



Proposed new shopfront, conversion of first floor offices  
and roofspace to create 5 no. flats, Conversion of part  
ground floor to provide a Class A3 unit, car park  
alterations and associated works.  
170-172 Commercial Road,  
Newport NP20 2PL

On behalf of S&B Properties Limited

## Planning Statement

Ref: AH/240075/R0001v3  
Date: October 2024

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## Appendices

A	2017 PERMISSION AND OFFICER REPORT
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## 1.0 Introduction

- 1.1 This report is prepared by Mango Planning & Development Limited in support of an application by S&B Properties Limited for full planning permission for the installation of a new shop front to the existing retail unit, the conversion of the upper floors to create 5 new flats, conversion of part of the unit frontage to a café, and associated external works and alterations.
  
- 1.2 Section 2 describes the site and its surroundings, while Section 3 outlines the proposal. Section 4 reviews relevant planning policy. Section 5 provides our planning review of the proposal and Section 6 sets out our conclusions.
  
- 1.3 This Planning Statement (“PS”) outlines the relevant planning policy context for this proposal and should be read alongside the other technical drawings and reports that support this application.

## 2.0 Site description and history

### The application site

- 2.1 The application site is situated on the west side of Commercial Road, Newport, within the Commercial Road District Centre. To the north is the New Testament Church of God, while to the south is a private lane that is stopped up at the Commercial Road frontage. To the west (rear) is Francis Drive, across which is a residential area.
- 2.2 The site is level and comprises a vacant former Kwik Save Supermarket fronting Commercial Road, together with an expansive existing tarmacadam surfaced car park to the south.
- 2.3 The existing service yard is to the north-west corner of the supermarket and comprises land to the rear of the church between Francis Drive and Alma Street. This is presently enclosed by paladin fencing, with access from Alma Street.
- 2.4 The existing building comprises two distinct elements. The original, two storey building sits at the back of the site, abutting Francis Drive. This is of a mixed brick and stone construction with a slate tiled pitched roof. This building originally faced westwards, but window and door voids have been filled in and plant vents installed such that it offers no active façade to the west. The ground floor of this building has been used as storage and office space for the supermarket, while upper floors have been left vacant.
- 2.5 This original building's eastern façade has been extended eastwards at a ground floor level with a steel portal framed unit that accommodates the sales floor of the supermarket. A glazed frontage to Commercial Road is presently boarded up since the store's closure.

### Planning history

- 2.6 The application site has recent, relevant planning history.

- 2.7 On 6<sup>th</sup> July 2016 planning permission was refused (Reference 16/0042) for “Subdivision of supermarket into two retail units and conversion of offices to 5 no. apartments and erection of three storey apartment block comprising 10 no. apartment and associated parking and access.”
- 2.8 This application was refused on five grounds, relating to the amenity of future occupiers, noise impact, lack of suitable bin storage, lack of parking and inadequate servicing space and the absence of affordable housing.
- 2.9 A revised proposal was granted on 6<sup>th</sup> April 2017 (Ref 17/0050) (“the 2017 permission”)
- “New shopfront, conversion of first floor offices and roofspace to create 8 no. flats, renovation of existing car park, external shop loading area, security boundary fencing and walls. “*
- 2.10 This permission was not implemented and has now lapsed. The Officer Report in respect of that permission does, however, review the key considerations of relevance at that time, which remain of relevance to the current proposal.
- 2.11 The OR and decision notice for the 2017 permission are reproduced as **Appendix A**.

### 3.0 Application proposal

- 3.1 The application proposes to bring this existing, derelict unit within the defined district centre of Commercial Road, into beneficial use through the refurbishment of the existing shop unit and conversion of the vacant upper floor and roof space to five new residential apartments.
- 3.2 In physical terms, no new built footprint is created by the proposal. The western, original part of the existing building will be converted internally to provide the apartment space and communal access. This will include conversion of roof space to provide bedrooms for duplex apartments.
- 3.3 New windows and doors will be introduced to the existing west, north and southern elevations, as shown on the submitted drawings. All 'protected' windows are in excess of 21m from windows in other residential properties.
- 3.4 The apartments are designed to meet the requirements of the Council's "Flat Conversions SPG" in terms of internal floorspace:

Flat Number	Internal floor space (Sq M)	Standard (Sq M)
1	47	45
2	74	45
3	71	45
4	85	45
5	61	45

- 3.5 Additionally, each unit is designed to offer reasonable levels of natural light, perceived space, privacy, ventilation, peace and quiet, noise attenuation and parking.
- 3.6 Flats 2, 3 & 4 benefit from bedroom space within the roof space, which will be lit by rooflights to ensure sufficient natural light.
- 3.7 [The bedroom to Unit 5 looks northwards over the service yard area and therefore will be mechanical ventilation that complies with the specification of the acoustic report. Similarly, the bedroom to Unit 1 overlooks the car park and will be of the same specification]
- 3.8 Access to the flats will be from a shared lobby situated at the south-western corner of the building. This is set within a wide and well lit area. Stair access will link the lobby to a communal corridor.
- 3.9 Bins and recycling will be accommodated in a secure and roofed structure at the entrance to the flats that meets the requirements of the “Waste Storage and Collection SPG”. The structure will be away from windows and ventilation and will allow for bins to be moved easily to Francis Drive so that they may be collected by the Council waste service.
- 3.10 Cycle parking for residents is also provided near to the entrance within a locked structure, providing one stand per apartment in accord with the Council standards. Cycle stands will be provided adjacent to the retail store entrance for retail customers, while two cycle spaces are provided in the service yard for retail store staff.
- 3.11 The existing car park will be retained and re-organised to provide pedestrian access, waste and cycle storage for the new apartments. The parking area will be formalised, with 6 dedicated and secure standard parking spaces for residents and 20 standard spaces for the retail unit. A further 2 parking spaces are provided to accessible standards. There is no change to existing vehicular access to the car park. Two motorcycle parking spaces will also be provided for customers.

- 3.12 The ground floor use of the unit as a retail store will remain unchanged, save that a small area of the back of house will be used for a residential access lobby to the upper floor. The retail unit will have a gross area of 830 sq m, with a net sales area of approximately 613 sq m. The intended operator will be Eurofoods, trading as a Masala Bazaar store.
- 3.13 The café will function as a separate unit and will have a gross floorspace of 57 sq m.

## 4.0 Planning policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions ought to be reached in accord with the development plan unless material considerations indicate otherwise.
- 4.2 The development plan in respect of this proposal comprises the Newport Local Development Plan (“LDP”) 2011-2026 alongside Future Wales 2040.

### Newport LDP 2011-2026

- 4.3 The Newport LDP was adopted in 2015 and is current at an early stage of review.
- 4.4 Policy GP2 provides general amenity principles for all development and supports development except where identified circumstances arise. It states:

“DEVELOPMENT WILL BE PERMITTED WHERE, AS APPLICABLE:

i) THERE WILL NOT BE A SIGNIFICANT ADVERSE EFFECT ON LOCAL AMENITY, INCLUDING IN TERMS OF NOISE, DISTURBANCE, PRIVACY, OVERBEARING, LIGHT, ODOURS AND AIR QUALITY;

ii) THE PROPOSED USE AND FORM OF DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE VISUAL AMENITIES OF NEARBY OCCUPIERS OR THE CHARACTER OR APPEARANCE OF THE SURROUNDING AREA;

iii) THE PROPOSAL SEEKS TO DESIGN OUT THE OPPORTUNITY FOR CRIME AND ANTI-SOCIAL BEHAVIOUR;

iv) THE PROPOSAL PROMOTES INCLUSIVE DESIGN BOTH FOR THE BUILT DEVELOPMENT AND ACCESS WITHIN AND AROUND THE DEVELOPMENT;

v) ADEQUATE AMENITY FOR FUTURE OCCUPIERS. “

- 4.5 Policy GP4 considers general development principles in respect of highways and accessibility. It supports accessible development with adequate provision for parking and cycle storage, safe access and without detriment to highway safety or the highway network.
- 4.6 Policy GP5 sets general development principles for new development including the protection and encouragement of biodiversity and enhancement of landscaping.
- 4.7 Policy GP6 supports good quality design and sets a number of fundamental design principles to be followed, encouraging accessibility and permeability, minimisation of noise pollution, the use of high quality materials and incorporation of sustainability measures.
- 4.8 With regard to planning obligations, Policy SP13 requires contributions to be made to support local infrastructure, to mitigate impacts of the development on matters including education facilities, affordable housing, the environment and accessibility.
- 4.9 Policy SP18 supports proposals that will deliver urban regeneration. It states:  
“PROPOSALS WILL BE FAVOURED WHICH ASSIST THE REGENERATION OF THE URBAN AREA, PARTICULARLY WHERE THEY CONTRIBUTE TO:  
i) THE VITALITY, VIABILITY AND QUALITY OF THE ENVIRONMENT OF THE CITY CENTRE;  
ii) THE PROVISION OF RESIDENTIAL AND BUSINESS OPPORTUNITIES WITHIN THE URBAN AREA;  
iii) REUSE OF VACANT, UNDERUSED OR DERELICT LAND;  
iv) ENCOURAGE THE DEVELOPMENT OF COMMUNITY USES WHERE APPROPRIATE.”
- 4.10 Policy H4 requires the provision of affordable housing on all new housing sites of 10 or more dwellings within the settlement boundary. For new housing sites of fewer than 10 dwellings within the settlement boundary, the Council will seek a commuted sum contribution, the methodology for the calculation of which is set out in the Affordable

Housing SPG. Within the Newport East area, the equivalent requirement is for 20% of units to be affordable.

- 4.11 Policy T4 concerns parking and requires provision to be made “at appropriate levels” in accord with adopted parking standards.
- 4.12 Policy R6 supports improved shopping facilities within defined centres, such as the Commercial Road District Centre.
- 4.13 Policy R7 considers non-retail uses within defined District Centres. It states:

“IN DISTRICT CENTRES ACTIVITIES IN USE CLASSES A2 (FINANCIAL AND PROFESSIONAL SERVICES), A3 (FOOD AND DRINK) AND VARIOUS LEISURE AND COMMUNITY USES WILL BE PERMITTED ONLY WHERE:

i) THE CONCENTRATION OF SUCH USES AT GROUND FLOOR LEVEL WOULD NOT PREJUDICE THE VIABILITY OF THE CENTRE’S RETAILING ROLE;

ii) SATISFACTORY CAR PARKING AND ACCESS ARRANGEMENTS EXIST OR CAN BE PROVIDED;

iii) THERE WOULD BE NO UNACCEPTABLE EFFECT ON THE LOCAL RESIDENTIAL AMENITIES OR THE GENERAL CHARACTER OF THE AREA IN TERMS OF NOISE AND DISTURBANCE OR EXTRA TRAFFIC GENERATED. “

### Future Wales 2040

- 4.14 Future Wales: The National Plan 2040 was issued in February 2021. It sets out the Welsh Government’s strategic national development framework and builds upon the key objectives of Planning Policy Wales. It outlines the Welsh Government’s strategies for addressing key national priorities through the planning system. These include sustaining and developing a vibrant economy, providing quality development in the right places for the right reasons, achieving decarbonisation and climate-resilience,

developing strong ecosystems, and improving the health and well-being of communities.

- 4.15 The National Development Plan outlines a number of strategic policies which development proposal must consider and will inform how decision makers determine planning decisions. Strategic policy “Policy 6 – Town Centre First” is considered relevant to the application proposal and states:

*“Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments, and they should be identified in Strategic and Local Development Plans.”* The ‘Town Centre First’ approach puts the health and vibrancy of town centres as the starting point of locational decision-making.

- 4.16 It also directs facilities and services to where intended users can easily walk, cycle and/or use public transport to access them. The principle of ‘Town Centre First’ is well established in planning policy in relation to retail developments. However, it highlights that good planning can help us rethink the future of town and city centres, which are moving away from their traditional retail roles. The impact of COVID-19 on the retail sector is recognised as a further driver towards making our town centres multi-functional places.

- 4.17 Future Wales emphasises the importance of Town centres remaining as important focal points of communities and are increasingly becoming places to live, centres of community and cultural activity, a focus for public services such as health and education, and the location of new co-working spaces.

### Material Considerations

- 4.18 The following are relevant material considerations in the determination of this application.

### Supplementary Guidance

4.19 The Council has prepared a series of Supplementary Planning Guidance (“SPG”) on relevant topics, as follows:

- Flat Conversions, October 2021
- Waste Storage and Collection, January 2020
- Parking Standards
- Shopfront Design, October 2021
- Affordable Housing, October 2021
- Parking Standards, August 2015 (2020 Update)
- Planning Obligations, 2019

4.20 These SPG support the policies of the LDP outlined above.

### Planning Policy Wales (“PPW”)

4.21 Planning Policy Wales Edition 12 (“PPW”) was issued in February 2024. At Paragraph 4.3.30 It promotes Class A1 uses within identified retail centres as the underpinning use for these areas. However, it is acknowledged that *“although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy.”*

4.22 Furthermore, PPW at paragraph 4.3.34 supports *“mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential”* within retail centres which can promote active centres with beneficial day and evening economies.

4.23 To ensure retail centres are healthy, at paragraph 4.3.36 it states that:

*“Planning authorities should assess retail and commercial centre performance and the*

*effectiveness of development plan policies by monitoring their health. They should use the strategy in their development plan to manage change and take action where necessary to address this.”*

### **Building Better Places**

4.24 Building Better Places was published by Welsh Government in July 2020. It sets out its response to Placemaking and the Covid-19 recovery.

4.25 The Building Better Places document outlines the approach Welsh Government will seek to implement as the country recovers from the pandemic, which pinpoints the most relevant policy priorities and actions to aid in the recovery.

4.26 It states at Page 18:

*“Our centres should become places where a variety of retail, employment, commercial, community, leisure, health and public sector uses come together in a hub of activity to make them viable as go-to destinations once more. Flexible, local co-working spaces could also be a crucial new element to increase space to work. Residential uses are also key to the vitality of centres, provided that they do not curtail the commercial activities which take place and soundscapes are considered..”*

## 5.0 Planning assessment

5.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that planning decisions are made in accord with the development plan unless material considerations indicate otherwise.

5.2 With reference to the development plan and the supporting guidance outlined above, together with the site's planning history, the key policy considerations in this case concern the following:

- The principle of the development
- Loss of employment space
- Retail policy
- Design
- Parking
- Sustainability
- Biodiversity / Green Infrastructure / Net Biodiversity Benefit
- Drainage and flooding
- Affordable housing

### Principle of development

5.3 In terms of the principle of development, Policy GP2 sets a general presumption in favour of development, as long as it meets the identified criteria. It is also of note that this proposal will bring forward for re-use a long-term vacancy within the district centre of Commercial Road, in full accord with Policy SP18. It will also bring back into use a retail unit that will support the vitality and viability of the district centre, in accord with Policy R6.

- 5.4 In the above context and bearing in mind the 2017 Permission for a similar form of development, the principle of development is acceptable.

### Loss of employment space

- 5.5 The space that is being converted is not a separate planning unit but integral and ancillary to the retail unit at ground floor. In this regard, it does not carry an employment use and is not capable, without alteration and new planning permission, of being separately occupied. The space cannot reasonably therefore be considered to engage Policy EMP3 at all.
- 5.6 Notwithstanding, the officer report (“OR”) in respect of the 2017 permission considered the issue of the loss of employment space within the existing building and concluded that no conflict would arise due to the condition and the long-term vacancy of the space. Since that time, there has been no material change in circumstances, save that the Newport Replacement Local Development plan 2021-2036 Employment Land Background Paper (August 2023) recognises there to be a substantial oversupply of employment space within Newport.
- 5.7 The application proposal will however facilitate the re-opening of the supermarket and the opening of a cafe, with the creation of approximately 15 full time and 6 part time local jobs.

### Retail policy

- 5.8 The application proposal does not propose new retail floorspace but the rationalisation and improvement of existing vacant Class A1 retail space, within a defined centre. As outlined above, this is in full accord with the principles of Policy R6, the objectives of Future Wales and PPW12.
- 5.9 The proposed café while operating as an independent planning unit will be an integral part of the regeneration of this site and will benefit from linked trips to the proposed supermarket.

In respect of the tests of Policy R7, the proposed use will not result in the concentration of non-retail uses within the centre. It will have adequate car parking, and the use will not give rise to any amenity concerns.

- 5.10 It is also material consideration in respect of this aspect of the proposal that cafes are accepted as ordinarily ancillary to supermarket uses. As a fall back, the cafe could otherwise be provided within the supermarket planning unit itself without the need for planning permission.

### Design

- 5.11 The application site at present detracts from the character and appearance of the locality and by extension the vitality and viability of the district centre. The buildings are in a poor condition and the car parking area is overgrown.
- 5.12 This application presents an opportunity for the refurbishment of the property which when complete will represent a significant improvement in the appearance of the centre.
- 5.13 The proposal does not involve the creation of new floorspace. It will however revitalise the existing building through the creation of a new modern shopfront and external changes.
- 5.14 The key external change will be to the original building, where the new residential accommodation will be provided. This building, while not of any particular status, is of some architectural character and the proposal has sought to retain this as much as possible. Key changes proposed are the re-opening of windows on the western elevation, new windows on the southern and northern elevations and the introduction of a lobby in the south-west corner of the original building. Roof lights will also be inserted on the western pitch of the original building roof to serve the two bedrooms in the roof space.
- 5.15 The car parking area will be rationalised and enhanced, with perimeter planting.

- 5.16 These changes taken together will represent a significant improvement of the appearance of the building and the locality of the application site.

### Parking and highways

- 5.17 The application site falls in a highly sustainable location, within the defined district centre and close to existing bus services and residential areas.

- 5.18 The Newport Parking Standards SPG (2020 Update) identifies the application site as falling within Zone 2, where new apartments require 1 space per bedroom plus 1 space per 5 units for visitors. This equates to an overall requirement of 6 spaces for the new apartments. In accord with the SPG requirements, these spaces will be secured by lockable bollards.

- 5.19 The retail store generates a standard requirement of 1 space per 40 sq m equating to a maximum requirement of 22 spaces, two of which will serve disabled visitors.

- 5.20 A reduction in parking provision from the maximum standard is permitted where the proposal meets sustainability requirements set out at Appendix 5 of the SPG. In this case the site is in a highly sustainable location, within the district centre and within 200m of existing shops and public transport. This allows for a two-space reduction in the parking provision for the apartments, and a 30% reduction in the parking requirement for the retail use. The policy requirement is therefore for 15 parking spaces (plus 2 disabled) for the retailing and 6 parking spaces (plus 1 disabled) for the residential development.

- 5.21 The application proposal complies with these standards.

- 5.22 In highways terms the proposed development does not create any new access into the site, nor does it intensify the retail operations at the premises. No changes are proposed to the store service yard, with an in-out arrangement for service vehicles as previously requested by officers during consideration of the 2017 scheme. As noted above, waste will be stored securely to avoid any issues of bins on the public highway.

The car park and service yard have both been tracked and the relevant diagrams are provided with the application.

### Sustainability

- 5.23 The application is also supported by a Sustainability Statement.

### Amenity

- 5.24 Policies GP2 and H8 and the Flat Conversions SPG referred to in Section 4 above establish key requirements of new accommodation in respect of internal floor space, outdoor amenity space, parking, bin storage, bicycle storage and noise.
- 5.25 Section 3 demonstrates that the proposal will meet the required standards for internal space, bin storage and cycle storage. It is also explained that the proposal will have adequate levels of light. Internal reconfiguration of the scheme removes the previous reliance on rooflights for non-bedroom space, providing an improved amenity for residents as compared to the previous scheme.
- 5.26 Parking is addressed above, and the proposal is demonstrably compliant with the requirements in this regard.
- 5.27 In terms of noise, the application is supported by a Noise Assessment which considers in particular the impact of the co-location of residential uses above the existing retail units and the proposed cafe. The recommendations have informed the design of the proposal. Of particular note is that the development will include appropriate noise insulation between the ground and first floor and windows facing the service yard and car park will be non-opening, triple glazed and mechanically vented.
- 5.28 It is also noted that the proposed development maintains a 24 metre separation distance from the nearest residential properties, exceeding generally accepted amenity distances.

5.29 The proposed café will be open between 0900-2200 each day, with deliveries during the same hours.

5.30 The urban location and nature of the accommodation proposed does mean that no substantive amenity space is provided on site, although new areas of planting are provided where possible. The site is however centrally located and within walking distance of a number of public areas of open space.

### Biodiversity / Green Infrastructure / Net Biodiversity Benefit

5.31 The planning application is supported by a Building Inspection Survey prepared by Ecological Services Ltd. which confirms that the building holds no existing biodiversity value. The report also sets out a number of measures for the enhancement of biodiversity of the site, to meet the requirements of a net biodiversity benefit set out in PPW Chapter 6 and Policies GP5 and GP6.

5.32 The application is also supported by a Green Infrastructure & Biodiversity Enhancement Statement.

### Drainage and flooding

5.33 The application site does not fall within a flood risk area as defined by the Development Advice Map and the current TAN15. However, it is recognised that the site falls within the Flood Zone C1 of the NRW Flood Maps for Planning. Accordingly, a flood risk statement has been prepared by Vale Consulting in support of the application to examine the risk of future flooding for future occupiers and to allow for consideration of flood resilience measures within the scheme.

5.34 In terms of drainage, the site does not generate any new surface water drainage requirements. However, the proposed design will remove some areas of hardstanding which will allow for a reduction in run off to existing surface water drains.

5.35 Foul waste will be disposed of via the existing foul water connection at the property.

## Section 106 Contributions

### *Affordable Housing*

- 5.36 The proposed development generates a requirement for the provision of a commuted sum payment for based on a 30% policy requirement. The Affordable Housing SPG calculates this payment to be £18,361 [Check!]

### *Education*

- 5.37 The application proposal contains only one-bedroom flats and applying the Council's formula at Paragraph 16.9 pf the Section 106 SPG and rounding down the calculations, there is no requirement for an education contribution in this case.

### *Open Space / Play*

- 5.38 The provision of 5 no. one bedroom flats generates the following open space requirements:

Designated equipped playing space:	7.5 x 2.5 sq m	=	18.75 sq m
Informal playing space	7.5 x 5.5 sq m	=	41.25 sq m
Outdoor space	7.5 x 16 sq m		120 sq m
Total:			180 sq m

- 5.39 The SPG does not translate this requirement into a contribution requirement. However, the 2017 consented scheme, for eight flats, generated a requirement for open space contribution of £24,199 based on an identified shortfall in provision in Pillgwenlly ward.

5.40 In discussions with the Council's Section 106 Officer, a contribution requirement of approximately £15,000 could be generated in respect of this revised proposal.

#### *Viability*

5.41 At the time of the 2017 application it was demonstrated that the levels of contributions required would jeopardise the project's economic viability, and the Section 106 obligations would be waived.

5.42 In support of this application the applicant has provided an updated viability assessment which, similarly, concludes that such contributions are not viable in this case.

## 6.0 Conclusions

- 6.1 This PS has considered the application proposal against the relevant policies of the development plan and other guidance.
- 6.2 It has demonstrated that the proposal will regenerate a key in-centre site, creating new residential accommodation and facilitating new investment within the centre, supporting its vitality and viability and creating 15 full time and 6 part time local jobs.
- 6.3 It is therefore respectfully requested that planning permission is granted for this proposal.