

Delegated Decision Report

Application No:	25/0317	Statutory Period Expires:	3rd July 2025
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Site:	25 First Floor Charles Street Newport NP20 1JT		
Proposal:	CHANGE OF USE OF FIRST AND SECOND FLOORS TO 2 NO. FLATS		
Applicant:	C Peters		
Type:	Full	Ward:	Stow Hill
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The development site is a three storey terraced property on Charles street located within the settlement boundary. The ground floor currently contains a commercial unit, whilst the first and second floors are currently vacant on a site visit undertaken. Council Tax have confirmed that the ground, first and second floors have individual assessments in the business rates system since 1997. The host site is defined within the Town Centre Conservation Area and Archaeological Sensitive Area. There is a grade II listed community building (23105) at 16 Charles Street. The street is predominantly defined with residential properties on the upper floors above commercial ground floor units.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks the change of use of the first and second floors to 2no. self-contained flats. Both flats would be access off Charles street through a separate entrance door. Flat 1 is across the first floor only, and would contain 2no. bedrooms, 1no. kitchen/living area, and 1no. bathroom. Flat two is across the second and converted loft space, with 2no. bedrooms, 1no.lounge, 1no. kitchen, and 1no. bathroom. Whilst the planning statement suggests there are no external changes, 1no. velux roof light is proposed on the rear roof plane.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
11/0372	VARIATION OF CONDITION 1 (OPENING HOURS) OF PLANNING PERMISSION 00/1285 FOR A CHANGE OF USE FROM CLASS A1 (RETAIL) TO A3 (CAFE / RESTAURANT) TO ALLOW EXTENSION OF OPENING HOURS TO 00.00 (MIDNIGHT) EVERYDAY	GC	20/04/2011
03/0902	CHANGE OF USE TO A CLINIC PRACTISING COMPLIMENTARY THERAPIES	GC	18/06/2003

00/1285	CHANGE OF USE FROM CLASS A1 (RETAIL) TO A3 (CAFE RESTAURANT)	GC	08/12/2000
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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

Technical advice note (TAN) 11: noise

Technical advice note (TAN) 12: design

Technical advice note (TAN) 21: waste

Technical advice note (TAN) 24: the historic environment

5.4 The Historic Environment Act (2023)

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP2 (General Amenity)

Policy GP4 (Highways and Accessibility)

Policy GP5 (Natural Environment)

Policy GP6 (Quality of Design)

Policy CE6 (Archaeology)

Policy CE7 (Conservation Areas)

Policy SP9 (Conservation of the Natural, Historic and Built Environment)

Policy SP18 (Urban Regeneration)

Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation)

5.6 SUPPLEMENTARY PLANNING GUIDANCE

SUSTAINABLE TRAVEL SPG 2020

PLANNING OBLIGATIONS 2020

WILDLIFE AND DEVELOPMENT 2015

FLAT CONVERSIONS 2021
PARKING STANDARDS 2015
WASTE STORAGE AND COLLECTION 2020

6. CONSULTATION RESPONSES

- 6.1 Welsh Water: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the **Condition and Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 6.2 Local Highways Authority: The submission makes reference to off-site refuse facilities, but there is no mention of cycle storage. We would request detail of how both of these are proposed to be provided and managed. The development cannot be supported without suitable cycle and refuse facilities.
- 6.3 SAB: Having reviewed the submitted information, a SAB application may be required.
- 6.4 Principal Heritage Officer: No comments received.
- 6.5 Drainage Manager: No comments received.
- 6.6 Environmental Health: No comments received.
- 6.7 Contamination Officer: No comments received.
- 6.8 Waste Manager: We would anticipate the property be serviced with a city centre bag collection for both residual waste and recycling.
- 6.9 HENEB: No comments received.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 09/05/2025.

- 7.1 No neighbours comments were received.

8. ASSESSMENT

8.1 Principle of Development

The proposal relates to the use of the upper floors of an existing building in the urban area within the defined limits of the City Centre, providing additional residential accommodation whilst retaining a commercial frontage at ground floor. The planning statement outlines that the current use of the upper floors could have sustained residential accommodation previously, although the floors are now vacant, and Council tax have confirmed no residential payments have been made. On site, the applicant confirmed that there has been no interest in commercial letting on the first and second floors. The reuse of a building within the City Centre would be looked upon favourably and would be in line with Policy SP18. In principle the development is accepted, however, a full evaluation is carried out below.

8.2 Policy H8 evaluates self-contained accommodation and sets out a definitive set of criteria:

8.2.1 WITHIN THE DEFINED SETTLEMENT BOUNDARIES, PROPOSALS TO SUBDIVIDE A PROPERTY INTO SELF CONTAINED ACCOMMODATION, BEDSITS OR A HOUSE IN MULTIPLE OCCUPATION WILL ONLY BE PERMITTED IF:

- i) THE SCALE AND INTENSITY OF USE DOES NOT HARM THE CHARACTER OF THE BUILDING AND LOCALITY AND WILL NOT CAUSE AN UNACCEPTABLE REDUCTION IN THE AMENITY OF NEIGHBOURING OCCUPIERS OR RESULT IN ON STREET PARKING PROBLEMS;

It is considered the development would not harm the character of the area or building given that Charles Street contains a mix of commercial and residential properties. The site is serviced by the City Centre waste collections which would eliminate the storage of bins directly onto Charles Street. This would preserve the City Centre Conservation Area and uphold the character of the area. Furthermore, the development does not create direct overlooking opportunities into neighbouring properties windows. In relation to parking, the site does not have capacity for off-street parking opportunities, and given the site is defined within Parking Zone 1 within a highly sustainable area, car parking is not feasible and deemed acceptable. In terms of cycle storage, there is scope for cycle storage within the remit of the site, therefore, details of cycle storage will be conditioned should this application be approved. Further evaluation is discussed below. Therefore, this element of Policy H8 is adhered to subject to conditions.

- ii) THE PROPOSAL DOES NOT CREATE AN OVER CONCENTRATION OF HOUSES IN MULTIPLE OCCUPATION IN ANY ONE AREA OF THE CITY WHICH WOULD CHANGE THE CHARACTER OF THE NEIGHBOURHOOD OR CREATE AN IMBALANCE IN THE HOUSING STOCK;

The development does not propose a HMO, therefore, this element of Policy H8 does not apply.

- iii) ADEQUATE NOISE INSULATION IS PROVIDED;
- iv) ADEQUATE AMENITY FOR FUTURE OCCUPIERS.

The internal space provided for the flats is adequate in accordance with the Councils adopted space standards, with appropriate outlook for future

occupiers. There is no scope for outdoor amenity space, however, given the City Centre location, this is deemed acceptable, with good transport links to public open spaces. No information on noise insulation has been provided within the property, however, standard insulation should be provided in line with building regulation requirements. No noise impact assessment has been provided in support of this application, therefore, the noise levels that would be experienced by future residents within the flat is unknown. There is insufficient information to determine if windows can be opened without undue noise disturbance to residents and this has been reflected in recent appeal decisions discussed in section 8.4.6. Therefore, the Local Planning Authority cannot make a full assessment on the impacts, contrary to Policy H8 and GP2. Given this lack of supporting information the LPA are unable to satisfactorily assess if the living conditions of future occupiers would be acceptable and therefore are unable to progress this application to a positive outcome.

8.3 Visual Amenity/Heritage

The host site is defined within the Town Centre Conservation Area and the development site is also situated opposite the Grade II listed building at 16 Charles Street. The proposed scheme needs to accord with section 96 and 160 of the Historic Environment (Wales) Act 2023 which requires the Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area or building. Whilst the planning statement states no external alterations are proposed as part of the development, there is 1no.proposed velux roof light within the converted loft on the rear roof plane. No details of this have been submitted. Given its setting within the Conservation Area and Listed Building, a condition will be attached to necessitate that the rooflight is installed of a Conservation Area style and retained thereafter, in line with Policy CE7 and The Historic Environment Act (2023).

8.4 Residential Amenity

8.4.1 Both flats are 2no.bedroom flats, and The Council’s Flat Conversion SPG specifies desired standards for internal floorspace:

Beds/bedrooms	Flat type			
	<i>Studio</i>	<i>Converted</i>	<i>New</i>	
			<i>Common Access²</i>	<i>Walk Up³</i>
1	32	45	46	50
2	n/a	58	59	65
3	n/a	74	84	90
4	n/a	86	93	99

Figure 1: Desired standards for gross internal floor space (square metres)

The proposed flats floor space equates to:

- Flat 1= 49sqm
- Flat 2= 44sqm

8.4.2 Flat 1 exceeds the space requirements, however, flat 2 falls marginally short. Given the marginal shortfall, this is deemed acceptable.

8.4.3 Outlook and Overlooking

The Flat Conversions SPG suggests, *Rooms should be arranged and designed in a manner that maximises the living standards of occupants. For instance, living rooms, kitchens and bedrooms should neither overlook adjoining properties nor face high boundary walls. Living rooms, moreover, should not be next to, directly above or directly below a bedroom in a neighbouring property unless the fabric of the building contains suitable acoustic insulation.*

8.4.4 In terms of outlook, all rooms are served by windows with adequate outlook. The outlook to the rear is shown below and would overlook the rear garden area of the commercial café. However, given the sites location in the City Centre, this is deemed acceptable. There are no other properties directly to rear to create direct overlooking into habitable windows and there is an adequate separation distance. The loft conversion would only be served by a roof light. Plans do not demonstrate the exact location of this on the loft section, thereby the height cannot be determined for outlook. However, it is considered, even if the outlook is poor, the velux window would still allow light into the room, and adequate outlook would be achieved from the flats other main living areas, and this would be deemed acceptable.

Outlook from rear windows:



8.4.5 No living rooms are proposed beneath or above a bedroom in another flat. Any noise insulation should be fitted in accordance with building regulations.

8.4.6 Noise

Moreover, the Flat Conversions SPG suggests, *In order to ensure that occupants have adequate living conditions, a converted flat in a noisy location should feature noise-attenuation and ventilation measures.* No information on this or noise levels have been provided as part of the submission. Whilst Environmental Health have not provided comment on the submission, given that the unit is situated within the City Centre, it is

unknown if windows can be opened for appropriate ventilation measures, and an appropriate level of noise would be experienced.

- 8.4.7 Under 22/0316 at a site on Corporation Road for the change of use to 3no.self contained flats, a part for the reason for refusal was the issues of noise to habitable accommodation. The inspector under the appeal states, *'the appellant's suggestion that such matters could be addressed through the use of planning conditions requiring acoustic glazing and/ or heat recovery systems that would adequately mitigate street noise. However, these arguments have already been canvassed at the 2022 Appeal, with the appointed Inspector noting that, "...although the appellant contends that mitigation could be secured through the use of a planning condition, given the lack of evidence before me, there is little to demonstrate the efficacy of such measures". I have no reason to take an alternative stance on this matter.'* Therefore, it is considered due to the lack of a noise assessment, the levels cannot be fully understood, and there is inadequate information submitted in line with the application to justify this.
- 8.4.8 At 25 Charles Street an application was submitted, 11/0372, which was granted for VARIATION OF CONDITION 1 (OPENING HOURS) OF PLANNING PERMISSION 00/1285 FOR A CHANGE OF USE FROM CLASS A1 (RETAIL) TO A3 (CAFE / RESTAURANT) TO ALLOW EXTENSION OF OPENING HOURS TO 00.00 (MIDNIGHT) EVERYDAY at 25 Charles Street. It was concluded in the officer report that:
- 8.4.9 *Charles Street is within a city centre location, with a number of cafes, restaurants, pubs and takeaways which operate until well into the evening. There are also nightclubs within the vicinity. It is not considered that the proposed extension of opening hours at 25a Charles Street would add significantly to the amount of noise and disturbance experienced by local residents. However in light of the comments received from the Public Protection Manager (Pollution) it is considered that it would be in the interest of the nearby residents to restrict the use of the garden area of the property until 11pm, as to protect the amenities of nearby residential occupiers. The applicant has confirmed that this would be acceptable. Furthermore, a recent appeal decision at 22 Charles Street was upheld, with the property operating until 00.00 (midnight), with the Inspector concluding that these hours would not result in noise and disturbance at an unduly late or early hour.*
- 8.4.10 It is considered the ground floor unit remains as a commercial unit and could have the capacity to open until midnight given the permission above. Whilst the Inspector concludes that these hours would not result in noise disturbance at an unduly hour, the upper floors are now proposed to be used for residential use. The lack of information on noise levels outside the property in this City Centre location is unacceptable, as residents may not be able to open windows without undue noise disturbance. Therefore, this is contrary to Policy GP2, H8, and The Flat Conversions SPG.
- 8.4.11 Outdoor amenity space
Due to the city centre location, the application site does not benefit from private outdoor space. This is typical of city centre living whereby one would not expect to have provision to a private outdoor amenity space within a built up urban environment. Furthermore, in line with the Flat Conversions Supplementary Planning Guidance document FC 5.1 private amenity space is only required where the opportunity exists. As the opportunity does not exist, the proposal is considered to accord with the Flat Conversions SPG guidance on amenity space. There is accessible transport to

amenity areas such as Belle Vue Park situated along Cardiff Road and the City Centre along the Usk River.

8.4.12 Waste

The Waste Storage and Collection SPG states, flats should hold external bin storage. The storage of bins on Charles Street would not be appropriate and would not be respectful of the Conservation Area contrary to s160 of the Historic Environment Act (2023). The waste officer has been consulted on the application and states that the property would be serviced with free city centre bag collection for both residual waste and recycling. For the reasons detailed above, this is deemed acceptable.

8.5 **Access/Movement**

8.5.1 In terms of access, there is a single access to the flats from Charles Street separate to the ground floor commercial unit. The SPG states, *in no circumstances may a flat and a non-residential unit (e.g. a shop) share a single entrance*. This separated relationship would be deemed acceptable compliant with the SPG.

8.5.2 The highways officer states there is no mention of cycle storage and details of this would need to be provided. It is considered that there is scope for cycle storage within the ownership of land provided and noted on a site visit conducted. No information has been provided to detail this, therefore, a suitably worded condition will be attached to any permission granted.

8.5.3 In relation to parking, the site does not have capacity for off-street parking and given the site is defined within Parking Zone 1 and within the City Centre, car parking is not feasible and deemed acceptable given the highly sustainable location.

8.6 **Drainage**

Welsh Water have no objections to the development. WW confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

8.7 **Biodiversity**

8.7.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect, and enhance ecological networks and features of importance for biodiversity. The applicant has stressed that there are no external changes to the existing building. The 1st and 2nd floors don't have access to the rear garden, and therefore no additional measures can easily be implemented. However, it is considered that if a biodiversity enhancement cannot be implemented on site, this should be provided elsewhere and details of this should be provided to the Local Planning Authority and will be secured via condition. This can be secured via condition.

8.7.2 PPW12 states in paragraph 6.2.12, *A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and*

should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step wise approach (Paragraph 6.4.15) has been applied. No GI statement has been provided as part of the development, however, given the scale of the change, it is not required in this instance.

8.8 Archaeology

The site is defined within the Town Centre Archaeologically Sensitive Area. As no ground works are proposed, it is considered that a written archaeology report would not be needed in this instance in line with Policy CE6.

8.9 Section 106 Planning Obligation matters

In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
<i>Regeneration, Investment and Housing</i>	<i>To provide on site affordable housing</i>	<i>30% affordable housing units at £2,436</i>	<i>30% affordable housing units at £2,436</i>	<i>No</i>

HEADS OF TERMS AGREED BY APPLICANT

The applicant agreed to the HOT on 16/05/2025.

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 Overall it is considered that the flats would provide adequate amenity for future occupiers and would hold appropriate outlook and light into the rooms. A condition to install a conservation area style roof light can be attached to preserve the setting of the conservation area. There is scope for cycle storage within the remit of the site/site ownership and details of this can be conditioned. The site benefits from city centre waste collections which would eliminate waste storage on the streetscene. However, there is no information submitted to demonstrate adequate internal noise levels are experienced by residents. Therefore, this is contrary to the Flat Conversions SPG and Policy H8 and GP2 of the Newport Local Development Plan (2011-2026). For the reason outlined above, the application is refused.

11. DECISION

REFUSED

01 The development would have an adverse impact upon interests of acknowledged importance, namely, upon residential amenity. There is no information provided on noise levels that would be experienced by future residents within the flats and lack of natural

ventilation. No information has been provided in the form of a noise impact assessment to mitigate these concerns. The proposal is contrary to Policy GP2 and H8 of the Newport's Local Development Plan 2011-2026 (Adopted January 2015) and Flat Conversions SPG (2021).

02 The development would have a significant adverse impact upon interests of acknowledged importance, namely it represents an unsustainable form of development which fails to be mitigated by contributions towards affordable housing. As such, the scheme is contrary to the Planning Obligations SPG dated January 2020 and policies SP1, SP13 and H4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; Proposed Floor Plans; Existing Floor Layout; Planning Statement

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, CE6, CE7, SP9, SP18, H8 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.