

# Delegated Decision Report

<b>Application No:</b>	<b>25/0021</b>	<b>Statutory Expires:</b>	<b>Period</b>	<b>11<sup>th</sup> April 2025</b>
<b>Site:</b>	<b><i>Land And Buildings Encompassing 87B And 87C Commercial Street Newport South Wales</i></b>			
<b>Proposal:</b>	<b><i>DEMOLITION OF EXISTING SINGLE STOREY ANNEXE CONTAINING STOCK ROOM, KITCHEN AND STAFF WC AND CONSTRUCTION OF A NEW SINGLE STOREY REAR EXTENSION FOR ADDITIONAL RETAIL AREA</i></b>			
<b>Applicant:</b>	<b><i>E Mengisteab</i></b>			
<b>Type:</b>	<b>Full</b>	<b>Ward:</b>	<b>Stow Hill</b>	
<b>Decision:</b>	<b>GRANTED WITH CONDITIONS</b>			

## 1. BACKGROUND

1.1 None.

## 2. SITE LOCATION AND CONTEXT

2.1 The application site is a three storey end of terrace property located on the eastern side of Commercial Street, Newport. The ground floor of the application site is in an established retail use (A1). Surrounding land is mainly commercial in nature, but there are also a number of residential properties within the immediate vicinity.

2.2 The application site is located within the defined settlement boundary and within the City Centre Shopping Area, however the site does not form part of either the Primary or Secondary Shopping Frontages. The site is positioned entirely within Zone B of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004), however NRW's Flood Map for Planning does not identify the application site to be at risk of flooding. The site is also located within the Town Centre Archaeologically Sensitive Area.

## 3. DESCRIPTION OF DEVELOPMENT

3.1 Full planning permission is sought for the demolition of an existing single storey annexe and the construction of a new single storey rear extension for additional retail space, associated with the existing shop. The proposed single storey extension would be located on the eastern elevation of the end of terrace property and would measure approximately 7.5 metres in length, 7.5 metres in width and 4 metres in height. The plans also show a new access gate is proposed to be installed in the side boundary of the application site.

3.2 Externally, the extension would be finished in painted waterproof render under a dark grey flat roof.

## 4. RELEVANT SITE HISTORY

4.1 None.

## 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):  
SP1 (Sustainability)  
SP9 (Conservation of the Natural, Historic and Built Environment)  
SP18 (Urban Regeneration)  
GP2 (General Amenity)  
GP4 (Highways and Accessibility)  
GP6 (Quality of Design)  
GP7 (Environmental Protection and Public Health)  
CE6 (Archaeology)  
R1 (City Centre Schemes)

## **6. CONSULTATION RESPONSES**

- 6.1 Local Highways Authority: No objection, subject to conditions.

The additional space would have no significant impact in terms of traffic generation. For retail operations up to 200sqm a 20% extension can be allowed without the need for additional parking. The proposals do not indicate any cycle parking, which should be secured for staff by way of condition. The rear gate should open inwards not out onto public areas. Based on the above there are no highway related objections, subject to the following conditions.

Any gate or other form of barrier across the rear access shall be constructed to open into the site only.

Reason: In the interests of highway safety.

Except for site clearance and remediation, no development shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

- 6.2 Ecology Officer: No response received.
- 6.3 Environmental Health Officer: No response received.
- 6.4 Senior Scientific Officer: No response received
- 6.5 Drainage: No response received.
- 6.6 SAB Officer: No objections.
- 6.7 Waste Officer: There is no requirement for waste services.
- 6.8 Dwr Cymru Welsh Water: No response received.
- 6.9 Heneb – The Trust for Welsh Archaeology: No objections.

Information in the Historic Environment Record details that the application area is situated within the Archaeologically Sensitive Area (ASA) of Newport, although there are no known sites within the vicinity. A review of the historic Ordnance Survey maps indicate no archaeologically significant features or structures. The proposed works involve a demolition of an annexe and rear extension. With our understanding of the historic environment, there

is minor potential that significant buried archaeological remains will be encountered, or existing features will be disturbed. The works are of relatively small scale, and much of property has been changed throughout its history. Therefore, the potential impact is considered low.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

## **7. PUBLIC REPRESENTATIONS**

7.1 NEIGHBOURS: A total of three neighbour notification letters were sent and a site notice was displayed. One response was received which provided comments on the application as follows:

*'The proposed extension is over land (rear lane of property) which the tenant has no current rights to extend over. The extension and related works will be subject to grant of lease/licence by the Landlord, yet to be negotiated.'*

## **8. ASSESSMENT**

### **8.1 Principle of Development:**

8.1.1 The application site is located within the defined limits of development and within the City Centre Shopping Area. The existing use of the site is retail (A1) and the proposed development would represent a continuation of this use by increasing shop floor space. Policy R1 of the Newport Local Development Plan favours proposals that enhance the provision of retail facilities within the city centre shopping area, provided that the scale, design and layout of the proposals are compatible with the overall functioning of the city centre, its architectural character and visual environment. As such, subject to the material considerations below, the general principle of the proposal is considered acceptable.

### **8.2 Visual Amenity/Character and Appearance:**

8.2.1 The application site fronts Commercial Street and is located at the end of a terrace row. Directly adjacent to the end of the terrace, as well as immediately to the rear is an area of open space. As such, the rear aspects of properties within the terrace are fairly open and visible from the public realm.

8.2.2 The proposed extension would be partially visible from outside of the site, as it would be higher than the existing boundary treatment. Although visible, it would be read in conjunction with the existing built form and use materials that are common within the locality. In addition, there are other examples of rear projections, including those with flats roofs within the immediate area.

8.2.3 Notwithstanding the above, there is some concern that the new access would impact upon a landscaping verge outside of the site, however this is considered minor and would not form a standalone reason for refusal.

8.2.4 Based on the above, it is considered that the proposal would have an acceptable impact upon visual amenity and the character of the application site and surrounding area.

### **8.3 Residential Amenity**

8.3.1 The application site is located within the Newport City Centre, whereby the predominant land use is commercial. There are, however, a number of residential properties within the immediate vicinity, including within the upper floors of 87B and 87C Commercial Street. The proposed extension would relate to an existing retail premises, increasing its floor space. As such the existing land use of the site would intensify. Notwithstanding this, given the site's city centre location, as well as the relatively small scale of the increase in retail floor space, it is not considered that the proposal would result in unacceptable levels of harm to nearby residential properties. It is noted that the residential accommodation within the upper floors of the building is accessed directly off Commercial Street via a separate access door and there is no internal circulation between the retail space and the upper floors of the building. In addition, occupiers of the residential units have no access to the rear amenity space, which is used solely as part of the retail premises.

8.3.2 The Agent has advised the Council that the existing rear yard space at the application site is currently being used as amenity space for staff and for the storage of refuse containers and recycling boxes/bags. It is noted that the extension would take up a large proportion of this space, however it is considered that adequate space for amenity purposes would remain, along with an area for the storage of refuse and recyclables. It is also noted that the new pedestrian access would create a rear emergency escape route from the shop if needed.

#### 8.4 **Highway Safety:**

8.4.1 The application has been referred to the Council's Highways Department who have raised no objections to the proposal subject to conditions. Firstly, the proposal does not result in the need for additional car parking provision, neither can any be provided within the confines of the site. The Local Highways Authority have indicated that cycle parking should be provided for staff members and have recommended this be secured by way of condition. Given that the proposal simply relates to the extension of an existing shop, it is not considered reasonable to impose this as a condition. In addition, it is advised that the rear gate should open inwards and not out onto public spaces, which is considered acceptable.

8.4.2 Based on the above, it is considered that the proposal would have an acceptable impact on highway safety subject to the inclusion of the condition recommended.

#### 8.5 **Biodiversity:**

8.5.1 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. No Green Infrastructure Statement has been submitted and no ecological enhancement is proposed as part of the development.

8.5.2 Based on the above, due to the lack of Green Infrastructure Statement and with no ecological enhancement, the proposal is currently not compliant with the aims of Policy 9 of Future Wales or Policy GP5 of the NLDP 2011-2026 (adopted January 2015), however given the nature and scale of the development, details of ecological enhancement can be conditioned to overcome this concern.

#### 8.6 **Heritage:**

8.6.1 The application site is located directly opposite the Grade II listed St Paul's Church. Special regard must be given to the desirability of preserving the setting of the listed building. Given the proposed extension is sited to the rear of the application site and would be a minimum of approximately 30 metres away from St Paul's Church, it is considered the setting of the listed building would be preserved.

#### 8.7 **Archaeology:**

8.7.1 The site is located on land identified as archaeologically sensitive. Policy CE6 indicates that development proposals will normally be required to undertake an Archaeological Impact Assessment.

8.7.2 The application is not accompanied by a Written Scheme of Investigation. Notwithstanding this, consultation has been undertaken with Heneb, who have advised that there are no archaeologically significant features or structures within the vicinity and whilst the works may encounter buried archaeological remains, the potential for this is considered low. It is considered acceptable in this instance that a Written Scheme of Investigation has not been submitted.

### 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 proposal would have an acceptable impact upon the character and appearance of the host building and surrounding area and would not have a harmful impact upon local amenity. It is considered that the proposal complies with the aforementioned policies and is considered acceptable.

## 11. **RECOMMENDATION**

### **Approve subject to the following conditions:**

(01) The development shall be implemented in accordance with the following plans and documents: Site Location and Block Plans (1087(01)24), Existing Floor Layout and Elevations (1087(02)24), Proposed Floor Layout and Elevations (1087(03)24) and Proposed Cross Section/Specification (1087(04)24), all received by the Local Planning Authority on 22<sup>nd</sup> January 2025.

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

(02) Notwithstanding the approved plans, the pedestrian gate/door shall be constructed and maintained to open into the site only and at no point shall it open outwards.

Reason: In the interests of highway safety.

(03) Prior to the commencement of development, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity

enhancement scheme shall be implemented in accordance with the approved plans prior to the first beneficial use of the development hereby approved and retained as such for the lifetime of the development.

Reason: In the interest of protected species, in accordance with Policy 9 of Future Wales and Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

#### *NOTES TO APPLICANT*

- 01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP18, GP2, GP4, GP6, GP7, CE6 and R1 were relevant to the determination of this application.
- 02 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.