

# Delegated Decision Report

|                        |         |                                  |                   |
|------------------------|---------|----------------------------------|-------------------|
| <b>Application No:</b> | 25/0734 | <b>Statutory Period Expires:</b> | 3rd November 2025 |
|------------------------|---------|----------------------------------|-------------------|

|                   |   |              |             |
|-------------------|---|--------------|-------------|
| <b>Site:</b>      | 64 George Street Newport South Wales NP20 2AA   |              |             |
| <b>Proposal:</b>  | CHANGE OF USE OF GROUND FLOOR FROM RETAIL USE (A1) TO A ONE BEDROOM GROUND FLOOR FLAT |              |             |
| <b>Applicant:</b> | D Holland   |              |             |
| <b>Type:</b>      | Full  | <b>Ward:</b> | Pillgwenlly |
| <b>Decision:</b>  | REFUSED   |              |             |

**1. BACKGROUND**

1.1 None.

**2. SITE LOCATION AND CONTEXT**

2.1 The property last appears to have operated as an A1( retail) unit on the ground floor and has a residential flat on the first floor. The upper floor is accessed via a separate entrance on New Ruperra Street. The surrounding area is primarily terraced residential properties facing onto George Street, however, the wider area can be characterised with a mix of commercial/residential. The location of the unit occupies a prominent position on a primary thoroughfare through Newport. The property is adjoined by residential units, many of which appear to be traditional dwellings. The site is within close proximity to Commercial Road District Centre and Cardiff Road Local Centre. The site is defined within the George Street Air Quality Management Area and also defined within Flood Zone 3 (Sea Undefended) as defined by NRW's flood map for planning.

**3. DESCRIPTION OF DEVELOPMENT**

3.1 The application seeks the change of use of the ground floor from a shop to a residential flat. The proposed ground floor flat would be accessed to the side of the property off New Ruperra Street, but also has a secondary access from the rear communal outdoor area. The front of the unit would be used as a bedroom and served by 2no. windows. There is a proposed lounge within the middle of the unit and is serviced by a single window. There is also a large kitchen to the rear of the unit with 1no. window and a bathroom. In terms of external changes, the existing shopfront door is proposed to be removed. There is a bin store and cycle store to the rear of the property within the outdoor communal area which services the upstairs flat also. This communal area has a separate access point off New Ruperra Street.

**4. RELEVANT SITE HISTORY**

| App Number | Proposal  | Decision | Decision Date |
|------------|---|----------|---------------|
| 11/0827    | REMOVAL OF CONDITIONS 1 (NOISE ATTENUATION), 2 (USE RESTRICTION) AND THE VARIATION OF CONDITION 3 | R        | 30.09.2011    |

|         |  |    |            |
|---------|--|----|------------|
|         | (OPENING HOURS) RELATING TO PLANNING PERMISSION 04/0410 FOR THE CHANGE OF USE OF GROUND FLOOR FROM RETAIL (A1) TO CAFÉ (A3)              |    |            |
| 09/0006 | ERECTION OF TWO STOREY REAR EXTENSION, ERECTION OF EXTERNAL STAIRCASE, RELOCATION OF EXTERNAL EXTRACTION SYSTEM AND EXTERNAL ALTERATIONS | R  | 26.02.2009 |
| 04/0410 | CHANGE OF USE OF GROUND FLOOR FROM RETAIL (A1) TO CAFE (A3)  | GC | 02.07.2004 |

## 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 8 - Flooding

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 Note

[Technical advice note \(TAN\) 11: noise](#)

[Technical advice note \(TAN\) 15: development, flooding and coastal erosion](#)

[Technical advice note \(TAN\) 21: waste](#)

### 5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- Policy SP1 Sustainability
- Policy SP3 Flood Risk
- Policy GP2 General Amenity
- Policy GP4 Highways and Accessibility
- Policy GP5 Natural Environment
- Policy GP6 Quality of Design
- Policy GP7 Environmental Protection and Public Health

- Policy T4 Parking
- Policy SP13 Planning Obligations
- Policy SP18 Urban Regeneration
- Policy H2 Housing Standards
- Policy H4 Affordable Housing
- Policy H8 Self Contained Accommodation and Houses in Multiple Occupation
- Policy W3 Provision for Waste Management Facilities in Development

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

- Parking Standards
- Air Quality
- Waste Storage and Collection
- Flats Conversions

## 6. CONSULTATION RESPONSES

### 6.1 Natural Resources Wales:

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

#### Flood Risk

The planning application proposes highly vulnerable development (ground floor residential flat). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 (Sea). We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) 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. Therefore, we have reviewed the FCA undertaken by KRS Enviro, dated August 2024, reference KRS.0817.001.R.001.A. Our advice to you is that the FCA is incomplete. The advice in paragraph 10.24 of TAN15 is clear '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.' Therefore, in accordance with paragraph 15.4, we advise you to use your powers to request the following information identified below.

#### Technical Advice

Section 3.10 of the FCA confirms that the River Usk poses the primary flood risk to the site. However, the FCA has used flood data from the Calidcot and Wentlooge Coastal Model, rather than the Usk Model. In addition, we note the submitted FCA makes reference to the site being protected against tidal flooding. However, it should be noted that the site is not located within a TAN 15 Defended Zone, according to the Flood Map for Planning (FMfP). Therefore, the site is not protected by coastal flood defences or defences within Newport City Centre. We also advise for future reference, defences in the

area these cannot be relied upon to aid future development, they are in place to help mitigate flood risk to existing developments. We would advise the FCA is updated to ensure that all sources of flooding are considered, especially the primary source of flooding for the site. Until this information is provided, we are unable to provide a complete technical response on the risks and consequences at the site. In addition, we note that mitigation is suggested via first floor refuge. We note this application is for the change of use of a ground floor from retail use (LVD) to a one bedroom flat (HVD) only and does not include the upper floors. Therefore, there is no guarantee that refuge will be made available. In addition, on review of the submitted floor plans, it appears that the ground floor flat will be accessed via a separate stairwell to the upper floor flat, with no guaranteed access or landing space made available to those on the ground floor. Should you be minded to go against our advice, you should inform us at the earliest opportunity prior to granting consent and allow sufficient time for us to make further representations. Please note, if an amended FCA is not submitted or any subsequent amended FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would object to the application.

#### 6.2 Local Highways Authority:

The proposed flat would be less onerous than the existing use in terms of parking and servicing, so is broadly supported. The detail provided for bin and cycle storage however is not appropriate. Cycle storage should be suitable for long stay use. That means it needs to be fully secure and enclosed/weatherproof. Ideally it should serve both flats. On that basis there are no highway related objections subject to a condition to secure suitable cycle storage.

Suggested Condition:

Notwithstanding the detail submitted and except for site clearance and remediation no development shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council. Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

#### 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 Housing Development Manager: No comments received.

6.5 Environmental Health: No comments received.

6.6 Waste Manager: No comments received.

## 7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 17.09.2025, Site Notice was put up on 19.09.2025.

7.1 9no. neighbours were consulted. No comments received.

7.2 Councillor Adan, and Councillor Jenkins were consulted. No comments received.

## 8. ASSESSMENT

### 8.1 Principle of Development

The application site is within the defined settlement boundary as shown on the proposals map that accompany the Newport City Council Local Development Plan, accordingly there is a presumption in favour of development and the efficient use of land is encouraged. However, a full assessment is carried out below.

8.2 When assessing self-contained flats Policy H8 applies for self-contained a accommodation and is set out below.

8.2.1 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:

8.2.3 *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;*

It is considered that the location of the unit within a predominantly residential setting would adhere to the character of the area and building. It is considered that the unit would not result in an unacceptable impact to neighbouring occupiers given appropriate noise insulation is fitted. Moreover, suitable bin storage has been provided to not impact on neighbouring properties or pedestrians within the streetscape. In terms of parking, it is concluded the proposed use is less onerous than the previous lawful use, and sufficient cycle storage has been provided to the rear subject to conditions. Therefore, this aspect of Policy H8 is complied with.

8.2.4 *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;*

Given this application is not seeking permission for a HMO, this section of Policy H8 does not apply.

8.2.5 *iii) adequate noise insulation is provided;*

Noise insulation and glazing would need to be provided in accordance with building regulations, and this is discussed further within the report.

8.2.6 *iv) adequate amenity for future occupiers.*

When assessing the amenity to future occupiers, it is considered that the flats meet the space standards set out within the Flat Conversions SPG and would provide adequate amenity to occupiers. Moreover, there is a communal outdoor area to the rear, whilst this is small, it is considered residents can hang washing and store bikes/bins. The site is also in a sustainable location, and amenity spaces such as the Usk River and Belle Vue park is within close proximity. There are windows to serve each room which hold a typical outlook into the surrounding streetscene. The living room window is obscure glazed, this would be deemed unacceptable for residential amenity to occupiers, however, we could control this via condition to replace the obscure glazing. Therefore, this aspect of Policy H8 is satisfied.

8.2.7 This is further evaluated within the report below.

### 8.3 **Visual Amenity/ Character and Appearance**

8.3.1 It should be noted that the Flat Conversions SPG suggests, *External alterations in association with a flat conversion should respect the character and appearance of both the building and the streetscape.* Whilst it is expected that doors and windows should respect the windows on the first-floor residential unit, at present, the property turns the corner with openings that reflect its commercial history. It is noted that these windows are to be retained. Whilst this is not a typical relationship to a residential unit, the retention of these windows would not result in any unacceptable visual impact therefore would not result in a reason for refusal in this instance.

8.3.2 The doorway on the edge of the unit which would have formed the shopfront doorway is proposed to be removed. This is deemed acceptable.

### 8.4 **Residential Amenity**

8.4.1 When assessing flat conversion schemes, the Flat Conversions SPG sets out internal space standards and are as follows:

| Beds/bedrooms | Flat type     |                  |                                  |                            |
|---------------|---------------|------------------|----------------------------------|----------------------------|
|               | <i>Studio</i> | <i>Converted</i> | <i>New</i>                       |                            |
|               |               |                  | <i>Common Access<sup>2</sup></i> | <i>Walk Up<sup>3</sup></i> |
| 1             | 32            | 45               | 46                               | 50                         |
| 2             | n/a           | 58               | 59                               | 65                         |
| 3             | n/a           | 74               | 84                               | 90                         |
| 4             | n/a           | 86               | 93                               | 99                         |

**Figure 1: Desired standards for gross internal floor space (square metres)**

8.4.2 The scheme is for a one bedroom flat, therefore, the minimum space standard should be 45sqm. The floor plans provided show the flat would be 46.25sqm. Therefore, this adheres to the space standards and is therefore, deemed acceptable.

8.4.3 It is important that converted flats provide decent living conditions for the people who live there. The SPG says *Rooms should be arranged and designed in a manner that maximises the living standards of occupants. For instance, living rooms, kitchens and bedrooms should neither overlook adjoining properties nor face high boundary walls. Living rooms, moreover, should not be next to, directly above or directly below a bedroom in a neighbouring property unless the fabric of the building contains suitable acoustic insulation.* All rooms have windows, however, during a site visit it was noted that the living room window was obscure glazed as shown below. This would not provide adequate living conditions (outlook) for residents. If the application were to be successful, a condition to state the removal of obscure glazing would be conditioned. Moreover, it also noted that the proposed lounge is below an existing bedroom. Although this isn't recommended by the SPG, noise insulation should be added according to building regulations. It is considered the bedroom is situated to the front of the property adjacent to the highway, whilst this could cause noise disturbance, this is a typical relationship within the streetscene, and therefore, deemed acceptable in this instance. As forementioned, appropriate sound insulation and glazing should be fitted.

Living room window:



- 8.4.4 The rear external amenity space is limited and appears to share this space with the flat above. An area for bin and cycle storage is provided in this area. Although this area is small, there is some form of outdoor area where residents could dry washing. Given the site location also, it is considered it is a sustainable location to access amenity spaces such as Belle Vue Park, and the Usk River.

## 8.5 **Air Quality/ Soundscape**

- 8.5.1 The site is defined within the George Street Air Quality Management Area. Given the scale of development, this would not hold an impact on the area.

## 8.6 **Movement**

- 8.6.1 The application site does not benefit from off-road parking. The Highways officer has commented on the application and states that the proposed flat would be less onerous than the existing use in terms of parking and servicing, so is broadly supported. Therefore, the lack of parking is not an issue in this instance.

- 8.6.2 The applicant has provided cycle and bin storage to the rear. This is acceptable, however, the highways officer has stated that a condition should be imposed for further details on cycle storage compliant with current standards.

## 8.7 **Drainage/ Flooding**

- 8.7.1 The site is defined within Flood Zone 3 (Sea Undefended) as defined by NRW's flood Map for Planning.

- 8.7.2 Technical Advice Note 15 sets out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone 3), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas.

8.7.3 The key points of TAN15 are:

- The Council is expected to consult Natural Resources Wales (NRW) when considering development in Zone 3. Where a planning authority is minded to go against the advice of NRW it should inform NRW prior to granting consent allowing sufficient time for representations to be made;
- Residential development is defined as 'highly vulnerable development' which is 'development where the ability of occupants to decide on whether they wish to accept the risks to life and property associated with flooding, or be able to manage the consequences of such a risk, is limited'.
- The TAN states 'it would certainly not be sensible for people to live in areas subject to flooding where timely flood warnings cannot be provided and where safe access/egress cannot be achieved'.
- There should be minimal risk to life, disruption and damage to property.

8.7.4 The Flood Map for Planning (FMfP) represents the most up to date data with regard to flood risk. The application site is located within Flood Zone 3, this means the site has a 1 in 200 chance of flooding from the sea in any given year.

8.7.5 The proposal includes residential accommodation at the ground floor of the building. The development constitutes a redevelopment of an existing site and is located within Flood Zone 3. It is the Local Planning Authority's responsibility to ensure that the proposed development meets the tests contained within TAN15.

8.7.6 Section 10.23 of TAN 15 refers to redevelopment proposals and that they must be consistent with the acceptability considerations outlined in section 11. In all circumstances, there are requirements that must be in place for any development that is permitted to be located in flood risk areas. In all circumstances, developers and planning authorities should ensure the following conditions are met, which are outlined in section 11.4:

- 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

8.7.7 Section 11.5 of TAN15 states that the Flood Consequences Assessment should establish if suitable avoidance and mitigation measures can be incorporated, in a manner

compatible with the placemaking aims of Planning Policy Wales, within the site design to ensure that development is safe and there is:

- minimal risk to life;
- minimal disruption to people living and working in the area;
- minimal potential damage to property;
- minimal impact of the proposed development on flood risk generally; and
- minimal disruption to the sustainable management of natural resources.

8.7.8 The FCA concludes that the finished floor levels of the building will be set at the existing finished floor levels which are between 110 and 220mm above the external ground levels at 8.90 to 9.01m AOD. From this data it is understood the flat would flood to an unacceptable level. It is concluded within the FCA that due to the limited headroom constraints it is impractical to raise the finished floor levels. The FCA states that occupants can use the landing space within the first floor flat as a refuge space, however, this area is for a separate flat and holds a separate entrance. The practicalities have not been provided and would not be feasible. Moreover, on a site visit, the applicant suggests this refuge space would not be possible, and cannot be considered.

8.7.9 NRW have commented on the scheme and state that the information provided within the FCA confirms that the River Usk poses the primary flood risk to the site. However, the FCA has used flood data from the Caldicot and Wentlooge Coastal Model, rather than the Usk Model. FCA makes reference to the site being protected against tidal flooding. However, it should be noted that the site is not located within a TAN 15 Defended Zone, according to the Flood Map for Planning (FMfP). Therefore, the site is not protected by coastal flood defences or defences within Newport City Centre. NRW are unable to provide a complete technical response on the risks and consequences at the site given the incorrect information provided in the FCA.

8.7.10 Whilst it is considered that Flood warning and evacuation plans, flood resilience and resistance, access and egress routes have been provided, the information included within the FCA is not fully up to date/relevant to the application site. NRW state the applicant has provided information on the first-floor accommodation as a refuge space, however, it is noted that this is not part of the application site. Whilst the applicant suggests the levels of the first floor are located a minimum of 2.50m above the ground floor finished level well above any floodwater levels, there has been no refuge space defined within the floor plans. It is not understood where the residents would go, and for how long. Without a defined space, this could lead to residents being subject to reside on a shared landing which is unacceptable.

8.7.11 Therefore, the proposal has not demonstrated that the scheme satisfies all of the tests as set out within section 11 TAN15. Natural Resources Wales raise concerns with the proposal as the information needs to be updated, however, it is considered given the

nature of the scheme, without a refuge area, this is deemed unacceptable. The proposals are contrary to policy SP3.

**8.8 Biodiversity**

8.8.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect, and enhance ecological networks and features of importance for biodiversity. A bird box is proposed on the rear boundary wall as part of the development. As such the proposal is currently compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

8.8.2 PPW12 states in paragraph 6.2.12, *A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.* Given the scale of development, and that an enhancement scheme has been provided, a GI statement is not required in this instance.

**8.9 Waste**

There is a designated waste storage facility to the rear of the property which is acceptable. It is stated this storage area is within a communal area, however, there has been no information provided on a waste management plan, and who would be responsible for taking out the bins and collecting them. Therefore, a waste management plan will be secured via condition.

**8.10 Section 106 Planning Obligation matters**

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.

| <b>Service Area that requires planning obligation</b> | <b>Purpose of planning obligation</b> | <b>Planning obligation initially sought by Planning Authority</b> | <b>Summary Heads of Terms agreed by applicant(s)</b> | <b>Viability Issues?</b> |
|---|---------------------------------------|---|--|--------------------------|
| <i>Regeneration, Investment</i>                       | <i>to provide on site</i>             | <i>30% affordable housing units at £858</i>                       | <i>No.</i>   | <i>Yes</i>               |

|   |                           |             |            |            |
|---|---------------------------|-------------|------------|------------|
| <i>and Housing</i>                          | <i>affordable housing</i> |             |            |            |
| <i>Regeneration, Investment and Housing</i> | <i>Admin fee</i>          | <i>£200</i> | <i>No.</i> | <i>Yes</i> |

### VIABILITY

Developer profit on open market housing will normally be a range between 15% and 20%, depending on risk and market conditions. The Applicants profit falls below 15% (even without S106 contributions). An 'open book' viability appraisal was undertaken. It concludes that, "Given the information provided and the data from comparable evidence it is clear the scheme is unviable in terms of making a contribution to the section 106 payments".

Taking into account the above information, it is concluded that the S106 obligations should be waived.

## **9. OTHER CONSIDERATIONS**

### **9.1 *Crime and Disorder Act 1998***

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

### **9.2 *Equality Act 2010***

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

### **9.3 Having due regard to advancing equality involves:**

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

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

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

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

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

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

**10. CONCLUSION**

10.1 Overall it is considered that the scheme would reuse a vacant unit, and this is looked upon favourably, however, it is considered that the development site is within flood zone 3, and the information concluded within the FCA is insufficient and inadequate, firstly to demonstrate the correct flood risk, and provide appropriate mitigation measures. Moreover, whilst there are concerns over the residential amenity experienced within the living area, it is noted mitigation measures could be reasonably conditioned if the application were to be approved, and therefore, would not amount to a reason for refusal in this instance. Therefore, due to the location with Flood Zone 3, and the inadequate FCA, the application is refused.

**11. DECISION**

**REFUSED**

01 The development has a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity, by reason of the site's location in an area at risk from flooding. Insufficient and inadequate information has been submitted in the form of a Flood Consequences Assessment that the consequences of flooding can be acceptably managed. This is contrary to Policy SP3 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and Technical Advice Note 15: Development and Flood Risk (TAN15).

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Planning Statement; Green Infrastructure Statement.; Flood Consequence Assessment - Part 1; Flood Consequence Assessment - Part 2; 64 George Street-PL-LRJ-222516 - A1 - Elevations and Floor plans; Site Location Plan, Existing/Proposed Floor Plans and Proposed Block/Roof Plan

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, GP7, H8, W3, SP3, SP1, SP13, SP18, H2, H4 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.