

# Delegated Decision Report

<b>Application No:</b>	<b>25/0153</b>	<b>Statutory Expires:</b>	<b>Period</b>	<b>28th May 2025</b>
<b>Site:</b>	<b>83 Commercial Street Newport South Wales NP20 1LR</b>			
<b>Proposal:</b>	<b>CONVERSION, EXTENSION AND ALTERATION OF DERELICT SITE, WITH A TWO-STOREY BLOCK AT THE FRONT, THREE STOREY BLOCK IN THE MIDDLE AND A THREE STOREY BLOCK AT THE REAR, RETAINING COMMERCIAL USE TO THE FRONT SECTION AT GROUND FLOOR AND CREATION OF 9NO FLATS</b>			
<b>Applicant:</b>	<b>C Davies</b>			
<b>Type:</b>	<b>Full</b>	<b>Ward:</b>	<b>Stow Hill</b>	
<b>Decision:</b>	<b>REFUSED</b>			

## 1. BACKGROUND

1.1 None.

## 2. SITE LOCATION AND CONTEXT

2.1 The application site consists of a vacant, mid terraced property known as 83 Commercial Street, Newport. The site is positioned within the defined settlement boundary as identified by the Proposals Map that accompanies the Newport City Council Local Development Plan (LDP). The Proposals Map also identifies the site as being within the boundary of the city centre, however the property is not within either the Primary or Secondary Shopping Frontages. In addition, the site sits within the Town Centre Archaeologically Sensitive Area and there is a Grade II listed building (St Pauls Church) located to the south west of the site.

2.2 The existing site consists of a single storey commercial premises located at the western end of the application site, which fronts Commercial Street. The property includes a façade on its western elevation which gives the impression that the building is two storeys in height when viewed in the context of the street scene, akin to adjoining properties. The eastern end portion of the application site contains a two storey flat roof building which is attached to the neighbouring three storey property. The central portion of the site is free from built development.

2.3 The immediate area is predominantly made up of a mix of commercial and residential premises.

## 3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks full planning permission for the conversion, extension and alteration of 83 Commercial Street. The submitted plans show that the development involves the retention and extension of the ground commercial unit and the creation of 9 no. residential flats within the remaining portion of the ground floor and the within the newly created upper floors. Each floor is described in more detail below.

3.2 The ground floor of the property would include one commercial unit accessed directly off Commercial Street. A separate access serving Flats Nos. 2 and 5 would also be positioned within the front elevation of the building, directly off Commercial Street. Internally, and at the eastern end of the commercial unit, access into an area which includes cycle and bin storage is provided. The cycle and bin storage facilities would be shared with the residential units. The rear portion of the ground floor would include 1 no. one bedroom flat, which would be accessed directly off the service lane to the rear. The access from the service lane would also serve Flat Nos. 3 and 4, located on the first floor, Flat Nos. 6 and 7, located on the second floor and Flat Nos. 8 and 9, located on the third floor.

3.3 At first floor level, 3 no. flats would be located, one of which would consist of one bedroom and the remaining two would consist of two bedrooms. The layout of the second floor accommodation would mirror that of the first floor, with the siting of a further three flats on this floor. The fourth floor would contain two additional flats within the central portion and eastern end of the site.

- 3.4 The flats would be positioned across the length of the entire site in three separate blocks. The block fronting Commercial Street would see the removal of the existing façade and the creation of a first and second storey above the existing commercial unit. The development would also be facilitated via the development of two further blocks in the middle and rear portions of the application site, which would be adjoined via a lightwell, in which internal staircases would be sited. The central and rear block would be four storeys in height
- 3.5 There would be no dedicated off street car parking spaces provided.

#### 4. RELEVANT SITE HISTORY

Application Number:	Proposal:	Decision:	Decision Date:
10/0760	CONVERSION OF EXISTING BUILDING AND ERECTION OF TWO AND THREE STOREY EXTENSION ON TOP OF EXISTING BUILDING TO FORM 8 FLATS ABOVE EXISTING GROUND FLOOR SHOP INCLUDING ALTERATIONS TO SHOP FRONT TO ENABLE SEPARATE ENTRANCE DOOR TO FLATS AND ALTERATIONS TO EXISTING REAR ELEVATION	Refused	17/04/2014
09/0768	CONVERSION OF EXISTING BUILDING AND ERECTION OF A 3 AND 4 STOREY EXTENSION ON TOP OF EXISTING BUILDING TO FORM 14NO. FLATS ABOVE EXISTING GROUND FLOOR SHOP INCLUDING ALTERATIONS TO SHOPFRONT TO ENABLE SEPARATE ENTRANCE DOOR TO FLATS AND ALTERATIONS TO EXISTING REAR ELEVATION	Refused	09/12/2009
07/0969	PROPOSED CHANGE OF USE OF GROUND FLOOR FROM CLASS A1 (RETAIL) TO CLASS A3 (RESTAURANT) AND INSTALLATION OF A NEW SHOPFRONT	Refused	22/10/2007

#### 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.

4.3.34 - Leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful

evening economy. In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening.

Technical Advice Note (TAN) 11: Noise  
Technical Advice Note (TAN) 12: Design  
Technical Advice Note (TAN) 21: Waste  
Technical Advice Note (TAN) 23: Economic Development  
Technical Advice Note (TAN) 24: The Historic Environment

5.3 HISTORIC ENVIRONMENT ACT (WALES) 2023.

5.4 Newport Local Development Plan (2011-2026) (NLDP):

SP1 (Sustainability)  
SP9 (Conservation of the Natural, Historic and Built Environment)  
SP13 (Planning Obligations)  
SP18 (Urban Regeneration)  
GP2 (General Amenity)  
GP4 (Highways and Accessibility)  
GP5 (Natural Environment)  
GP6 (Quality of Design)  
GP7 (Environmental Protection and Public Health)  
CE7 (Conservation Areas)  
H8 (Self Contained Accommodation and Houses in Multiple Occupation)  
T4 (Parking)  
R1 (City Centre Schemes)  
W3 (Provision for Waste Management Facilities in Development)

5.5 Supplementary Planning Guidance (SPG):

Planning Obligations SPG (Adopted January 2020)  
Flat Conversions SPG (Adopted October 2021)  
Parking Standards Supplementary Planning Guidance (Adopted August 2015)  
Waste Storage and Collection (Adopted January 2020)

## **6. CONSULTATION RESPONSES**

6.1 Local Highways Authority:

Further information requested and objection pending amended cycle and refuse provision.

The development is within parking zone 1 and the SPG requires 0.5 to 1 space per residence within this area. No information has been provided regarding parking, but it appears it may be possible to provide some at the rear. Further information is therefore requested in this regard. Electric vehicle charging should also be considered.

Shared bin stores are proposed, which is not acceptable. Furthermore, there is no route or collection area identified for the waste. Again, further information and amendment are needed.

Cycle storage is shown within the bin store. This is not acceptable. For residential and employment uses, separate provision is required, and both must be separated from the rubbish. It is important to focus on quality to encourage cycling in line with current local and national policies.

6.2 Environmental Health Officer:

No response received.

6.3 Waste Officer:

We would anticipate that the development require the following

For recycling  
2 x 660 litre bins for cans plastic and paper and card  
1 x 360 litre bin for glass

1x 240 litre bin for food waste

For refuse  
1 x 1100L

We note the presence of a bin store - bin stores should be large enough to accommodate bins as well as allow for manoeuvrability.

We are seeking clarification on the bin collection area, where is plan this to be located?

Who will move bins from the bin storage area on the collection day? And, please check size of storage area to ensure bins fits.

From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse Department collection vehicles safely. Failure to purchase correct bin(s) will result in collections being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

6.4 Drainage:  
No response received.

6.5 SAB:  
No response received.

6.6 Ecology Officer:  
No response received.

6.7 Education Manager:  
No response received.

6.8 Housing Development Manager:  
Consideration should be given to Newport's Flat Conversions Supplementary Planning Guidance (FC SPG). The FC SPG highlights the importance of adequate levels of natural lighting. Across the building there appear to be several dwelling rooms with limited, or no natural light, provision.

Fire Safety: the development appears to have a single point staircase and escape route from dwellings. Further information regarding fire safety, and adherence to building safety regulation requirements for fire safety should be sought.

For developments of three or more dwellings, it is appropriate to seek an affordable housing contribution. a financial contribution in lieu of on-site provision is acceptable for this development

6.9 Leisure Services:  
No response received.

6.10 Newport Access Group:  
No response received.

6.11 Heneb:  
Thank you for notifying us of this application; consequently, we have reviewed the detailed information contained on your website.

The information in the Historic Environment Record (HER) curated by this Trust shows that the proposed development site is located within the Archaeologically Sensitive Area of Newport City Centre. We have consulted the regional Historic Environment Record and note that the proposed development area lies within a medieval and Post-Medieval settlement. Records show that St. Paul's Church and the Mynydd Seion Independent Chapel are located

nearby, both of early 19th century. To the rear of the building are the lower docks, where a school and later library of the same period were situated.

The proposed development involves the development of a derelict site to deliver 9 flats and commercial space to ground floor. The proposed works will involve significant ground works, and are located within an archaeologically sensitive area. Therefore, it is possible that buried archaeological remains could be encountered during the groundworks.

Therefore, in order to mitigate the impact of the development on the archaeological resource we recommend that a condition, for a programme of archaeological work, taking the form of an archaeological watching brief during the groundworks required for the development, should be attached to any consent granted.

We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

*No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.*

*Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.*

We also recommend that a note should be attached to the planning consent explaining that: *The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member Looking for an archaeologist? | Chartered Institute for Archaeologists.*

#### 6.12 Dwr Cymru 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.

##### Advisory Notes

*The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer*

*network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)*

*The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.*

*In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.*

#### Water Supply

We anticipate this development will require the installation of a new single water connection to serve the new premise. Capacity is available in the water supply system to accommodate the development. The applicant will need to apply to Dwr Cymru Welsh Water for a connection to the potable water supply system under Section 45 of the Water industry Act 1991. The applicant attention is drawn to our new water connection application guidance notes available on our website

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.

## **7. PUBLIC REPRESENTATIONS**

- 7.1 Neighbour notification letters were sent to neighbouring properties, and a Site Notice was displayed. No responses were received.

## **8. ASSESSMENT**

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

- 8.1.1 The site is regarded as previously developed land as defined by PPW12 within the settlement boundary. The existing premises appears to have been vacant for some time and, along with the wider site, has been poorly maintained and is in a state of disrepair. Policy SP18 supports the reuse of vacant land within the urban area. The proposal would therefore be consistent with this policy and the general brownfield strategy within the Local Development Plan.

- 8.1.2 Policy R1 (City Centre Schemes) of the LDP is of relevance and states that:

*REDEVELOPMENT SCHEMES OR OTHER PROPOSALS TO ENHANCE THE PROVISION OF RETAIL FACILITIES WITHIN THE CITY CENTRE SHOPPING AREA WILL BE FAVOURED 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.*

- 8.1.3 The proposal would not alter the previous retail offering of the site, with the ground floor commercial premises retained as part of the proposed development. It is considered that the proposed use of the site, including the addition of the nine flats, would positively contribute to the vitality and viability of the city centre, whilst also being compatible with surrounding land uses. In addition, the proposal would be fully accessible from the wider area on foot and bicycle, as well as by public transport.

8.1.4 Based on the above, it is considered that the general principle of the proposal is acceptable, subject to the following material considerations.

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

8.2.1 The proposal would represent a significant visual change when compared to the existing appearance of the application site. The current appearance of the site does not have a positive impact on the character and appearance of the surrounding area. The ground floor unit consists of a modern shopfront with a corrugated panel façade above to give the appearance that the building is two storeys in height. Refurbishment and extension of this vacant property, which is located in an area with high foot traffic, is welcomed. The proposed design would not seek to replicate adjoining properties, however this is considered acceptable as properties on either side of the site are of no particular architectural merit. It is noted that towards the southern end of Commercial Street, there have been a number of taller buildings developed over the years. These are mainly set back from the street front to allow the original character to be read as first intended. In this instance, the higher elements of the proposal are also set away from the street, thereby replicating the established building line and allowing the retention of the historic form of Commercial Street to remain.

8.2.2 In terms of materials, the front elevation of the proposal would replicate a more traditional appearance with the metal profile cladding replaced with a brick finish and reconstituted stone lintels positioned above each window, whilst roofing would be finished in slate. The arrangement of fenestration on the upper floors of the front elevation would not be consistent with that of the neighbouring properties, however, this is not considered to result in any unacceptable adverse impact when considered within the context of the site. The existing brick rear elevation would be extended in height to almost that of the adjoining property, with the fenestration evenly spaced across the façade and appearing appropriate in its context. It is noted however that there is limited information provided with the application in relation to detailing and materials.

8.2.3 The side elevation of the development would see a dramatic change when compared to the existing, as much of the site is currently free from built development. Whilst it is acknowledged that the maximum height of the extensions proposed would be no greater than surrounding development in the locality, there is some concern that the southern side elevation would consist of large expanses of solid, blank walls with little in the way of design features or detailing to provide a visual break. This is of particular concern given this elevation in particular would be highly visible from areas of the public realm to the south and south east. To add to this concern, there are inconsistencies in the submitted plans, with the Proposed Roof Plan not reflective of the Proposed Elevations submitted.

8.2.4 Overall, whilst the proposal is considered to have some positive impact upon visual amenity, there is concern regarding the proposed southern side elevation, as well as regarding the errors in the submitted plans.

## **8.3 Residential Amenity:**

8.3.1 Policies GP2, H8 and the Flat Conversions SPG require no adverse impact on local amenity in terms of noise, disturbance, privacy, overbearing, light, odours and air quality. There should also be acceptable living standards for future occupants with particular regard to internal floor space, outdoor amenity space, parking, bin storage, bicycle storage and noise.

8.3.2 The surrounding area generally consists of commercial properties on the ground floor with either commercial or residential uses above. To the immediate east of the application site is a service road and beyond this the residential terrace rows of Kingsway, Emlyn Street and Lower Dock are located. It is considered that the proposed development would be compatible with these surrounding uses.

8.3.3 In terms of the impact on the privacy of surrounding residential properties, new window openings would be sited on the eastern and western elevations of the extensions, however they would be located sufficient distances from existing residential properties to avoid any undue overlooking. In addition, there is no concern with regard to the impact of the proposal on nearby residential properties with regard to loss of light, or overbearing effects of the development.

- 8.3.4 In terms of the amenity of future occupiers, the Flat Conversions SPG makes recommendations on internal space standards for new residential accommodation. It recommends a minimum of 45m<sup>2</sup> for the internal floor space of one bed flats and a minimum of 58m<sup>2</sup> for two bed flats, with all of the proposed flats exceeding this standard.
- 8.3.5 Flats 3, 6 and 8 are sited within the central portion of the application site and therefore there is no opportunity for fenestration to be directly street facing. As such, windows on the western side of Flat 3 would directly face an enclosed external terrace, whilst windows serving Flats 6 and 8 would face an open air void and the rear of the front building, resulting in poor outlook for future occupiers and a feeling of being hemmed in. To add to this concern, the windows on the eastern side of the central block would directly face windows serving Flats 4, 7 and 9, with the separation distance between windows approximately 5.5 metres. This intervisibility between flats is not only considered to result in poor outlook, but would also result in a loss of privacy for future occupiers of the development. It is not considered that this impact could be adequately overcome by the imposition of any planning conditions.
- 8.3.6 Due to the window arrangement outlined above, several of the windows proposed would receive limited natural light. The windows serving Flats 3 and 6 would be contained between the front and middle buildings which would be in shadow for large portions of the day, whilst openings serving Flats 4 and 7 would be contained within the lightwell, thereby limiting direct natural daylight to the windows themselves. Furthermore, due to the orientation of the building, natural daylight would only enter the lightwell during the middle portion of the day, with the development itself casting shadow on the lightwell at other times. The lack of natural light has been attributed to poor mental health as detailed within a document published by Welsh Government: Housing Health and Safety Rating Guidance which states that 'Depression and psychological effects [can be] caused by lack of natural light' (Chapter 13, p96).
- 8.3.7 The development does not incorporate any private off road parking, however this is not necessarily a cause for concern due to the highly sustainable location of the application site. Concern has however been raised by the Council's Highways Department in relation to the cycle parking which is shared between the commercial and residential uses, and is also located within the waste storage area. This arrangement is not acceptable as separate provision is required, and both must be separated from the waste storage areas to ensure good quality design and to encourage cycling in line with current local and national policies
- 8.3.8 It is acknowledged that the flats would not all be provided with outdoor amenity space, however the proposed flats are in very close proximity to the facilities offered by the city centre and any future occupier would be able to outweigh the lack of outdoor private amenity space against the benefits of the proximity to those facilities.

#### **8.4 Noise:**

- 8.4.1 The application site is located in an area of commercial and residential uses. A Noise Report which would assess the impact of external noise on the internal ambient noise of the proposed flats has not been provided with the application. The assessment would enable the Local Authority to determine whether or not any sound mitigation is required and whether windows serving the proposed flats could be opened without internal ambient noise levels being exceeded.
- 8.4.2 Given the absence of a Noise Report, a conclusion with regard to internal noise levels within flats cannot be made.

#### **8.5 Biodiversity:**

- 8.5.1 The Council's Ecologist has been consulted on the proposal, however no response has been received. It is noted that a Preliminary Roost Assessment for Bats has been submitted with this application, and this concludes that the building at 83 Commercial Street was classified as possessing low potential/suitability for bats and therefore no further survey effort with respect to bats is recommended.
- 8.5.2 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. Planning Policy Wales (Edition 12) (PPW)

reiterates that biodiversity must be maintained and enhanced to enable resilient ecological networks to be built and deliver net benefits for biodiversity. 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.

8.5.3 Furthermore, PPW indicates that a step-wise approach must be taken to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Evidence in the form of a Green Infrastructure Statement should accompany the application to ensure that the step-wise approach has been followed. Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.

8.5.4 In this instance a Green Infrastructure Statement has not been provided. Based on the above therefore, it is considered that the proposed development fails to demonstrate that it would not harm biodiversity interests or secure a net gain for biodiversity. It is therefore contrary to Future Wales Policy 9, the aims of PPW in so far as they relate to biodiversity interests and environmental protection and Policy GP5 of the Newport Local Development Plan (Adopted January 2015).

## **8.6 Waste:**

8.6.1 Facilities for the storage of waste and recycling have been incorporated into the proposed development, however it is noted that these facilities would be shared between the occupiers of the commercial premises and the residential accommodation. It is considered that the site has the potential to allow for adequate bin storage to be made available within its confines to serve the whole development, however acceptable information has not been put forward with the current scheme. Furthermore, details of bin collection, such as collection routes and areas, have not been provided. This is of particular concern with regard to the flats to the rear as the access and egress to and from them is directly off the service lane and there is no dedicated space for bins to be placed for collection.

## **8.7 Archaeology:**

8.7.1 The site is 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 an Archaeological Impact Assessment. Notwithstanding this, consultation with Heneb has been undertaken and it has been advised that given it is possible that buried archaeological remains could be encountered during the groundworks associated with the development, archaeological mitigation is required. Therefore, it has been recommended that in order to mitigate the impact of the development on the archaeological resource a condition for a programme of archaeological work, taking the form of an archaeological watching brief during the groundworks required for the development should be attached to any consent granted. This is considered appropriate should planning permission be granted.

## **8.8 Impact on Heritage Assets:**

8.8.1 Special regard must be given to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The site is approximately 87 metres away from the edge of the St Woolos Conservation Area and 80 metres away from the Lower Dock Street Conservation Area, from which it can be seen.

8.8.2 The scheme would bring a vacant site back into use and allow for its long term preservation as well as for the maintenance of the wider site. It is considered that the scheme represents an improvement with regard to visual amenity and would enhance the character and appearance of the Conservation Area.

8.8.3 In addition to the above, the site sits approximately 30 metres away from the Grade II listed St Pauls Church which fronts Commercial Street on the opposite side of the road. As such

the impact of the proposal on the setting of the Grade II listed must be considered. As above, the proposals would improve the visual appearance of the application site, which in turn would enhance the street scene and also the setting of the listed building.

8.8.4 Based on the above, the proposal is considered to be compliant with Policy CE7 of the Newport Local Development Plan and the Historic Environment (Wales) Act 2023.

## 8.9 Section 106 Planning Obligation matters

8.9.1 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:

- 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 and provide sufficient open space and ensure its continued maintenance).
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development).
- 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 site).

8.9.2 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?
Regeneration, Investment and Housing	Commuted sum for affordable housing.	Net increase of 9 flats (3 x 1 bed flats and 6 x 2 bed flats) = £39,516.	Not Agreed	N/A
Leisure	Commuted sum for leisure facilities.	= £28,362	Not Agreed	N/A

8.9.3 In this case, the developer has provided information in relation to the viability of the planning obligations relevant to the scheme in the form of a Viability Assessment. This concludes that that the level of contributions required will jeopardise the proposal's economic viability and subsequent delivery. Taking into account the negative economic viability of the scheme, the Council's Planning Contributions Manager has concluded that the S106 planning obligations would be 'waived'.

## 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 principle of the proposal is regarded as acceptable, as is the impact of the development on the amenities of neighbouring occupiers and on the character and appearance of the local area.

### 10.2 Notwithstanding the above, it is considered that the development would result in harm to the residential amenity of future occupiers and would also fail to provide adequate cycle and bin storage to serve the development. Furthermore, the application contains inadequate details regarding bin collection.

### 10.3 Based on the above, the proposal is not compliant with the LDP and it is therefore recommended the application be refused.

## 11. **DECISION**

### **REFUSED**

01 The proposed development, by reason of the layout of the proposed flats and their window arrangement, would provide inadequate natural daylight entering several of the proposed flats. In addition, future occupiers of the proposed flats would suffer from poor outlook and an unacceptable loss of privacy, resulting in a poor quality living environment. As such, the

development is contrary to Policies GP2 and H8 of the Newport Local Development Plan 2011 – 2026 as well as Newport City Council SPG – Flat Conversions (October 2021).

02 The development would have an adverse impact upon interests of acknowledged importance, namely residential amenity of future occupiers, with a failure to provide a noise survey to determine the impact of noise levels from internal or external sources and any mitigation to alleviate this impact. Therefore, the proposal is contrary to Policies GP2 and H8 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

03 The plans contain inaccuracies and inconsistencies which result in the Local Planning Authority being unable to ascertain the full extent and impact of the proposed development. Furthermore, the development fails to provide high quality design, with particular regard to the level of fenestration detail to the front and rear elevations and the significant expanse of blank elevation of the southern side of the development which would present an oppressive façade with no visual interest when seen from the public realm. As such, the proposal is contrary to Policy GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

04 The development fails to provide adequate cycle and waste storage facilities. The facilities proposed are not separated from each other in dedicated spaces and would be shared by the occupiers of the commercial and residential uses. Furthermore, the application contains insufficient information in relation to servicing and the provision of waste collection and delivery arrangements for the site. The proposal is therefore contrary to Policies GP2, GP4 and GP6 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

05 The proposal does not include a Green Infrastructure Statement or an appropriate scheme for biodiversity net benefit, contrary to Policies SP1 and GP5 of the Newport Local Development Plan (Adopted January 2015), Chapter 6 of Planning Policy Wales (Edition 12) and Policy 9 of Future Wales.

#### *NOTE TO APPLICANT*

01 This decision relates to Plan Nos: Site Location Plan (P AX 100 A), Front Elevation Existing, Front Elevation Proposed, Rear Elevation Existing, Rear Elevation Proposed, Side Elevation Existing, Side Elevation Proposed, Ground Floor Existing, Ground Floor Proposed, First Floor Proposed, Second Floor Proposed, Third Floor Proposed, Roof Covering Existing, Roof Covering Proposed, Design and Access Statement and Preliminary Roost Assessment for Bats, all received by the Local Planning Authority on 28<sup>th</sup> February 2025.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP13, SP18, GP2, GP4, GP5, GP6, GP7, CE7, H8, T4, R1, and W3 were relevant to the determination of this application.

03 Newport City Council Parking Standards and Flat Conversions Supplementary Planning Guidance was relevant to the determination of this application.

04 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.