

Delegated Decision Report

Application No:	25/0614	Statutory Period Expires:	25th September 2025
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Site:	260 Chepstow Road Newport NP19 8NL		
Proposal:	CHANGE OF USE FROM OFFICE TO NAIL BAR & 2NO FLATS (RETROSPECTIVE)		
Applicant:	D Crown		
Type:	Full	Ward:	Beechwood
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is a mid terrace property fronting Chepstow Road that has historically been in use as an office for a mortgage company (Use Class A2) located in the Beechwood ward.

2.2 The building is set over two storeys and is linked via a first floor extension to an outbuilding at the rear of the site that is located within a small outside yard area.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application is applying retrospectively for the use of the ground floor as a Nail Bar, for the first floor of the property as a two bedroom flat and for the use of the outbuilding as a one bedroom flat.

3.2 The ground floor Nail Bar is accessed via the existing shop front and the first floor flat is accessed via an independent door in the front elevation. The first floor flat has two bedrooms to the rear, a bathroom, and an open plan kitchen and lounge at the front. It has an approximate Gross Internal Area (GIA) of 57sqm. The flat contained within the rear outbuilding is set over two floors and would be accessed at ground floor via the rear lane. There is an existing first floor linked extension between the main building and the outbuilding, however this is proposed to be blocked off either end and its use would be sterilised. At ground floor a hallway would provide access to a ground floor bedroom and a stair leading to an open plan kitchen and lounge at first floor. The unit would have an approximate GIA of 39.50sqm.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
89/0231	TWO STOREY REAR EXTENSION TO PROVIDE ADDITIONAL OFFICE ACCOMMODATION	GRANTED WITH CONDITIONS	
07/0841	ERECTION OF FIRST FLOOR EXTENSION AND WALKWAY TO REAR ANNEX FOR ADDITIONAL OFFICE SPACE	GRANTED WITH CONDITIONS	
08/0057	ERECTION OF A FIRST FLOOR EXTENSION TO REAR ANNEX FOR ADDITIONAL OFFICE SPACE (AMENDMENT TO PLANNING PERMISSION 07/0841)	REFUSED – ALLOWED AT APPEAL	
16/1276	PROPOSED EXTENSION AT FIRST FLOOR TO PROVIDE LINK CORRIDOR BETWEEN EXISTING OFFICES AND REAR COACH HOUSE	GRANTED WITH CONDITIONS	

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), SP13 (Planning Obligations), GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP7 (Environmental Protection and Public Health), H4 (Affordable Housing), H6 (Sub Division of Curtilages, Infill and Backland Development), H8 (Self Contained Accommodation and Houses in Multiple Occupation), W3 (Provision for Waste Management Facilities in Development) and T4 (Parking).

5.4 SUPPLEMENTARY PLANNING GUIDANCE

AFFORDABLE HOUSING

PARKING STANDARDS

FLAT CONVERSIONS

WASTE STORAGE AND COLLECTION

6. CONSULTATION RESPONSES

6.1 Highways: No objections – Subject to conditions.

6.2 Environmental Health: No response.

6.3 Waste Manager: No objection.

6.4 Planning Contributions Manager:

6.5 Welsh Water Dwr Cymru: No objection.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 6th August 2025 and a Site Notice was put up on 15th August 2025.

7.1 NEIGHBOURS: 6no. properties sharing a common boundary with the application site were consulted. No responses have been received.

8. ASSESSMENT

8.1 Principle of Development:

8.1.1 The proposal is for the reuse of the existing building to a mix of commercial and residential within the urban boundary and within an area that is considered to be sustainable. As such,

the principle of the development is acceptable, however will require all other material planning considerations to be addressed, as set out within this report.

8.2 **Retail Policy:**

8.2.1 The proposed ground floor use of the property is as a Nail Bar, which is considered to fall under Use Class A1 (Retail).

8.2.2 Local and national planning policy promotes a hierarchical approach to the consideration of retail, and other uses best associated with a retail centre location. Policy SP19 is the overarching retail policy of the NLDP and states retail and associated uses best located in a city centre will be subject to an assessment of need if not within a defined centre, and application of the sequential test if not within the city centre. Development will be located according to the following hierarchy of retail centres:

1. Newport city centre
2. District centres
3. Local Centres
4. Out of Centre Retail Sites

8.2.3 Planning Policy Wales notes that the sequential approach applies to retail and all other uses complementary to retail and commercial centres. It goes on to note that planning authorities should be flexible in their approach where it is necessary and that the nature of a proposed use is likely to determine what type of centre is most appropriate as a starting point for the sequential approach process.

8.2.4 Policy R8 - Small Scale Retail Proposals is perhaps more relevant and applies to small scale retail proposals outside of the City and District Centres. It states;

Proposals for new local retail facilities, extension of floorspace of existing retail outlets or the change of use of existing buildings to retailing outside the city and district centres, will be permitted only where:

- i) New residential development would be served or the provision would cater for under-provision in the area;
- ii) The proposal is of a scale appropriate to the locality;
- iii) There would be no adverse effects on the viability and vitality of any defined centre;
- iv) There would be no unacceptable effect on the local residential amenities or the general character of the area in terms of noise and disturbance or extra traffic generated.

8.2.5 It is not clear whether the proposal would meet Criterion i); Criterion ii) and iii) are likely to be passed and iv) will be assessed later within this report. However, the existing use/fall back of the site is considered to be relevant in this instance. The previous A2 use as a Mortgage Office is also a use that would be best located within a Centre. The overall proposal includes the change of use of the first floor from A2 to residential, so the development results in a reduction of floor space that is best located within a Centre.

8.2.6 Due to the reduction in commercial floor space, it is considered that the proposal would not prejudice the viability or vitality of any defined centre and is compliant with Policy R8 of the NLDP 2011-2026 (adopted January 2015).

8.2 **Visual Amenity/ Character and Appearance;**

8.2.1 The application does not propose any external alterations that would alter the appearance of any part of the site or the visual amenity of the surrounding area. As such, there is not considered to be any impact on the wider area or the host building. Internally illuminated signage has been installed to the front elevation in association with the ground floor use, however this will require a separate Advertisement Consent application.

8.2.2 In terms of the residential use of the upper floor, this is typical of the properties along Chepstow Road and the general character of the area. Introducing a separate residential

unit to the rear of the site would increase comings and goings and general activity along the lane however is not considered to result in an adverse impact on the general character of the area.

8.3 Neighbouring Residential Amenity:

- 8.3.1 The application site adjoins a pharmacy and a hot food takeaway at ground floor level. These existing commercial uses establish a context in which the proposed nail bar use is considered compatible. Given the nature and scale of the proposed use, it is not anticipated that there will be any adverse impact on the amenity of neighbouring occupiers, including the residential flat situated above the premises.
- 8.3.2 The first floor flat benefits from independent access via the front elevation and is adjoined by residential accommodation at no. 264 and the first floor of the pharmacy at no. 262. This arrangement is considered to be appropriate and compatible with the surrounding uses, and it is not expected to result in any detrimental impact on neighbouring residential amenity.
- 8.3.3 To the rear of the site, a separate residential unit is located within an existing outbuilding. This unit is served by two obscure-glazed first floor windows positioned in the rear elevation, facing directly onto the rear lane. These windows are approximately 4.00 metres from the boundary with 1 Rossllyn Road and its rear garden. While the windows are not new additions, the context of their use has changed due to the conversion of the space from office use to residential. During a site visit, it was noted that one of the windows was open, which could allow perpendicular views into the rear garden of 1 Rossllyn Road. As these windows serve a primary living space, specifically an open plan kitchen/living room, their use represents an intensification compared to the previous office. This alters the relationship with the rear garden of 1 Rossllyn Road to an unacceptable extent and to the detriment of their privacy and amenity.

8.4 Residential Amenity of Future Occupiers:

- 8.4.1 The proposed first floor 2no. bedroom flat above the commercial unit measures approximately 57 sqm, which falls marginally below the 58 sqm minimum standard for converted 2no. bedroom flats, as set out in the adopted Flat Conversions SPG. While it is important that converted flats provide acceptable living conditions, the internal layout is considered broadly satisfactory in this instance. The open-plan living and kitchen area benefits from a large bay window and a secondary window to the front elevation, providing adequate levels of natural light, ventilation, and outlook. To the rear, both bedrooms are of sufficient size and are served by windows that allow light and ventilation. However, the outlook is compromised. Bedroom 1 faces a blank elevation of a previously constructed first floor link extension at a separation distance of approximately 2.5-3.0 metres. Although peripheral views are available, the presence of the blank elevation in such proximity is considered to unacceptably impede outlook and result in an overbearing effect on the amenity of the bedroom. The plans show that the linked extension is blocked off either end and is not in use by either property, so its retention serves no purpose to either property, but adversely impacts amenity.
- 8.4.2 Bedroom 2 faces the rear outbuilding. While part of the window is positioned above the ridge height of the outbuilding, allowing for some outlook, this is not entirely unobstructed. Nonetheless, on balance, given the position and height of the window, this arrangement is considered acceptable.
- 8.4.3 The outbuilding proposed for residential use is described as a flat arranged over two floors, with an internal floor area of approximately 39.50 sqm. This is notably below the 45 sqm minimum standard for a converted 1no. bedroom flat as per the SPG. The ground floor bedroom is served by a single window facing the internal forecourt, which directly overlooks the rear wall of the main building and the yard associated with the commercial use. This juxtaposition between residential and commercial functions results in an unacceptable relationship, with adverse impacts on privacy, amenity, and outlook. The first floor, which accommodates the open plan kitchen and living area, is served by two obscure glazed windows in the rear elevation. This glazing significantly limits outlook, and residents appear

to rely on opening these windows to gain views, as observed during the site visit. This further compromises neighbouring amenity, particularly in relation to 1 Rosslyn Road.

- 8.4.4 Access to the outbuilding is via a rear lane. Paragraph 5.7.1 of the SPG states that rear passageways are only acceptable as primary access points if they are wide and well-lit. In this case, the lane is narrow, unlit, and lacks natural surveillance, resulting in concerns regarding safety and amenity, especially during hours of darkness. This access arrangement is considered unacceptable.
- 8.4.5 Neither of the proposed residential units benefits from dedicated external amenity space. The only outdoor area serves the ground floor commercial unit and is located adjacent to the sole ground floor window of Flat 1, thereby adversely affecting residential amenity through loss of privacy and potential for noise and disturbance.
- 8.4.6 While it is acknowledged that not all flat conversions can provide external amenity space, in this instance, there is not even provision for the storage of waste and recycling receptacles. Although Flat 1 has a fire exit leading to the commercial yard, shared use of this space for residential purposes would be inappropriate and incompatible with the commercial use.
- 8.4.7 In summary, the proposal represents an over intensification and development of the site, resulting in substandard living conditions for future occupiers. The scheme fails to provide adequate internal space, outlook, privacy, access, and external amenity provision, and is therefore contrary to Policies GP2, H6 and H8 of the Newport Local Development Plan 2011–2026 (adopted January 2015), as well as the adopted Flat Conversions SPG.

8.5 Highway Safety and Parking

- 8.5.1 The existing and proposed use of the site are required to rely on parking on street, as there is no provision on site. The Highways Officer has advised that the existing parking demand for the office use in Parking Zone 3 would be 1no. space per 35sqm. Based off the existing floor plans, the approximate level of floor space (excluding ancillary areas such as kitchen and toilet) is 127sqm. It is therefore anticipated that the existing use would be expected to generate a parking demand of 4no. spaces.
- 8.5.2 The proposed A1 use in Parking Zone 3 generates a demand of 1no. space per 60sqm and given the size would require 1no. space. The proposed residential units would generate 3no. spaces between them. Therefore, the parking demand is comparable with the existing use, albeit peak times would differ, however the Council's Highways Officer raises no objection.
- 8.5.3 The Council's Highways Officer has requested a condition for a scheme for cycle parking for the residential units, however this would not be possible as there is no outdoor space that could be used, so it would not be circular compliant to apply a planning condition that could not be complied with.
- 8.5.4 The proposal complies with Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

8.6 Green Infrastructure

- 8.5.1 Chapter 6 'Distinctive and Natural Placemaking and Well-Being' of Planning Policy Wales (PPW) Edition 12 (updated February 2024) states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long term benefit. PPW 12 also advises that a Green Infrastructure Statement (GIS) 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. PPW 12 states that having worked iteratively, in line with Figure 12 through the stages of The Stepwise Approach, and providing a GIS that the step wise approach has been followed, a scheme of enhancements must be provided to ensure a net benefit for biodiversity.

- 8.5.2 No GIS has been submitted with the proposal, however given that the application is for a change of use and the proposal does not result in any impact on GI at the site (as it is not present), it is considered that if planning permission is forthcoming a suitably worded condition could be used to secure a scheme of proportionate biodiversity enhancement.
- 8.5.3 Subject to a condition, the scheme complies with Policy SP1 and GP5 of the NLDP 2011-2026 (adopted January 2015).
- 8.6 **Waste:**
- 8.6.1 As referred to earlier in the report, the two residential units do not have any allocated external refuse storage areas. Bins and recycling boxes should be provided outside of a flat, but within the curtilage of the property as advised in the Flat Conversions SPG and the Waste Storage and Collection SPG also advises that all residential developments are required to provide adequate external storage for all dedicated waste streams. The proposal has failed to address this matter and this is likely to lead to receptacles being stored on the public highway or on the rear lane, which is adopted.
- 8.6.2 This is an unacceptable arrangement and is contrary to Policy W3 of the NLDP 2011-2026 (adopted January 2015).
- 8.7 **Section 106 Planning Obligation matters**
- 8.7.1 In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:
- 8.7.2 In this case, the developer has provided information in relation to the viability of the planning obligations relevant to the scheme...(officers must explain what information received, what viability issues raised and our assessment of them, how has this affected the planning obligation agreed by officers)?
- a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)
- and
- c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site).
- 8.7.3 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	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
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obligation				
Regeneration and Economic Development	To provide a financial contribution to off site affordable housing provision	Newport East - 20% affordable housing target £1,137	No	N/A

8.7.4 As the application is being refused, no agreement has been sought with the applicant.

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 proposed development is an unacceptable over development of the site. The proposal has failed to provide adequate amenity for the occupiers of the site or to maintain the

residential amenity of the neighbouring property at 1 Rosslyn Road, as well as failing to provide acceptable provision of refuse and recycling storage.

10.2 This is contrary to Policies GP2, H4, H6, W3 and H8 of the NLDP 2011-2026 (adopted January 2015).

10.3 Planning permission is refused.

11. **DECISION**

REFUSED

01 The development results in substandard and unacceptable living conditions for its residential occupiers arising from inadequate internal floor space, inadequate outlook from primary habitable rooms, the relationship between the commercial outdoor space and ground floor flat window and the absence of any dedicated outdoor amenity space and provision of space for the storage of refuse and recycling receptacles. It is overdevelopment. This is contrary to Policies GP2, H6, H8 and W3 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the adopted Flat Conversions and Waste Storage and Collection SPGs.

02 The development results in an unacceptable loss of privacy to the occupiers of 1 Rosslyn Road due to the close juxtaposition of habitable room windows in the rear converted flat and the neighbouring property's garden, giving rise to unacceptable increased overlooking and loss of privacy. This is contrary to Policy GP2, H6 and H8 of the Newport Local Development Plan 2011–2026 (adopted January 2015) and the adopted Flat Conversions SPG.

03 The development will have a significant adverse impact upon interests of acknowledged importance, namely affordable housing. No signed legal agreement has been provided for the commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. This is contrary to Policy H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Drawing No. 25-2374-DWG-01 - Site Location Plan; Drawing No. 25-2374-DWG-02A – Proposed Plans, Elevations, Details & Section

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP19, GP2, GP4, GP5, GP6, GP7, H4, H8 and W3 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.