

Delegated Decision Report

Application No:	25/0610	Statutory Period Expires:	24th September 2025
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Site:	42C Commercial Street Newport NP20 1LP		
Proposal:	CONVERSION OF UPPER FLOORS OF COMMERCIAL PREMISES INTO FOUR SELF-CONTAINED FLATS (RESUBMISSION OF 25/0120)		
Applicant:	Y Zhang		
Type:	Full	Ward:	Stow Hill
Decision:	REFUSED		

1. BACKGROUND

1.1 This application is a resubmission following the refusal of application 25/0120. The previous application sought consent for CONVERSION OF UPPER FLOORS OF COMMERCIAL PREMISES INTO FOUR SELF-CONTAINED FLATS, and was refused on the following grounds:

1. *The development would have an adverse impact upon interests of acknowledged importance, namely, upon residential amenity. The scheme holds an unacceptable level of amenity for future occupiers by reasons of the lack of sufficient space within the flats, the lack of privacy and intervisibility between flats, inappropriate bin storage, and a shared entrance between the residential and commercial premises. This would be contrary to the adopted Flat Conversions SPG (2021) guidance and Policy GP2 and H8 of the Newport's Local Development Plan 2011-2026 (Adopted January 2015) and Flat Conversions SPG (2021).*
2. *The development would have an adverse impact upon interests of acknowledged importance, namely, upon residential amenity. There is no information provided on noise levels experienced by residents within the flats and subsequent ventilation measures. No information has been provided in the form of a noise impact assessment to justify this. 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).*
3. *The proposal has not provided a Green Infrastructure Statement or Ecological Enhancement. This would not contribute positively to biodiversity and ecosystem resilience, which is contrary to Policy SP1, SP9 and GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015), Chapter 6 of Planning Policy Wales (Edition 12) and Policy 9 (Resilient Ecological Networks and Green Infrastructure) of Future Wales.*
4. *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).*

5. *The development would have a significant adverse impact upon interests of acknowledged importance, inadequate cycle storage. Inadequate information has been provided to demonstrate secure and accessible storage to residents and no information has been provided to mitigate this objection contrary to Policy GP4 and H8 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015) and Sustainable Travel SPG.*
6. *The development would have a significant adverse impact upon interests of acknowledged importance, namely the lack of information of a waste management plan and the impact on the Conservation Area. Insufficient information has been provided to mitigate this objection contrary to Policy W3 and CE7 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015), Waste Storage and Collection SPG and The Historic Environment Act (2023).*
7. *The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely impact upon the appearance and character of the City Centre Conservation Area. Insufficient information has been provided relating to the proposed external alterations to mitigate this concern. The proposals are currently contrary to Policy CE7 of the Council's Local Development Plan, 2011-2026 (Adopted January 2015) and Section 160 of the Historic Environment (Wales) Act 2023.*

2. SITE LOCATION AND CONTEXT

- 2.1 The property is located within an area containing a mix of commercial/residential properties, where there is predominantly commercial on ground floor. The site is located within the defined limits of the City Centre and within a Primary Shopping Frontage Area as shown on the proposals maps that accompany the LDP. The site is also located within an Archaeology Sensitive Area and Parking Zone 1. Properties are typically 3-4 storey properties and Commercial Street has a high footfall. Kingsway Place appears to be more of a service yard/parking area for some units.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks the conversion of the upper floors of the commercial premises into four 2no.bedroom self-contained flats. The commercial unit on the ground floor would remain. The first floor proposes flat 1 and flat 2. Flat 1 is situated to the rear of the building, and flat 2 is situated to the front of the building. Both flats overlook an internal light well through the middle of the building. Flat 3 is located on the second floor and has outlook from the front and rear of the building. Flat 4 is on the third floor and also holds outlook to the front and rear of the building. The flats hold waste storage on the ground floor and bike storage within the basement. The property benefits from a dual entrance off Commercial Street and to the rear of the building. The rear access is accessed via a set of steps off Kingsway Place. The proposal also seeks approval of replacement windows to upvc on the rear elevation and within the lightwell and the introduction of new ventilation measures through the kitchens, bathrooms and bin stores.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
25/0120	CONVERSION OF UPPER FLOORS OF COMMERCIAL PREMISES INTO FOUR SELF-CONTAINED FLATS	R	10/04/2025

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 NOTES

TAN 2: Planning and Affordable Housing (2006)

TAN 11: Noise (1997)

TAN 12: Design (2016)

TAN 24: The Historic Environment

5.4 The Historic Environment Act (2023)

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- Policy SP1 Sustainability
- Policy SP3 Flood Risk
- Policy GP2 General Development Principles
- Policy GP5 Natural Environment
- Policy GP4 Highways and Accessibility
- Policy GP6 Quality of Design
- Policy GP7 General Development Principles – Environmental Protection and Public Health
- Policy T4 Parking
- SP13 Planning Obligations
- SP18 Urban Regeneration
- H2 Housing Standards
- Policy H8- Self Contained Accommodation and Houses in Multiple Occupation.
- W3 – Provision for Waste Management Facilities in Development
- CE6 Archaeology
- CE7 Conservation Areas

- SP9 Conservation of the Natural, Historic and Built Environment

5.6 SUPPLEMENTARY PLANNING GUIDANCE

FLAT CONVERSIONS SPG
PARKING STANDARDS SPG
PLANNING OBLIGATIONS SPG
WASTE STORAGE AND COLLECTION SPG

6. CONSULTATION RESPONSES

6.1 Waste Officer:

We would anticipate the property be serviced with a city centre bag collection for both residual waste and recycling. Bags for collections are chargeable.

6.2 Local Highways Authority:

The development includes cycle parking within the basement. This raises concerns in terms of security and access. A ramp is proposed to assist access for bikes. Whilst it is not ideal it does make it possible for most able-bodied riders to use the storage. Not all cycle users are able bodied or strong. The space requirements for the bikes are not considered appropriate, but there appears to be additional space adjacent to the bike store. Spacing should be 1m between stands (which are not shown). Quality is important to encourage cycling so ease of access, space and security are paramount. Notwithstanding the lack of detail, the basement could be acceptable with properly spaced Sheffield style racks, lighting and cctv, as well as the proposed ramps. Should the application be successful we would request a condition to secure appropriate cycle storage. Car parking requirements are set in the SPG as 0.5 to 1 per unit. This equates to between two and four spaces for this proposal. Given the City centre location there are alternative travel modes available and off-site parking for those willing to pay. Refuse is stored at ground level, however the containers are not suitable to be placed on highway, and the rear access is via stairs. There does not appear to be any acceptable refuse collection proposal. In summary, acceptable cycle parking could be secured by condition, but the development does not meet the requirements of parking and refuse policies.

6.3 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 **Conditions 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.

6.4 Heritage Officer:
For Policy Context see Annex 1

Analysis

42C Commercial Street is located within the Town Centre Conservation Area. As a non-dwellinghouse, there is no 'PD' for external alteration.

As existing, the ground floor shopfront has seen considerable harmful alteration since June 2018 (see below), with the painted timber elevation having been over-clad with tiles, and the fascia enlarged and brought harmfully forwards. This work has, in turn, caused harm to the character and appearance of the Town Centre Conservation Area. I cannot see that this work has been authorised.



To the upper floors, this prominent front elevation has a richly ornate masonry (now crudely painted), wherein the windows are formed in painted timber, with particular interest attributable to the curved-plan sashes which terminate the projecting first-floor bay, and the and semi-circular heads to the sashes of the second. These fine upper floors and their windows make a positive contribution to the character and appearance of the Town Centre conservation area.

Windows

The proposed front elevation drawing states '*K: Internal secondary glazing with white UPVC sash windows*'. This seems rather ambiguous, though it is clarified by the DAS, which states that '*Internal secondary UPVC sash windows will be installed for thermal and acoustic insulation*'. Provided you are happy that there will be no external alteration of the existing timber windows to the front elevation, I have no issue with this.

Majority of windows to the rear elevation of the principal building are little seen, due both to the form of the building, and the fact that the rear service road does not constitute public realm. Upon this basis, I have no concern regarding proposed window alterations here.

Shopfront

As noted above, the existing shopfront has seen very harmful and unconsented alteration. Should a new doorway be introduced within the existing, this will unbalance the symmetry of the elevation and cause even further harm to the character and appearance of the Town Centre Conservation Area. Upon this basis, it is my view that the whole shopfront should be reconsidered, to produce a ground floor elevation of better symmetry and higher quality, as per Item 5.3. of our Shopfronts SPG, which states that *'When altering shop fronts, efforts should be made to reinstate the horizontal and vertical lines and the proportions of the parent building, as well as uncovering and reinstating lost architectural features where possible.'*

Therefore, existing drawings need to show the previous condition (timber shopfront shown above), with proposed drawings showing the same, with new doorway. Detailed drawings (elevation and section) of the proposed area of amendment should also be requested, either up-front or via condition.

Other

The DAS states that there will be *'Mechanical ventilation for kitchens, showers, bin stores, and cycle stores.'*

Where will the external ducts be located and how will they appear? We do not wish to see them placed upon the prominent front elevation of the building.

- 6.5 Drainage Manager: No comments received.
- 6.6 Environmental Health: No comments received.
- 6.7 Senior Scientific Officer: No comments received.
- 6.8 Ecology Officer: No comments received.
- 6.9 HMO Licensing: No comments received.
- 6.10 HMO Police: No comments received.
- 6.11 SAB: No comments received.
- 6.12 HENEB:

We have consulted the regional Historic Environment Record and note that the proposal is located within the Newport Archaeologically Sensitive Area (ASA). It is close to the medieval centre of the town and in an area where archaeological remains have previously been encountered. However, there are no known archaeological sites located within the proposed application area. Furthermore the previous development of the site is highly likely to have had an adverse effect on any potential remains that may be present.

Additionally, the current application is for the conversion of upper floors into flats. Therefore it is unlikely that archaeologically significant material will be encountered during the course of the proposed works.

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. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 06/08/2025, Site Notice was put up on 15/08/2025.

7.1 NEIGHBOURS:

No comments received.

7.2 Councillors:

Councillor Kate Thomas: No comments.

Councilor Miqdad Alnuaimi:

I am writing with respect to the above Planning Application.

I share the reservations expressed by the Highway Office Kevin Jackson with respect to the off-street parking and the provision of cycle store as well as the storage for domestic waste and recyclable material required by the Future residents of the 4 self contained flats. Given the prominent location in the city centre waste and recyclable material must be done so that it does not present unsightly situation in Commercial street

There is also the 2 issues affecting flats and residential units in any city centre location , the necessity for ventilation during hot spells when windows may have to be closed to provide protection against noisy events as well as ventilation needed for areas like the kitchens and bathrooms. Noise insulation is another important consideration for these residential units

8. ASSESSMENT

8.1 Principle of Development

8.1.1 The application is a resubmission of application 25/0120. Therefore, the reasons for refusal set out in section 1 should be overcome within this application.

8.1.2 The proposal relates to the use 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 within the Primary Shopping frontage. 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.

8.1.3 Policy H8 evaluates self-contained accommodation and sets out a definitive set of criteria which the proposal should adhere to:

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

8.2 When assessing the revised scheme, the reasons for refusal under 25/0120 should be overcome in totality.

8.2.1 Firstly, reason 01 of 25/0120 is set below:

01 The development would have an adverse impact upon interests of acknowledged importance, namely, upon residential amenity. The scheme holds an unacceptable level of amenity for future occupiers by reasons of the lack of sufficient space within the flats, the lack of privacy and intervisibility between flats, inappropriate bin storage, and a shared entrance between the residential and commercial premises. This would be contrary to the adopted Flat Conversions SPG (2021) guidance and Policy GP2 and H8 of the Newport's Local Development Plan 2011-2026 (Adopted January 2015) and Flat Conversions SPG (2021).

8.2.2 Firstly, when assessing the unacceptable level of amenity for future occupiers by reasons of the lack of sufficient space within the flats, it is considered under the current submission the proposed flats floor space equates to:

- Flat 1= 45.5sqm
- Flat 2=55.3sqm
- Flat 3=56.7sqm
- Flat 4=55.8sqm

8.2.3 These are the same as under 25/0120. All four flats fall short of the space standards as prescribed by the Flat Conversions SPG. Flats 2, 3 and 4 fall short marginally but this could be deemed acceptable; however, Flat 1 falls significantly short of the standards set out within the SPG, providing reduced residential amenity for residents. There would be limited space for basic functions and would result in an adverse impact to the living conditions of future occupiers. Therefore, this does not accord with the SPG and Policy GP2 and does not overcome this element of reason 01. A site visit has been undertaken by the Planning Officer and this assessment is informed by that visit, it is deemed that the space available within the flat would not be sufficient for a 2 bedroom flat.

8.2.4 Secondly, in relation to privacy and intervisibility within the light well, application 25/0120 previously stated there were unacceptable views into neighbouring kitchen/living areas, in particular from the light well. The current submission addresses this by specifying

white UPVC windows with frosted or obscure glazing facing into the light well. *Top-hung casement or awning windows hinged at the top and opening outward from the bottom to allow ventilation while preventing rain entry and overlooking. Non-opening windows where sills are below 1.7m from the floor.* As a result, Flats 1 and 2 no longer have an outlook from their kitchen/living areas into the light well, and the same window treatment applies to Flats 3 and 4's kitchen living areas. The intervisibility has been overcome, however, the obscure glazing of all windows from the main kitchen/living areas would be deemed an unacceptable level of amenity to residents given this is the primary living space within the flats. Whilst it is considered the outlook into the light well is not good, obscure glazing all windows into the primary living space is insupportable.

- 8.2.5 When assessing the bin storage, it is considered that the store would remain in the same location as 25/0120, however, a vent has now been proposed in the room. Under 25/0120 it was concluded that the bin storage internally for this number of flats would not be appropriate due to hygiene reasons and smells and hold an adverse impact upon the living conditions of future occupiers. This was further underpinned by an appeal decision following application 22/0316 for CHANGE OF USE OF UPPER FLOORS TO 3 NO. SELF-CONTAINED FLATS (RESUBMISSION FOLLOWING REFUSAL OF 21/1287) also proposed internal bin storage and formed a reason for refusal. The Inspector within the appeal stated, *'With regards the issue of refuse facilities, it would appear that a storage facility would be provided internally, adjacent to the main communal corridor to the flats. The Council contends that this would not be appropriate and, given the likely implications for odour and hygiene, I agree with this assessment. Indeed, such concerns lead me to conclude that such an arrangement would have a significant adverse impact on the living conditions of the prospective occupiers of the flats.'* A vent has now been added to the room which could alleviate the issue of smells, however, no further information on the vent has been provided but can be secured via condition.
- 8.2.6 Moreover, under reason 01, there remains a lack of information regarding a waste management plan. It is unclear where bins would be collected from. If from the rear on Kingsway Place, tenants would need to carry bins downstairs, which is unsuitable. Storing bins on Commercial Street is also inappropriate and would conflict with the Conservation Area, contrary to s160 of the Historic Environment Act (2023). The Highways Officer maintains concerns, and while the Waste Officer notes the unit falls within the chargeable City Centre Daily Waste Collection Service, this cannot be secured by condition given it is a chargeable service. No suitable alternative waste management details have been provided.
- 8.2.7 In the final element of reason for refusal 01, it states that the shared entrance between the residential and commercial premises is unacceptable. It is considered under 25/0120, there were separated entrances off Commercial Street which was deemed favourable, however, there was a shared access to the rear. Under the current submission, it is now demonstrated that the Commercial unit on the ground floor does not have access to the rear of the unit anymore which overcomes this issue. However, it is now not clear how the ground floor commercial unit will manage their waste as a result. No information has been provided on this.
- 8.2.8 Overall, it is considered that the majority of issues outlined within reason 01 under 25/0120, have either not been addressed sufficiently, or have created new subsequent issues. Therefore, the development would still hold an unacceptable level of amenity

for future occupiers by reason of lack of sufficient space, and does not provide an appropriate waste management plan. The obscure glazing of all windows within the primary living space would be unacceptable. Therefore, this would be contrary to the adopted Flat Conversions SPG (2021) guidance and Policy GP2 and H8 of the Newport's Local Development Plan 2011-2026 (Adopted January 2015) and Flat Conversions SPG (2021).

8.3 **Reason 02**

8.3.1 Secondly, under 25/0120 reason 02 states,

02 The development would have an adverse impact upon interests of acknowledged importance, namely, upon residential amenity. There is no information provided on noise levels experienced by residents within the flats and subsequent ventilation measures. No information has been provided in the form of a noise impact assessment to justify this. 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).

8.3.2 Whilst some information has been provided on soundproofing between floors, a noise assessment still has not been submitted under this application, and therefore, the same issues apply as under 25/0120 and the LPA are unable to make a full assessment on the level of noise or the required mitigation. The unit is situated within the City Centre, it is unsure if windows can be opened and experience an appropriate level of noise. The window which serves flat 4 appears to overlook the service area of the rooftop of the neighbouring building and it is unsure the noise levels this would emit. Further to this, there appears to be air conditioning units on the rear elevation. Flat 1's windows are situated above this, and it cannot be assessed the noise that would be experienced to these windows. Moreover, from the appeal decision under 22/0316 an additional part for the reason for refusal were 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.

8.3.3 Some vents have been provided within the flats, however, there is limited information on this, and their exit points. Given the site is within a Conservation Area, the lack of information on the vent system and their exit points results would be unacceptable and would be contrary to s160 of the Historic Environment Act (2023). Therefore, reason 02 has not been overcome.

8.4 **Reason 03**

8.4.1 Thirdly, when assessing reason 03 under 25/0120 states,

03 The proposal has not provided a Green Infrastructure Statement or Ecological Enhancement. This would not contribute positively to biodiversity and ecosystem resilience, which is contrary to Policy SP1, SP9 and GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015), Chapter 6 of Planning Policy

Wales (Edition 12) and Policy 9 (Resilient Ecological Networks and Green Infrastructure) of Future Wales.

8.4.2 It is understood that under the current submission, a GI statement and an enhancement scheme have been provided in accordance with the Stepwise Approach outlined within PPW12.

The applicant has provided the following:

	Steps	Assessment	Enhancement	Long term Maintenance	Net Benefits
1	Avoid	No green infrastructure will be removed from the site.	N/A	N/A	N/A
2	Minimise	No green infrastructure will be removed from the site.	N/A	N/A	N/A
3	Mitigation/restore	No green infrastructure will be removed from the site.	N/A	N/A	N/A
4	Compensate on site	Net biodiversity will be enhanced on site.	Bird and insect boxes will be installed. Planting of trees.	Species in newly created habitats selected for minimal maintenance.	Increased ecological connectivity, habitat diversity, and climate resilience
5	Compensate off site	N/A	N/A	N/A	N/A

8.4.3 Information has been provided of bird and insect boxes on the plans, as well as planting to the rear of the property. This is deemed acceptable. Therefore, reason 03 has been overcome within this submission.

8.5 Reason 05

8.5.1 In terms of reason 05 of 25/0120:

05 The development would have a significant adverse impact upon interests of acknowledged importance, inadequate cycle storage. Inadequate information has been provided to demonstrate secure and accessible storage to residents and no information has been provided to mitigate this objection contrary to Policy GP4 and H8 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015) and Sustainable Travel SPG.

8.5.2 Under 25/0120, cycle storage was proposed within the basement area of the unit, and this was deemed unacceptable given the navigation of steps. Under the current submission, a cycle ramp has been fitted to the stairs and the applicant is seeking to widen the stairs. The highways officer has provided comment and states, the space requirements for the bikes are not considered appropriate, but there appears to be additional space adjacent to the bike store. Spacing should be 1m between stands (which are not shown). Quality is important to encourage cycling so ease of access, space and security are paramount. Notwithstanding the lack of detail, the basement could be acceptable with properly spaced Sheffield style racks, lighting and cctv, as well as the proposed ramps. Should the application be successful highways would request

a condition to secure appropriate cycle storage. It is considered there is ample space within the basement for bike storage. Therefore, this reason has been overcome.

8.6 **Reason 6**

8.6.1 Moreover, in terms of reason 06 under 25/0120 it states:

06 The development would have a significant adverse impact upon interests of acknowledged importance, namely the lack of information of a waste management plan and the impact on the Conservation Area. Insufficient information has been provided to mitigate this objection contrary to Policy W3 and CE7 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015), Waste Storage and Collection SPG and The Historic Environment Act (2023).

8.6.2 There was a lack of a waste management plan at the detriment on the Conservation Area, as no information had been submitted to understand where the bins would be placed on collection days and by who, and if this would be left on the highway within the Conservation Area which would not preserve or enhance the setting. Under this submission, a management plan has still not been submitted, and therefore, this could have a detrimental impact on the Conservation Area contrary to Policy CE7 and s160 of The Historic Environment Act 2023. This reason has not been overcome.

8.7 **Reason 7**

8.7.1 Regarding reason 07 of 25/0120:

07 The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely impact upon the appearance and character of the City Centre Conservation Area. Insufficient information has been provided relating to the proposed external alterations to mitigate this concern. The proposals are currently contrary to Policy CE7 of the Council's Local Development Plan, 2011-2026 (Adopted January 2015) and Section 160 of the Historic Environment (Wales) Act 2023.

8.7.2 It is considered that under 25/0120 the applicant wished to replace some of the windows on the property with white UPVC and double glazing. These include windows on the rear elevation and light well. These changes do not include those on the principal elevation, however, a new doorway had been proposed on the principal elevation to serve a separate entrance to the flats. The site is defined within the City Centre Conservation Area, the scheme needs to accord with section 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. Whilst the Heritage Officer did not hold an objection, full details of external alterations needed to be provided, and therefore, the lack of this information meant a full evaluation could not be undertaken.

8.7.3 In terms of the current submission, the rear windows are still proposed to be changed to white UPVC, and the front windows are proposed to hold internal secondary glazing with white upvc sash windows. The Heritage Officer has been consulted on the application and has no concern over the change to the windows at the rear as it faces onto a service road and not prominent within the public realm. In terms of the secondary glazing on the front windows, the officer suggests that if no external alteration will take place to the existing timber windows, there are no objections.

8.7.4 The Heritage officer also suggests there is 'Mechanical ventilation for kitchens, showers, bin stores, and cycle stores.' However, there is no further information on the external

ducts, where they will be placed and how will they appear. The impact on the Conservation Area cannot be assessed without this information.

8.7.5 Moreover, concerns were raised by the Heritage Officer on the shopfront design, should a new doorway be introduced within the existing, this will unbalance the symmetry of the elevation and cause even further harm to the character and appearance of the Town Centre Conservation Area. It is the Heritage Officers view that the whole shopfront should be reconsidered, to produce a ground floor elevation of better symmetry and higher quality, as per Item 5.3. of our Shopfronts SPG, which states that *'When altering shop fronts, efforts should be made to reinstate the horizontal and vertical lines and the proportions of the parent building, as well as uncovering and reinstating lost architectural features where possible.'* However, it is considered that this was not raised as an objection on the previous submission from the Heritage Officer, subject to further fenestration details submitted. Moreover, it is favoured to have two separate entrances. Materials have still not been submitted which is unacceptable in this location. The officer further raises issues on the amended shopfront without consent. As the applicant has not applied for this under this application, a separate enforcement case will investigate this.

8.8 **Other comments**

8.8.1 Councillor Miqdad Alnuaimi submitted comments on the proposal and raises concerns over the off street parking availability and provision of cycle provision. The Highways Officer concluded that given the City centre location there are alternative travel modes available and off-site parking for those willing to pay. Moreover, the highways officer has concluded there is ample space within the basement for cycle storage

8.8.2 The Councillor also raises concerns over the storage for domestic waste and material, and the impact on the Conservation Area. This has been addressed within the report.

8.8.3 Councillor Alnuaimi raises concerns on the necessity for ventilation during hot spells when windows may have to be closed to provide protection against noisy events as well as ventilation needed for areas like the kitchens and bathrooms. This has been addressed within the report, however, a noise survey has not been provided, and therefore, it cannot be verified whether windows can be open during hotspells without undue noise disturbance.

8.8.4 HENEB have provided comment and state that given the nature of the application of the change of use of upper floors, it is unlikely that archaeologically significant material will be encountered during the course of the proposed works.

8.9 **Section 106 Planning Obligation matters**

8.9.1 Reason 04 states:

04 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).

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?
<i>Regeneration, Investment and Housing</i>	<i>to provide on site affordable housing</i>	<i>30% affordable housing units at £19,480</i>	<i>30% affordable housing units at £19,480</i>	<i>No</i>
<i>Regeneration, Investment and Housing</i>	Admin Fee	£389	£389	No
<i>Regeneration, Investment and Housing</i>	Legal Fees	£700	£700	No

8.9.3 **HEADS OF TERMS AGREED BY APPLICANT**

The Heads of Terms were agreed by the applicant on 11/08/2025. Whilst the applicant has agreed to the HOT in principle, the S106 can only be signed if the application is to be approved.

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 some of the reasons for refusal under 25/0120 have been overcome. However, some have either not been addressed sufficiently, or have created new subsequent issues. Therefore, the development would still hold an unacceptable level of amenity for future occupiers by reason of lack of sufficient space, outlook and the lack of information on noise to understand if windows can be opened. The scheme also does not provide an appropriate waste management plan, and there is a lack of information on external alterations, namely to the front of the unit and external vent outlets, and the full effects on the Conservation Area cannot be addressed. Therefore, for the reasons above, the scheme is refused.

11. DECISION

REFUSED

01 The development would have an adverse impact upon interests of acknowledged importance, namely, upon residential amenity. The scheme would fail to provide sufficient levels of internal space for future occupiers of flat 1; the obscure glazing of windows in the

main living areas of flats 1 and 2 would provide inadequate outlook, and there is a lack of information on a waste management plan for the residential flats and commercial unit and the impact on the Conservation Area. This would be contrary to the adopted Flat Conversions SPG (2021) guidance and Policy GP2, H8, W3 and CE7 of the Newport's Local Development Plan 2011-2026 (Adopted January 2015), The Waste Storage and Collection SPG (2020), Technical Advice Note 24 and The Historic Environment Act (2023).

02 The development would have an adverse impact upon interests of acknowledged importance, namely, upon residential amenity. There is no information provided on noise levels experienced by residents within the flats. No information has been provided in the form of a noise impact assessment to justify this. 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).

03 The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely impact upon the appearance and character of the City Centre Conservation Area. Insufficient information has been provided relating to the proposed external alterations to mitigate this concern including fenestration and vent extraction details. The proposals are currently contrary to Policy CE7 of the Council's Local Development Plan, 2011-2026 (Adopted January 2015) and Section 160 of the Historic Environment (Wales) Act 2023.

04 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: 2502_C02_Proposed plan_Floors - Views - Sections plan; 2502 C02 - Proposed Floor Plans, Elevations and Sections Plan; 2502 C01 - Site Location Plan, Existing Floor Plans, Elevations and Sections Plan.; Green Infrastructure Statement and Net Biodiversity Benefit Statement

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, GP2, GP4, GP5, GP6, GP7, T4, SP13, SP18, H2, H8, W3, CE6, CE7, SP9 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.

04 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

05 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.

06 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.

Annex 1- Heritage Policy Context

Legislation, Policy, and Guidance

The Historic Environment (Wales) Act 2023 (HEWA 2023) came into force 4th November 2024 and repeals the previous legislative framework for the protection

of the Historic Environment in Wales, including the Planning (Listed Buildings and Conservation Areas) Act 1990.

In respect of Conservation Areas, Section 160 of the HEWA 2023 imposes the general duty (derived from Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990)) that “In exercising a planning function in relation to a building or other land in a conservation area, a person must have special regard to the desirability of preserving or enhancing the character or appearance of that area”.

Planning Policy Wales (Edition 12, 2024) states that:

“6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings.

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.”

Policy CE7 of Newport Local Development Plan 2011 – 2026, January 2015 states that:

DEVELOPMENT WITHIN OR ADJACENT TO CONSERVATION AREAS WILL BE REQUIRED TO:

- i) BE DESIGNED TO PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA, HAVING REGARD TO THE CONSERVATION AREA APPRAISAL WHERE APPROPRIATE.
- ii) AVOID THE REMOVAL OF EXISTING HISTORIC FEATURES, INCLUDING TRADITIONAL SHOPFRONTS AND JOINERY.
- iii) USE MATERIALS WHICH ARE TRADITIONAL, OR APPROPRIATE TO THEIR CONTEXT.
- iv) COMPLEMENT OR REFLECT THE ARCHITECTURAL QUALITIES OF NEARBY BUILDINGS WHICH MAKE A POSITIVE CONTRIBUTION TO THE CHARACTER OF THE AREA.

v) PAY SPECIAL ATTENTION TO THE SETTINGS OF BUILDINGS, AND AVOID THE LOSS OF ANY EXISTING DOMESTIC GARDENS AND OPEN SPACES WHICH CONTRIBUTE TO THE CHARACTER OF THE AREA.

vi) AVOID ADVERSE IMPACT ON ANY SIGNIFICANT VIEWS, WITHIN, TOWARDS AND OUTWARDS FROM THE CONSERVATION AREA.