

Delegated Decision Report

Application No:	24/0822	Statutory Period Expires:	4th December 2024
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Site:	56 Cyril Street Newport NP19 0DN		
Proposal:	PROPOSED CHANGE OF USE OF COMMERCIAL WORKSHOP AND ASSOCIATED LAND TO RESIDENTIAL USE IN ASSOCIATION WITH THE DWELLING AT 56 CYRIL STREET		
Applicant:	M And S Williams And Howell		
Type:	Full	Ward:	Victoria
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 The site received permission for conversion of an existing workshop to a dwelling, including a first-floor extension over the existing flat roof in 2006 under application ref 06/1118. Despite receiving permission, the scheme was never implemented, and it was sought to vary the time condition for an additional 5 years on two separate occasions, with one in 2013 (ref.13/0188) and another in 2018 (ref.18/0306).
- 1.2 The most recent application (ref.18/0306) was refused as it was deemed that the development would have a significant adverse effect on safety and residential amenity, given its siting in an area at risk of flooding, contrary to Policy SP3 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015).

2. SITE LOCATION AND CONTEXT

- 2.1 56 Cyril Street is a two-storey end of terrace property located within the Victoria Ward. The site is within the defined settlement boundary as identified by Policy SP5 of the Newport Local Development Plan 2011 – 2026 and as shown on the associated proposals map. Surrounding the curtilage is a mix of residential and commercial uses, with Newport Bus MOT and Servicing to the rear of the property, and Corporation Road District Centre to the northeast.
- 2.2 To the rear of the property, there is a two-storey workshop building which boasts a gable end roof. The ground floor protrudes out to the front of the building to create a flat roofed area at first floor level. Access to the site is via a lane which runs under the first floor of 56 Cyril Street. At the front of the workshop there is space to park 3 vehicles.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 It is proposed to change the use of the two-storey commercial workshop and associated land to the rear of 56 Cyril Street to a residential use (C3) in association with the dwelling at no. 56 Cyril Street. The proposal does not involve the enlargement, nor external alteration of any aspect of the structure. The building has a close relationship with no. 56 and the previous commercial use of the site appears to have ceased.
- 3.2 Internally, the existing workshop, preparation room and office at ground floor would be converted into a garden room, a bicycle store and a changing room. At first floor, the display area and store would be converted into a games room and a garden store. The associated parking and turning area and outdoor space would become garden and drive/parking area to serve the enlarged residential curtilage at 56 Cyril Street.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
18/0306	VARIATION OF STANDARD TIME CONDITION TO EXTEND PERMISSION FOR FURTHER FIVE YEARS OF PLANNING	REFUSED	15.08.2018

	PERMISSION 13/0188 FOR PROPOSED CONVERSION OF EXISTING WORKSHOP TO DWELLING INCLUDING FIRST FLOOR EXTENSION OVER FLAT ROOF		
13/0188	VARIATION OF STANDARD CONDITION TO EXTEND PERMISSION FOR FURTHER FIVE YEARS OF PLANNING PERMISSION 06/1118 FOR PROPOSED CONVERSION OF EXISTING WORKSHOP TO A DWELLING INCLUDING A FIRST FLOOR EXTENSION OVER THE EXISTING FLAT ROOF	GRANTED WITH CONDITIONS	23.06.2013
06/1118	CONVERSION OF EXISTING WORKSHOP TO A DWELLING INCLUDING A FIRST FLOOR EXTENSION OVER THE EXISTING FLAT ROOF	GRANTED WITH CONDITIONS	21.09.2006

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)

Policy GP2 – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy GP6 – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

5.4 HOUSE EXTENSIONS AND DOMESTIC OUTBUILDINGS SUPPLEMENTARY PLANNING GUIDANCE

5.5 Welsh Government Technical Advice Note (TAN) 15: Development and Flood Risk

6. CONSULTATION RESPONSES

6.1 NATURAL RESOURCES WALES

No objection

We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

The planning application proposes change of use of commercial workshop and associated land (less vulnerable development) to residential use in association with the existing dwelling. We note that the application form confirms the change of use is ancillary to the residential property at 56 Cyril Street.

Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). Our Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 – Sea. Given the scale and nature of the proposed development (and in the absence of a flood consequences assessment) we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and advised to install flood_proofing measures as part of the development. In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. We refer the applicant to our website for further advice and guidance is available. Additional guidance including the leaflet “Prepare your Property for flooding” can be found here. The developer can also access advice and information on protection from flooding from the ODPM publication ‘Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties’, can be found here.

European Protected Species – Bats

We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required. The survey should be carried out in accordance with ‘Bat Surveys for Professional Ecologists; Good Practice Guidelines 4th Edition’ published by the Bat Conservation Trust 2023. Please consult us again if any survey undertaken finds that bats are present at the site, and you require further advice from us. Other Matters Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

6.2 HIGHWAYS OFFICER

No objection

No negative impacts are anticipated with the change of use. There are therefore no objections on highway related grounds

6.3 ENVIRONMENTAL HEALTH

No response received to date.

7. PUBLIC REPRESENTATIONS

7.1 Site Notice was put up on 17/10/2024.

7.2 NEIGHBOURS: 8no neighbours were consulted. No representation received to date.

8. ASSESSMENT

8.1 As forementioned, the site previously received permission to convert the existing workshop into a dwelling in 2006, however this permission was never implemented, and it was sought to vary the standard time conditions on two separate occasions in 2013 and 2018. In 2018, the application was refused as it was deemed that the development would have a significant adverse effect on safety and residential amenity, given its siting in an area at risk of flooding, contrary to Policy SP3 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015). With regard to the above, the lawful use of the structure remains as a workshop, which is a B1 use class. A recent site visit confirmed that the building is vacant and commercial activity at the property appears to have ceased.

- 8.2 It is sought to change the lawful use of the building from a B1 (Business) use to a residential use ancillary to the occupation of 56 Cyril Street. It is acknowledged that the workshop is no longer operating as a business despite its lawful use, meaning that the building is currently underused or vacant. It occupies a backland urban location with a close relationship to properties at Cyril Street and particularly number 56 as access to it abuts the curtilage of no. 56 and the dwelling has a flyover type arrangement with the access to the workshop building. In short, to bring the building back into use, it makes sense for this to be in association with and ancillary to the domestic occupation of no. 56.
- 8.3 The building is not proposed as a dwelling and such a use has previously been refused permission in any case due to the risk of flooding, (as determined by application ref.18/0306). Consequently, it is considered that there are limited uses for the building other than ancillary to 56 Cyril Street with extended domestic space being the most appropriate use in the residential context of Cyril Street.
- 8.4 While it is acknowledged that the building is relatively significant in size and scale and consequently larger than a typical outbuilding or ancillary structure linked to a traditional terraced property, the building exists and whilst annotation on the plan suggests a garden room and store or similar, the rooms appear to be overly large for such purposes relative to the plot size. The plans provided do not include internal accommodation akin to a dwelling or even an annexe and it is evident that the building has not previously been used as a permanent residence. If permission is given, the owners may decide to expand habitable accommodation into the building to provide annex type accommodation and subject to the use being ancillary to the main dwelling, occupied by a family member with clear relationship to the main property, this would not result in change of use. Occupation as a separate residence without such ancillary connection would, however, be a change of use for which permission is required and unlikely acceptable having regard to site history.
- 8.5 Internally, the outbuilding would contain a mix of rooms that are supplementary to the accommodation available in the associated dwelling house (56 Cyril Street). The applicants have requested permission to use it for residential purposes associated with and ancillary to the main dwelling at no. 56 and it is on this basis the proposals have been considered.
- 8.6 **Visual Amenity/ Character and Appearance;**
No external alterations are proposed so the development would not have a visual impact which differs from the existing and therefore, it is considered that there would be no adverse impact on the character and appearance of the area as a result of development.
- Residential Amenity:**
- 8.7 In terms of residential amenity, no extensions are proposed or alterations to the window openings, therefore, the proposal would not have an impact on the levels of daylight, sunlight, overshadowing or overlooking beyond the existing situation. Therefore, the proposal accords with Policy GP2 of the Newport Local Development Plan 2011 – 2026. Its proposed use is likely to reduce the potential intensity of operations within and around the building with comings and goings and general activity associated with the main dwelling at 56 Cyril Street rather than the current commercial operation. The relationship with no. 56 and other nearby properties will be improved in all likelihood as this backland business operation will be replaced with a domestic use that is characteristic of the area. A flat roof exists and is capable of being used as a sizeable sitting out area. A condition is required to control this as any such change would give rise to privacy concerns, mainly to 54 and 52 Cyril Street.
- Flooding:**
- 8.8 The application site is within Rivers and Sea Flood Zone 3 according to NRW's Floodmap for Planning which demonstrates that there is a combined 1% risk of flooding from rivers and the sea including climate change. Notwithstanding this, the application does not propose any operational development and is for purposes ancillary to an existing dwelling, so it is considered unnecessary to apply the justification tests as set out TAN 15 Section 6. NRW raises no objection.

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 change of use of the commercial workshop and associate land to a residential use in association with the dwelling at 56 Cyril Street is considered acceptable and permission is granted subject to conditions.

11. DECISION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents

- DRG.4 – Site Location Plan
- DRG.22 – Proposed Floor Plans
- DRG.23 – Site Plan

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

02 The development hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 56 Cyril Street.

Reason: To ensure the building does not become an independent unit of residential accommodation.

03 No additional window or door openings other than those shown on the approved plan shall be formed in any external elevation of the building hereby approved.

Reason: To protect the privacy of adjoining residents in accordance with Policy GP2 of the NLDP 2011 – 2026 (adopted January 2015).

04 At no time shall the flat roof of the ground floor extension on the southwest facing elevation hereby approved be used in any form as a balcony, roof terrace, storage area, sitting out area or similar amenity area.

Reason: To protect the privacy of occupiers of adjoining residential properties in accordance with Policy GP2 of the NLDP 2011 – 2026 (adopted January 2015).

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order), Schedule 2, Part 1, no development within Classes A, B, C, D, E and F shall be carried out at the building hereby approved.

Reason: To ensure that a satisfactory form of development takes place, to protect the amenities of occupiers of adjoining properties, in accordance with Policy GP2 of the NLDP 2011 – 2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: DRG.4 – Site Location Plan, DRG.21 – Existing Floor Plans and Elevations DRG.22 – Proposed Floor Plans, DRG.23 – Site Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP6 and H11 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.