

Delegated Decision Report

Application No:	25/0530	Statutory Period Expires:	19 th December 2025
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Site:	<i>Site Of Former 153 Commercial Road Newport South Wales</i>		
Proposal:	REDEVELOPMENT OF VACANT SITE TO PROVIDE A COMMERCIAL UNIT ON THE GROUND FLOOR AND 4 NO. STUDIO FLATS WITHIN THE FIRST AND SECOND FLOORS (RESUBMISSION OF 24/0373)		
Applicant:	RBM Management		
Type:	Full	Ward:	Pillgwenlly
Decision:	GRANTED WITH CONDITIONS SUBJECT TO S106 WITH DELEGATED POWERS AND DISCRETION TO REFUSE IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN THREE MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION		

1. BACKGROUND

1.1 Two previous planning application have sought to redevelop the site to create a ground floor commercial unit and 5no. residential units. The latest application 24/0373 was refused for 2no. reasons relating to insufficient outdoor amenity space and conflict with the proposed commercial use of the space and poor design adversely impacting the wider character and appearance of the area.

1.2 The current proposal seeks to overcome the previous reasons for refusal.

2. SITE LOCATION AND CONTEXT

2.1 The site is located to the west of Commercial Road and forms a corner plot with a pedestrian walkway to the south linking through to Francis Drive. The site is located within a district centre and Flood Zone 3. Currently a steel frame is attached to the southern elevation of 151 Commercial Road indicating the basic structure of a building. The site is currently vacant, with a former building having been demolished. The site is located in a prominent corner location and efforts are being made to regenerate the area through localised schemes.

3. DESCRIPTION OF DEVELOPMENT

3.1 Erection of a three-storey building with a commercial unit at the ground floor and 4no. residential units across the first and second floors.

3.2 The building seeks a dual active frontage to the ground floor retail unit along with a dedicated pedestrian access to the side elevation leading to the residential units. A courtyard is located at the rear to serve the needs of the retail and residential units. The studio apartments at the rear feature private balconies measuring approximately 1.5m x 2.3m. The overall design seeks to incorporate similar design principles of neighbouring properties, notably brick banding and bay window at first floor.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/0344	REDEVELOPMENT OF VACANT SITE TO PROVIDE SHOP UNIT AND 5 NO. FLATS AT GROUND, FIRST AND SECOND FLOORS	Refused	16.11.2023

24/0373	REDEVELOPMENT OF VACANT SITE TO PROVIDE A SHOP UNIT AND 5 NO. FLATS AT GROUND, FIRST AND SECOND FLOORS	Refused	21.11.2024
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5. PLANNING POLICY

5.1 *Technical Advice Notes*

5.1.1 Technical Advice Note 4: Retail and Commercial Development

Technical Advice Note 12: Design

Technical Advice Note 15: Development, Flooding and Coastal Erosion

Technical Advice Note 23: Economic Development

5.2 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 8 – Flooding

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

5.2 PLANNING POLICY WALES (EDITION 12) 2024

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP3 – Flood Risk
- SP10 – House Building Requirement
- SP13 – Planning Contributions
- SP18 – Urban Regeneration
- GP1 – Climate Change
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- H2 – Housing Standards
- H6 – Sub-division of Curtilages, Infill and Backland Development
- T4 – Parking
- R6 – Retail Proposals in District Centres
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Shopfront Design
- Sustainable Travel
- Planning Obligations
- Wildlife and Development
- New Dwellings

- Waste Storage and Collection
- Parking Standards
- Security Measures for Shopfronts and Commercial Premises

6. CONSULTATION RESPONSES

6.1 Ecology Officer: The site of the proposed development does not support any habitats which would require any ecological impact assessment, however the proposed building will be attached to the existing row of buildings, so would compromise any access to bat roosts or birds nests present in the gaps in brickwork and masonry on the southern elevation of those buildings.

However, the location of the buildings is a long way from any suitable foraging and commuting habitats for bats, so I do not see that asking for a bat survey is justified on this occasion. However we can never totally rule out the potential for bats to be present so we should attach our bat advisory note as below, to any consent granted.

In terms of nesting birds, the Applicant should be reminded that nesting birds are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), whereby it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

Any biodiversity enhancement scheme, required by planning condition if consent is granted, should focus on urban nesting bird species such as Swifts and House Martins, for exam

6.2 Drainage Manager: No response.

6.3 Education Information Officer: No response.

6.4 Housing Development Manager: Housing and Communities would welcome planning policy compliant development on this plot, in order to improve the area and provide much needed housing for the community.

Good quality market and social housing is required across Newport to meet need and there will be demand for self-contained studio apartments in the private market.

Financial contributions made 'in-lieu' of affordable housing provision are acceptable for a site of this size.

6.5 Leisure Services Manager: No response.

6.6 Planning Contributions Manager: Contributions required (as detailed in relevant section in Officer report).

6.7 Environmental Health Officer: No response.

6.8 SAB Officer: No response.

6.9 Waste Manager: For the flats:

We would anticipate for each one of the units to receive a single 120l bin for kerbside collection with recycling bags, boxes for kerbside collection also with each flat paying a single council tax.

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.

For the commercial Unit:

We anticipate a requirement for trade waste and recycling. NCC trade waste services would be happy to quote for services ahead of opening.

From April 2024 Workplace Recycling Regulations will apply to all non-domestic premises. For more information see <https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.wales%2Fworkplace-recycling&data=05%7C02%7CJacob.Cooke%40newport.gov.uk%7C202dc9d9b4de4b54c7e508dde94708a9%7C2c4d0079c52c4bb3b3cad8eaf1b6b7d5%7C0%7C0%7C638923213543941403%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOilwLjAuMDAwMCIsIlAiOiJXaW4zMilslkFOljoiTWFpbCIsIlIdUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=36CawF34I3JQDPi2wslhyxjLzPxWf%2BirsRfhrXI7Nsc%3D&reserved=0>

Workplace recycling | GOV.WALES

From 6 April 2024, it will become law for all businesses, charities and public sector organisations to sort their waste for recycling.

6.10 Newport Access Group: No response.

6.11 Highways Officer: Not supported or policy compliant.

The application proposes retail use on the ground floor and two floors of residential development providing four onebedroomed flats.

There are no proposals for parking or cycle storage and insufficient information regarding bin storage/collection points.

The current parking SPG would require 6 parking spaces and a commercial vehicle parking space (rounded).

It may be possible to provide adequate cycle and bin provision and address these issues by way of condition, however there is no scope for providing additional parking. Even if rear parking were proposed it would reduce the available on street parking so nullifying any potential benefit.

Highways do not consider that the area offers any spare on street parking capacity. We would not therefore support the proposals.

6.12 Natural Resources Wales: We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

The planning application proposes highly vulnerable development (residential) and less vulnerable development (commercial). The Flood Map for Planning identifies the application site to be at risk of flooding and is entirely within Flood Zone 2 and 3 (Sea).

We refer you to Section 10 of Technical Advice Note (TAN) 15: Development, flooding and coastal erosion (2025) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult with your Lead Local Flood Authority.

We have reviewed the FCA by Nene Valley Transport Planning (April 18, 2024). Our advice to you is the FCA demonstrates the risks and consequences of flooding could be managed to an acceptable level. Further detail is provided below.

Section 3.6 of the FCA confirms the site is situated at a level of 10.25 metres (m) above ordnance datum (AOD) and the proposed finished floor level (FFL) of the proposed development will be set at a minimum of 10.40m AOD.

Section 4.10 of the FCA confirms a 100 year lifetime of development was applied and the estimated extreme flood levels are:

- 0.5% (1 in 200 year) annual probability tidal flood event plus climate change (95th percentile): 9.58m AOD;
- 0.1% (1 in 1000 year) annual probability tidal flood event plus climate change (95th percentile): 9.92m AOD.

The site levels provided demonstrate the site is predicted to be flood free during the above flood events. This is compliant with Figure 5 and Figure 6 of TAN 15. Your Authority may wish to include the FCA as an approved document on the decision notice to secure the proposed FFL of the proposed development to further mitigate potential future flooding at the site.

Further Advice

We understand this planning application is a re-submission of planning application 24/0373 for the 'redevelopment of vacant site to provide a shop unit and 5 no. Flats at ground, first and second floors.' The FCA has been updated to reflect the amended proposal. The FCA considers TAN 15 (2004) and has not been updated in-line with TAN 15 (2025). If your Authority is minded seek an updated FCA from the applicant which considers TAN 15 (2025) we would be happy to provide further advice. However, we consider an updated FCA which considers TAN 15 (2025) would not change our technical advice above.

- 6.13 Dwr Cymru/Welsh Water: This site is in close proximity of a public water mains with their approximate positions being marked on the attached statutory public sewer/watermain record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having regard to drawing reference OS01, it appears the proposed development would be situated within the protection zone of the public assets measured 3.6 metres either side of the centreline. Please note, the distance specified for this protection zone is indicative and based on industry standard guidelines. However, the depth of the asset will need to be verified on site which may infer a greater protection zone. For completeness, we recommend the developer refer to their title deeds to confirm if there are any covenants or restrictions associated with the assets crossing the proposed development site.

In this instance, it appears there is sufficient space and scope to re-position the development outside the protection zone of the asset. Therefore, it is strongly recommended that the drawing reference OS01 is amended to take into account the location of the assets crossing the site and we respectfully request we are re-

consulted on receipt of this information. It is also recommended that the developer contact our Plan and Protect team (PlanandProtect@dwrwymru.com) to carry out a survey to verify the location of the assets and establish their relationship to the proposed development.

Accordingly, for the reasons outlined above, we offer a Holding Objection until such time as additional/amended information has been submitted and request we are re-consulted on receipt of this information.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on the 28th July 2025.

7.1 NEIGHBOURS: No responses received.

7.2 COUNCILLORS

7.2.1 Councillor Adan: No response.

7.2.2 Councillor Jenkins: No response.

8. ASSESSMENT

8.1 **Principle of Development:**

8.1.1 The application site is located within a settlement boundary as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Therefore, the principle of developing the site is considered acceptable in accordance with Policy SP1.

8.2 **Flooding**

8.2.1 The application site lies within Flood Zone 3 (Sea) and partially in Flood Zone 2 for Surface Water and Small Watercourses as designated by the Flood Map for Planning which represents the most up to date data regarding flood risk.

8.2.2 Future Wales – The National Plan 2040 Policy 8 sets out the national strategic approach to flood risk management and will ensure growth aspirations in National and Regional Growth Areas are co-ordinated with strategic decisions on managing flood risk.

8.2.3 Planning Policy Wales (Ed.12) para. 6.6.22 states '*Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.*'. Furthermore, para. 6.6.26 states that '*TAN15: Development and Flood Risk should be referred to for further policy advice on development and flood risk.*'

8.2.4 Planning Policy Wales (Ed.12) contains a definition of previously developed land (PDL); the application site was occupied by a permanent structure up until its demolition in 2004 (approximately). Given the above, the site is considered to accord with the definition of PDL as it was once occupied by a permanent structure of which remnants remain in the form of the slab.

8.2.5 Section 9.1 of Technical Advice Note15 sets out that all residential premises are considered as *highly vulnerable development* and that the ground floor commercial use is a *less vulnerable development*. Therefore, the development site includes land uses from more than one vulnerability category.

- 8.2.6 Section 10.21 of Technical Advice Note 15 states that *'Allocation for redevelopment in zone 3 should be avoided and may only be made in exceptional circumstances where it is essential to the strategy of an LDP or where it addresses national security or energy security needs, public health or it mitigates the impacts of climate change. Planning authorities must not allocate sites for highly vulnerable redevelopment unless there is a clear commitment that flood mitigation measures will be provided to protect those sites. Such measure must be set out in the LDP Infrastructure Plan.'*
- 8.2.7 The proposed redevelopment within flood zone 3 is considered essential to the strategy of the Newport Local Development Plan 2011 -2026 (Adopted January 2011) Policy SP18 which is supportive of developments that contribute toward the wider regeneration initiatives of the plan. The scheme would seek to address the placemaking agenda and existing issues regarding fly tipping and unsightly land within a very prominent and busy main route through the city.
- 8.2.8 Section 10.23 of Technical Advice Note 15 states that *'Other proposals will only be appropriate if they are essential to the Development Plan Strategy to regenerate an existing settlement or achieve key economic or environmental objectives. Any redevelopment proposal must be consistent with the acceptability considerations in section 11. In addition, proposals which include residential development must ensure that such uses do not occur at ground floor level. Proposals that address national security or energy security needs, mitigate the impacts of climate change, that are necessary to protect and promote public health may also, by exception, be appropriate provided that their locational need is clear and the potential consequences from flooding have been considered and found to be acceptable.'*
- 8.2.9 Assessment of the scheme against the acceptability considerations are considered in subsequent sections of this report. The proposed floor layout does not include any residential uses at ground floor level.
- 8.2.10 Section 10.24 of Technical Advice Note 15 states that *'In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused. In these zones, Planning Authorities should seek all opportunities to provide enhanced flood protection for existing communities at risk.'*
- 8.2.11 The application is supported by a Flood Consequences Assessment and the redevelopment of the site accords with the definitions and aims of Planning Policy Wales (Ed.12) to reuse PDL.
- 8.2.12 Section 10.28 of Technical Advice Note 15 states that *'The planning authority should be satisfied that any development it allocates will be resilient to flooding for the duration of its lifetime. Using the most up-to-date national climate change projections, planning authorities should ensure new dwellings will be safe places to live now and in the future. Generally, it is appropriate to think of new dwellings as having a lifetime of 100 years. Lifetimes for other types of development will vary, but 75 years is considered a reasonable rule of thumb. Planning authorities should apply this principle in a precautionary manner in relation to all types of development.'*
- 8.2.13 Section 11 sets out the Acceptability of flood consequences criteria and are requirements that must be in place for any development that is permitted to be located in flood risk areas. As such, the following conditions should be met:

- No increase in flooding elsewhere
- Occupiers aware of flood risk
- Escape/evacuation routes present
- Flood emergency plans and procedures agreed and in place
- Flood resistant and resilient design
- Acceptable consequences for type of use

8.2.14 The submitted Flood Consequences Assessment has been considered by Natural Resources Wales and raise no objection to the scheme subject to the Local Planning Authority being satisfied that the proposal accords with the requirements within Section 10 of Technical Advice Note 15; these have been considered in the preceding sections of this report and found to be acceptable due to the site being PDL and contributing toward the regeneration strategy as outlined within the adopted local plan.

8.2.15 The FCA has considered each of the conditions of Section 11 of TAN15 and have been found to be acceptable. Furthermore, the proposed finished floor levels would be sited higher than the estimated extreme flood levels; as such the redevelopment site would remain flood free during an extreme event across the 100 year lifetime of development.

8.2.16 The comments from Natural Resources Wales regarding references within the FCA referring to the previous version of TAN15 are noted, however as stated by Natural Resources Wales, updating the FCA to current references of TAN15 (2025) would not alter the technical assessment of the content or change the conclusions of the FCA. As such, the submitted FCA is accurate and relevant to the updated TAN15.

8.2.17 Considering the above, it is considered that the proposed redevelopment of the site is acceptable in terms of flooding in accordance with Technical Advice Note 15, Future Wales – The Nation Plan 2040, Planning Policy Wales (Ed.12) and Policy SP4.

8.2.18 The submitted FCA has addressed all sources of flooding, which includes surface water. The Flood Map for Planning confirms that a surface water Flood Zone 2 is located near the site boundary. As the development will have a finished floor level higher than predicated flood depths, it is considered that the sources of potential flooding are suitably mitigated for the lifetime of development.

8.3 **House Building Requirements**

8.3.1 The proposed 4no. upper floor studio apartments would positively contribute toward the overall house building requirements as set out within Policy SP10 over the plan period.

8.4 **Urban Regeneration**

8.4.1 The existing appearance of the site adversely impacts the overall character of the area. The proposed scheme would reestablish the prominent corner property to the betterment of the overall area.

8.4.2 The ground floor commercial use would increase the vitality and viability of the area and accord with the prevailing character of ground floor retail along this side of Commercial Road. The reuse of the vacant derelict land with the dual land use proposed would greatly aid the overall regeneration of the area in accordance with Policy SP18.

8.5 **Climate Change**

8.5.1 As discussed within the above sections of this report, the scheme shall be designed to withstand the consequences of flooding across the lifetime of development. The building would be required to be built to current Building Regulation standards thereby minimising the overall energy consumption and thermal efficiency of the building. The proposal accords with Policy GP1.

8.6 Impact on Amenity

8.6.1 The neighbouring property of 154 Commercial Road has a commercial unit to the ground floor, with 2no. flats spread over the first and second floors. The closest habitable room windows on the common boundary with the application site serve the lounge/dining area of Flat 1 (first floor) and the bedroom of Flat 2 (second floor).

8.6.2 During a site visit it was noted that the existing party wall between 153 and 154 Commercial Road extends beyond the main rear elevation of 154 Commercial Road. Therefore, the presence of the existing party wall reduces the amount of the daylight and sunlight entering these windows and would breach a 45 degree line if drawn vertically across the elevation from the top of the existing party wall.

8.6.3 The proposed redevelopment scheme extends to the rear of the site forming a tunnelling effect. The rear element of the scheme would impact the levels of daylight and sunlight that enter the habitable room windows of Flats 1 and 2 of 154 Commercial Road. However, it is considered that the proposed building would not result in a significantly different impact than that currently experienced. Therefore, due to the similarity of effect between the existing relationship and the proposed development, it is considered that the scheme would not result in an unacceptable impact upon the residential amenity of any future occupiers.

8.6.4 The New Dwellings SPG sets out the desired gross internal floorspace for a one bedroom studio to be 32sqm; all four units exceed the minimum desired standards and are therefore considered to provide sufficient living space for future occupants.

8.6.5 Studios 01 and 03 face onto Commercial Road and benefit from floor to ceiling patio doors along with Juliet balconies on to corner elevation in addition to the front elevation windows. Studios 02 and 04 face onto Williams Close in a south westerly direction. The rear elevation shows that Studios 02 and 04 feature patio doors leading to a balcony area and a further window serving the bedroom/living space. The open plan interior design ensures that daylight and sunlight would reach the habitable rooms. It is considered that all residential units would experience sufficient levels of daylight and sunlight.

8.6.6 Studios 01 and 03 do not have any allocated private or shared amenity space, however Studios 02 and 04 are provided with balconies measuring 1.53m x 2.3m equating to 3.5sqm of private amenity space. The rear enclosed courtyard measures approximately 4m x 6m. It is noted that this area would need to be used by the ground floor commercial unit and the upper floor residential units as waste and recycling storage and bicycle storage. Therefore, this effectively removes this area from being considered as useable communal amenity space for the residential units.

8.6.7 Given the sites physical constraints being located within the city centre, the regeneration value this scheme holds, and that the residential units exceed the desired internal space standards, on balance it is considered acceptable that this site does not contain any useable communal amenity space or private amenity space for Studio 01 and 03 given their generous proportions.

8.6.8 The internal arrangement of the residential units has been thoughtfully considered to ensure that bedrooms are not situated adjacent to the communal stairwell.

- 8.6.9 The proposed hours of operation from 0800 – 2000 Monday to Sunday (incl. Bank Holidays) is considered appropriate for the city centre location and would not result in harm on residential amenity of any future occupant. In the interests of residential amenity, the hours of operation are secured by way of condition. The application form states that the development would result in a net increase in A1 floor space, however, the description of development and proposed plans cite a commercial use. It is therefore considered necessary to condition that the ground floor use is A1 for the avoidance of doubt and to ensure that the use of the ground floor is compatible with the surrounding uses and the uses of the upper floors of the proposed development.
- 8.6.10 Noise transference between the ceiling of the commercial unit and the first floor residential units may be possible; it is considered this is suitably controlled through the Building Regulations 2010.
- 8.6.11 The views gained from the residential units would achieve similar views as that of existing residential units, that being onto Williams Close, the pedestrian walkway linking to Commercial Road, and Commercial Road itself. The building is considered to have a sufficient separation distance to ensure the proposal is not overbearing or result in any adverse impacts with regard to overlooking.
- 8.6.12 Taking into account the above and the wider regeneration benefit that the scheme represents, it is considered that the proposal accords with Policy GP2.
- 8.7 Impact on Highway and Parking**
- 8.7.1 The Highways Officer has commented that the scheme is not supported or policy complaint as the scheme does not provide any parking or cycle provision and insufficient information regarding waste and recycling storage/collection points.
- 8.7.2 The scheme does not include any form of car parking and there is no opportunity to provide any off street parking within the site due to the physical constraints of the urban location. On street parking is controlled by traffic orders restricting parking during 8am-6pm Monday to Saturday for 1 hour, with the remaining times being unrestricted.
- 8.7.3 Commercial Road is served by the number 40 and 41 bus which has regular departures to and from the city centre with the bus stop being approximately 82m from the application site. The area immediately surrounding the application site has a wide range of conveniences, food outlets, pharmacy, a doctors surgery approximately 500m to the west of the site – Belle View Surgery, and the Royal Gwent Hospital approximately 460m to the northwest of the site, and a large supermarket approximately 200m north of the site.
- 8.7.4 The close proximity of available services and amenities all highlight the inherent sustainability of the site. Therefore, any future occupant of the residential use or patron of the commercial unit could use active travel modes to access the site along with private vehicle using the restricted on street parking. Furthermore, during numerous site visits during peak daytime hours on street parking was found to be available. It is acknowledged that the area experiences high volumes of pedestrian and vehicular traffic, however it is considered that the proposed development would not result in any adverse impact with regard to the safe and efficient use of the highway network.
- 8.7.5 Turning to bicycle storage, the rear courtyard provides a sufficient space for a form of secure bicycle storage. Details have been submitted and are considered acceptable to serve the residential use. The Local Highways Authority has raised no

objection to the proposed boundary enclosure in respect of highway/pedestrian safety or to it impacting upon visibility within the local highway network, accordingly no concern is raised by the LPA in this regard.

8.7.6 On balance, the proposal is considered acceptable given the inherent sustainability of the location and regenerative value of the whole scheme. Regarding sustainability the proposed development is considered to comply with the aims and objectives of National Planning Policy (Future Wales and PPW12) as well as Llwybr Newydd: the Wales transport strategy 2021, which all seek to promote sustainable forms of development which reduces the reliance upon private motor vehicles.

8.8 **Impact on Ecology**

8.8.1 The site as existing is considered to have a very low ecological value as confirmed by the Ecology Officer. A Green Infrastructure Statement has not been included with the submission, however given the current state of the site, it is considered that a Green Infrastructure Statement is not essential to the determination of this application. The suggestions put forward by the Ecology Officer confirms that the use of an informative note would provide suitable guidance if any bats are encountered. The informative note includes avoidance measures to ensure any impact is minimised, and a condition will be attached to the recommendation in order to provide mitigation and enhancement biodiversity measures. As such, with the condition and note attached to the recommendation, it is considered that this would suitably address the Step-wise approach as outlined within Planning Policy Wales (Ed.12).

8.8.2 Turning to nesting birds, to ensure that the proposal does not impact any existing nesting birds, an informative note is added to the recommendation, along with a condition for a biodiversity enhancement scheme focusing on urban nesting birds in line with the Ecology Officers recommendations. Subject to condition, the proposal is in accordance with Policy GP5.

8.9 **Impact on Character and Appearance of the Area**

8.9.1 The site as it currently stands is considered to result in significant and sustained levels of harm on the wider character and appearance of the area. As such, the redevelopment scheme to reestablish a beneficial use of the site would result in a betterment over and above the existing appearance. Furthermore, as the scheme would be sited on the same position as a previously existing building and that sufficient separation distances would remain with neighbouring existing buildings, it is considered the infill scheme would not represent as an overdevelopment of the site.

8.9.2 The submitted design has been revised since previous iterations and now achieves a dual active frontage facing Commercial Road and the pedestrian walkway through the Williams Close. Furthermore, the dedicated residential access is also located to the side elevation facing the pedestrian walkway, thereby further increasing activity and visual interest of the side elevation as a whole.

8.9.3 The front elevation features a large display window with space above for signage, leading to the feature bay window at first floor, with smaller windows at second floor which takes inspiration from adjacent neighbouring properties.

8.9.4 The corner elevation has visual interest through the placement of the commercial unit entrance at ground floor and the patio doors serving the residential units above. This relationship provide a vertical emphasis which is welcomed.

8.9.5 The side elevation features a ground floor display window with signage area continued to provide a coherent appearance and adds to differentiate between the

uses of the building. The bulk and massing of the side elevation is broken with the placement of the communal residential access along with windows to the first and second floors again creating a vertical emphasis. The elevation as a whole seeks to be made of feature brickwork banding to the lower courses, then alternative brickwork above, then leading to render and the slate roof. The brick details are then continued at the rear forming the rear boundary treatment. The scheme is considered to represent as a benefit to the overall character of the area and the design itself would integrate well with design of neighbouring properties. The proposal accords with Policy GP6 and is considered to overcome the previous reason for refusal.

8.10 Waste and Recycling

8.10.1 The rear courtyard area is considered to be of sufficient size in order to serve as the commercial and residential waste and recycling storage area. Specific details of how these areas are to be allocated for each use have been provided and are acceptable. The proposal accords with Policy W3.

8.11 Drainage

8.11.1 The consultation response from Dwr Cymru/Welsh Water sets out that a water main and sewer are located to the south of the application running in a east-west direction. Where water mains and sewers are present, Dwr Cymru/Welsh Water identify a protection zone of 4.6m of the centre line of the sewer and 3.6m of the centre line of the water main. Additional advice from Dwr Cymru/Welsh Water sets out that the development site marginally overlaps into the protection area for the water main. The presence of the easement is a matter between the developer and Welsh Water and given that a building once stood on this site with a similar footprint, it is considered unreasonable to refuse the application on these grounds.

8.11.2 The development site exceeds 100sqm and would therefore trigger the requirement for sustainable drainage measures to be incorporated into the scheme. This element is controlled through the Flood and Water Management Act 2010 where specific consent approval is required. An informative note is added to the recommendation providing guidance to the relevant consenting body.

8.12 Retail Proposals in District Centres

8.12.1 Policy R6 has a presumption in favour of improved shopping facilities within district centres subject to criterion (i) – (v). The scale of the retail offering is commensurate with existing neighbouring retail opportunities and it is considered that this would not significantly harm the wider vitality and viability of the area. The site is accessible by foot, bicycle and public transport, along with on street controlled parking and servicing on Commercial Road. The proposal is considered to positively contribute toward strengthening the retail offering in the district centre.

8.13 Section 106 Planning Obligation matters

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, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local

employment benefits, secure appropriate long-term marketing of the retail/commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)

b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site).

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 and Economic Development	To provide a contribution toward off site affordable housing.	A commuted sum of £13,728.	Yes.	No

HEADS OF TERMS AGREED BY APPLICANT

Section 106 Planning Obligations – Draft ‘Head’s of Terms’ **(Without prejudice & subject to contract)**

1. Introduction

Based upon a development of 4 x 1 bed apartments, the following S106 planning obligations are required to mitigate the impact of the development.

2. Affordable Housing

Commuted sum payments for affordable housing will be sought on developments of 3 to 9 dwellings within the settlement boundary. The site lies within the Housing Target Area of Newport West. Newport West requires the delivery of 30% affordable housing on new development. The equivalent commuted sum generated is £13,728

This sum will be paid prior to occupation of the 2nd dwelling and index linked to the RPI

3. Fees

Administration Fee

In accordance with the Planning Obligations SPG (2020), a £368 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.

Legal Fee

Planning Obligations can be contained in Unilateral Undertakings or s.106 Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas s.106 Agreements are usually drafted by the Council's in-house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the s.106 Agreement with prior agreement). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing the s.106 Agreement and Unilateral Undertakings, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed. There is a minimum contribution to legal costs of £700, although more time-consuming and complex documents would require an increased contribution to legal costs.

Please Note:

Planning Obligations can be contained in Unilateral Undertakings or Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas Agreements are usually drafted by the Council's in house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the Agreement if preferred). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing any Deed of Obligation, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed.

You are required to agree to these Heads of Terms in writing. In doing so you also agree to an extension of time for the determination of your proposal in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits)(Wales) Regulations 2015 and the Town and Country Planning (Development Management Procedure)(Wales) Order 2012. This will extend the statutory period for determination of your application by 16 weeks from the date the Local Planning Authority resolve to grant your planning permission (i.e. the Planning Committee date or the delegated Agenda date) subject to a legal agreement. This extension of time is required to enable completion of the section 106 Agreement (although the Local Planning Authority will endeavour to determine your application as soon as possible prior to this date).

Once your written agreement to the Heads of Terms for section 106 has been received by the Authority and a resolution made on the basis of such agreement, the Local Planning Authority will NOT enter into any negotiations that seek to alter the Heads of Terms in terms of discounting agreed figures due to, for example, viability reasons before the final Notice of Decision is issued. It is important that you check the Heads of Terms you receive thoroughly and if you have any questions regarding the figures included or the justification for them, you must raise these and satisfy yourself that the request is reasonable, relevant and necessary, prior to providing your written agreement to the Terms.

Any negotiations must take place before Heads of Terms are agreed by you and if you seek to discuss or re-negotiate section 106 Heads of Terms having agreed

them in writing and having received a resolution (but not a decision notice), your application must be withdrawn to enable re-negotiation to take place. Failure to sign a section 106 within 3 months of any resolution being made may lead to your application being refused. Alternatively, you may proceed to complete the section 106, receive a Notice of Decision and then make a new submission to the Authority that will enable altered terms to be negotiated. Please be advised that any such re-submission will likely attract a new planning application fee.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

- 10.1 The proposed development would contribute toward the overall regeneration of the area resulting in significant betterment to the character and appearance, the provision of a varied housing stock and employment opportunities. The benefits of the scheme have been significant weight and it is considered that other material planning issues do not outweigh the overall benefits of the scheme.

11. DECISION

GRANTED WITH CONDITIONS SUBJECT TO S106 WITH DELEGATED POWERS AND DISCRETION TO REFUSE IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN SIX MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION

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

- Proposed Elevations (Drawing ref: PL04 Rev B)
- Site Location Plan & Proposed Block Plan (Drawing ref: OS01 Rev A)
- Flood Consequence Assessment by Nene Valley Transport Planning dated 18th April 2024
- Proposed Second Floor Plan (Drawing ref: PL03)
- Proposed First Floor Plan (Drawing ref: PL02)
- Proposed Ground Floor Plan (Drawing ref: PL01 Rev A)
- Cycle store details (Received: 21.11.2025)

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

02 No development, to include demolition, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following during development:

- dust suppression measures, having regard to BRE guide 'Control of Dust from Construction and Demolition Activities;
- noise mitigation measures;
- details of temporary lighting;
- details of enclosure of working areas;
- a drainage strategy to operate setting out controls of contamination, including controls to surface water run off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.
- pollution prevention and contingency measures.

Development works shall be implemented in accordance with the approved CEMP.

Reason: To protect the amenities of nearby residents and in the interests of ecology including European protected species and in the interest of safeguarding the features of the Severn Estuary European sites and SSSI and the River Usk SAC and SSSI.

03 The hours of operation of the ground floor commercial unit shall be restricted to 0800 – 2000 Monday to Sunday (incl. Bank Holidays)

Reason: In the interests of the amenities of occupiers of adjoining properties in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 Prior to the first beneficial occupation the cycle storage shall be completed in full in accordance with the approved plans and retained for the duration of the use.

Reason: To provide residents a choice of means of travel and to promote sustainable travel.

05 Prior to the first beneficial occupation of any unit hereby approved the waste and recycling storage for the site shall be implemented in accordance with the approved plans and retained for the duration of the use.

Reason: To ensure suitable waste and recycling storage provision in accordance with Policy W3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

06 No work shall be commenced on the construction of the approved scheme until details/samples of materials and finishes to be used on the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials. The development shall not come into beneficial use until the external surfaces has been applied in accordance with the approved details.

Reason: To ensure that the development is completed in a manner compatible with its surroundings in accordance with Policy GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

07 The Finished Floor Levels at ground floor level of the development hereby approved shall be set no lower than 10.4m AOD.

Reason: To reduce the risk of flooding in accordance with Technical Advice Note 15 and Policy SP3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

08 Prior to the first occupation of any commercial or residential unit, a scheme of biodiversity enhancement with a focus on urban nesting bird species, Swifts and House Martins, for example, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall commence in accordance with the agreed details and retained for the duration of the use.

REASON: In the interests of achieving a biodiversity net gain in accordance with the aims of Planning Policy Wales (Ed.12) and Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

09 Prior to the installation of any roller shutters, details shall be submitted to and agreed in writing by the Local Planning Authority. Development shall then commence in accordance with the agreed details and shall not be altered without the express written consent of the Local Planning Authority.

REASON: In the interests of the character and appearance of the area and visual amenity in accordance with Policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

10 The boundary wall shall be constructed and completed prior to the first beneficial use of the site in accordance with the approved plans.

REASON: In the interests of visual amenity and provision of suitable waste and bicycle storage areas in accordance with Policies GP2, T4 and W3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

11 The ground floor unit shall be limited to A1 use only of Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be subdivided.

REASON: In the interests of ensuring the vitality and viability of the retail offering in accordance with Policy R6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP10, SP13, SP18, GP1, GP2, GP4, GP5, GP6, GP7, H2, H6, T4 and W3 were relevant to the determination of this application.

02 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

03 Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice. If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately. Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary. Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment. NRW can be contacted at:- Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000 Bat Conservation Trust can be contacted at:- 5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 13002

04 The development is likely to require an approved sustainable drainage system (SUDs) to manage on-site surface water. In the first instance, please contact sab@newport.gov.uk for further information.