of Caerleon Conservation Area and is not appreciable from the conservation area public realm. I cannot see that the proposed works will impact upon the setting of the asset.
- 6.4 Senior Scientific officer: I have no comments in terms of air quality or contaminated land in respect of the planning application.
- 6.5 Tree officer: Whilst I was accepting of James Pinder's comments regarding the kitchen garden, I remained concerned about the proposed wall rebuild on the toe of the wooded bank.

Following a discussion with James he provided the photos in the attached document and clearly the wall rebuild, which was unclear if it was proposed or retrospective, has been completed and therefore the remaining proposed work does not pose any risk to trees, as the wall acts as a physical barrier to ingress by machinery etc. Therefore, there is no requirement for further information and no objections on Arboricultural grounds.

I would however recommend a standard condition, as follows:

There is to be no activity of any kind, including machinery access, material storage or spoil tipped beyond the existing retaining wall, even temporarily. This area is to remain sacrosanct in order to protect the rooting area of the protected trees above.

- 6.6 Landscape officer:
1. Photos have now been submitted which show the rear bank wall in place. Any damage to the trees will already have taken place.
 2. Proposals for the bare bank are now confirmed: the bank will be seeded and the seed mix is provided. Although I have no issue with the seed mix, note that bank regrading and access is shown on Google Earth [dated April 2015] below although much lies beyond the site application boundary. Given the proximity to TPOs please reconsult if a tree survey is to be provided in line with the Tree Officer's comments as a robust native replanting scheme may be required



- 6.7 Environmental Health: No objection.

- 6.8 Dwr Cymru – Welsh Water: This application site is approximately 300 metres from a public sewerage system, and it seems likely that this application site does not currently connect to the public sewerage system. Notwithstanding this it does not seem this proposal will increase foul discharge and there we have no comment to make on this application. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com. Please quote our reference number in all communications and correspondence.
- 6.9 SAB: Having reviewed the submitted information, a SAB application may be required. For further information, contact the SAB team sab@newport.gov.uk for further discussions.
- 6.10 Ecology officer: My only concern with this proposal would be the impacts upon the adjacent trees and the biodiversity that they support. However, I note that the wall has already been constructed so any impact on those trees will already have taken place. In this context I note the comments of the Tree Officer's is that the proposals will pose no further risk to the trees. Similarly, our Landscaping Advisor has not raised any further concerns and is happy with the seed mix proposed.

In terms of the Green Infrastructure Statement and the delivery of net benefit for biodiversity, it is difficult to assess whether the proposal will deliver a net benefit because there has been no assessment of the condition of the site, in ecological terms, before the works took place. However, looking back through historical Google Earth and Street-view images it is clear that works to this area of land have been taking place for many years, and that the occasional regeneration of grassland and scrub in between clearances is not likely to have developed significant biodiversity interest. Therefore I have no grounds to object to the Green Infrastructure Statement, subject to implementation of the measures therein being secured by planning condition.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 3/7/2026, Site Notice was put up on 10/07/2026.

- 7.1 NEIGHBOURS: 4no properties were consulted. No responses were received.

8. ASSESSMENT

8.1 Principle of Development:

The site is located outside of the urban boundary within the countryside and adjacent to the conservation area. The site is prominent, elevated and located on a primary thoroughfare leading to and from Caerleon to the M4. These matters are discussed further below.

8.2 Visual Amenity/ Character and Appearance;

As previously noted, the site is prominently located adjacent to the highway. However, the kitchen garden is screened from views by a timber fence at the back edge of the carpark. Given the level changes, glimpses of the retaining walls are evident, and it is likely that plants and trees will be visible when matured. Whilst the site is located outside of the urban boundary, the development is on the site of an established wine bar/pub restaurant adjacent to the car park. Historic aerial images appear to show activity in this area, and the proposals are not considered to represent an expansion of the site. Given the nature of the proposals and the lawful use of the site, the development is not considered to result in an adverse impact to the visual amenity of the area.

8.3 Heritage:

As previously noted, the site lies adjacent to the conservation area. However, given the existing commercial use of the site and the location of the kitchen garden towards the rear of the site and largely screened from public views, the proposals are not considered to result in

an adverse impact to the character of the conservation area. The Council's Heritage officer confirms no objections are offered.

8.4 Residential Amenity:

The closest residential dwelling is located on the opposite of the Belmont Hill and is over 50m away from the application site. As such, the proposals are not considered to result in an adverse impact to the amenity of the neighbours.

8.5 Movement:

The proposals do not impact existing access arrangements or parking and no objections have arisen from the Council's Highways officer.

8.6 Biodiversity:

The application contains a Green Infrastructure Statement in accordance with PPW. The Council's Ecology officer has noted that no assessment of the condition of the site prior to the works has been undertaken. However, they note that works to the area have taken place for many years, and that the occasional regeneration of grassland and scrub in between clearances is not likely to have developed significant biodiversity interest. He therefore offers no objection to this and the enhancement which includes increased tree cover, introduction of flowering and fruiting species beneficial to pollinators, creation of varied planting structure supporting invertebrates and birds and improved habitat connectivity within the wider landscape context. The Ecology officer has requested the enhancement is secured by condition. However, given that the enhancement will arise as a result of the planting of produce, it is not possible to secure this by condition. In any case, as the Ecology officer acknowledges, the site is unlikely to have had biodiversity benefit prior to the works.

8.7 Trees/Landscaping:

As noted above, there are trees to the north and directly adjacent to the site. The Council's Tree officer has noted that a retaining wall has been constructed and therefore the remaining proposed work does not pose any risk to trees, as the wall acts as a physical barrier to ingress by machinery. No objections are offered subject to a condition to ensure that there is no activity to the area north of the wall.

8.8 The Council's Landscape officer requested further information relating to the bank. This has been provided and it is confirmed that the bank will be seeded and the seed mix is provided. No further objections are offered.

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 proposals are not considered to result in an adverse visual impact, or to be harmful to the character of the adjacent conservation area.

10.2 Subject to suitably worded conditions, the proposals are not considered to result in an adverse impact to the adjacent trees.

10.3 The application is granted subject to the following conditions.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: GIS, Planning Statement June 2026, Existing and proposed site plans 01, bank seeding details, Proposed plans 04.

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

General conditions

02 There shall be no activity of any kind, including machinery access, material storage or spoil tipped beyond the existing northern retaining wall, even temporarily.

Reason: In order to protect the rooting area of the protected trees above in accordance with Policies SP9 and GP5.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Photographic survey, location plan, Existing and proposed site plans 01

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP5, SP9, GP2, GP6, CE7 were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.