

# Delegated Decision Report

<b>Application No:</b>	25/0051	<b>Statutory Period Expires:</b>	4 <sup>th</sup> June 2025
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<b>Site:</b>	8-10 Griffin Street Newport NP20 1GL		
<b>Proposal:</b>	CHANGE OF USE OF GROUND FLOOR FROM OFFICE TO 5NO. RESIDENTIAL APARTMENTS		
<b>Applicant:</b>	N Williams		
<b>Type:</b>	Full	<b>Ward:</b>	Stow Hill
<b>Decision:</b>	REFUSED		

**1. BACKGROUND**

1.1 None.

**2. SITE LOCATION AND CONTEXT**

2.1 The application site comprises a mid-terrace 3 storey property located on the South side of Griffin Street. The site falls within the designated City Centre and Settlement boundaries as shown on the proposals maps that accompany the Newport City Council Local Development Plan (LDP). It appears the unit is currently partially used as flats on the upper floors and office space on the ground floor. The site is defined within the Town Centre Conservation Area and within an Archaeological sensitive area. The site is defined within Flood Zone 3 by the Flood Map for Planning maps. There are a mix of commercial and residential units within the vicinity. There are flats situated above and either side of the host property. There is a Public House situated on the ground floor at no.7 Griffin Street but appears to have been vacant for a number of years.

**3. DESCRIPTION OF DEVELOPMENT**

3.1 The application proposes five 1no.bed flats at ground floor and lower ground floor level. Each unit contains a kitchen and living area and 1no. bathroom. In terms of external alterations, the development proposes a new window to serve the bedroom in flat 3, and a communal fire exit/door in the rear elevation, and 1no. new window into the courtyard to serve the bedroom in flat 4. On the front elevation, new windows are proposed which are opening to serve flats 1 and 2. There is a communal hallway through the building to the rear elevation where all flats will have access to a shared rear amenity space.

**4. RELEVANT SITE HISTORY**

Application reference:	Description of Development	Decision
24/0377	PARTIAL DISCHARGE OF CONDITION 5 (SOUND INSULATION) OF 17/0280 CONVERSION OF FORMER NIGHTCLUB PREMISE TO 2NO. GROUND FLOOR OFFICES WITH BASEMENT TOILET FACILITIES AND STORAGE; AND CONVERSION OF FIRST AND SECOND FLOORS TO 9NO. ONE BEDROOM RESIDENTIAL UNITS	A 09/05/2024

24/0321	DISCHARGE OF CONDITIONS 2 (WINDOW DETAILS), 3 (MATERIALS) AND 4 (SOUND INSULATION) OF 17/0280 CONVERSION OF FORMER NIGHTCLUB PREMISE TO 2NO. GROUND FLOOR OFFICES WITH BASEMENT TOILET FACILITIES AND STORAGE; AND CONVERSION OF FIRST AND SECOND FLOORS TO 9NO. ONE BEDROOM RESIDENTIAL UNITS	A 26/04/2024
17/0280	CONVERSION OF FORMER NIGHTCLUB PREMISE TO 2NO. GROUND FLOOR OFFICES WITH BASEMENT TOILET FACILITIES AND STORAGE; AND CONVERSION OF FIRST AND SECOND FLOORS TO 9NO. ONE BEDROOM RESIDENTIAL UNITS	GC 31.08.2017

## 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 NOTES

TAN 2: Planning and Affordable Housing (2006)

TAN 11: Noise (1997)

TAN 12: Design (2016)

TAN 15: Flooding (2025)

TAN 21: Waste (2017)

The Historic Environment Act (2023)

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

- Policy SP1 Sustainability
- Policy SP3 Flood Risk
- Policy GP2 General Development Principles
- Policy GP5 Natural Environment
- Policy GP4 Highways and Accessibility
- Policy GP6 Quality of Design
- Policy GP7 General Development Principles – Environmental Protection and Public Health
- Policy T4
- SP13 Planning Obligations
- SP18 Urban Regeneration
- H2 Housing Standards
- Policy H8- Self Contained Accommodation and Houses in Multiple Occupation.
- W3 – Provision for Waste Management Facilities in Development
- CE6 Archaeology
- CE7 Conservation Areas
- SP9 Conservation of the Natural, Historic and Built Environment

### 5.4 SUPPLEMENTARY PLANNING GUIDANCE

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

## 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

We note the planning application was received on Friday 24 January 2025 and validated on Wednesday 9 April 2025. The Ministerial Written Statement accompanying the recently updated Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) states there will be a transitional period for the implementation of the TAN. It states planning applications which were submitted and registered before the publication of the new TAN will continue to be assessed against the previous version, however any development proposal, including those at pre-application stage not yet registered with the LPA will need to use the newly published version of the TAN. It will be for your authority to determine which version of the TAN should be considered in the determination of this application.

The planning application proposes highly vulnerable development (residential). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 (Sea). However, we are unable to give you technical advice on the acceptability of

flooding consequences as no Flood Consequences Assessment (FCA) has been submitted. An FCA is required regardless of which version of the TAN is being considered.

If it is the recently published TAN, the advice in paragraph 10.24 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 further information.

Furthermore, it is worth noting at this point that paragraph 10.23 of TAN15 (2025) states, 'Any redevelopment proposal (in Zone 3) must be consistent with the acceptability considerations in section 11.... proposals which include residential development must ensure that such uses do not occur at ground floor level'.

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 FCA is not submitted or any subsequent 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 amended plans do not address any highway concerns raised previously. We would therefore refer the applicant back to our previous comments.

Previous comments:

The principle of residential development is acceptable, but the detail is unacceptable. The development does not retain rear access for all or provide any areas for refuse storage or collection. Furthermore, there are no cycle storage facilities. Highways would therefore object on relevant policy grounds.

#### 6.3 Welsh Water:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

#### **Asset Protection**

The proposed development site is crossed by a 150mm public combined sewer. Please see copy of indicative public sewer record attached. No operational development is to take place or SuDS features installed within 3 metres either side of the centreline of the sewer. We do not anticipate any below ground works that will affect this asset however if operational development is likely to take place within 3 metres either side of this sewer please stop works and contact us.

#### **Foul 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 **Condition 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 HENEB:

We have reviewed the detailed information contained on your website and can confirm that archaeological mitigation is not required. We have reviewed the area against the information in the regional Historic Environment Record (HER) which shows as follows: The works are within the Archaeologically Sensitive Area (ASA) of Newport and Conservation Area of Newport Town Centre. The area is defined for the concentration of evidence of Medieval activity. A review of 1st – 4 th Edition (1883; 1902; 1920; 1937) historic Ordnance Survey maps shows the footprint of the property. The proposed works include a change of use from offices to apartments. The works are of relatively small scale and the property has undergone changes throughout its history. The proposed plans suggest the work will be limited to internal alterations with only minor ground disturbing work. As such, there is minor potential that significant buried archaeological remains will be encountered, or existing features will be disturbed. Therefore, the potential impact is considered low. As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

#### 6.5 Waste Manager:

\*Comments received on scheme for 4no. flats:\*

We would anticipate each property receive a single 120l bin for kerbside collection with recycling bags, boxes for kerbside collection also with one council tax paid on each the properties as a whole.

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.

- 6.6 SAB:  
Having reviewed the submitted information, a SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant to visit SAB.
- 6.7 Contaminated land: No comments received.
- 6.8 Environmental Health: No comments received.
- 6.9 Drainage Manager: No comments received.
- 6.10 Ecology Officer: No comments received.
- 6.11 Principal Heritage Officer: In principle, I have no objections to the change of use as external alterations would be minimal. However, there is little detail for the new windows. As they are currently traditional style shopfront windows, having openings would alter the character and appearance of the building. Therefore, I would request a condition is added if you are minded to approve:

Prior to any external alterations, further details of new windows shown at a scale of at least 1:20, shall be submitted to and approved in writing by the Local Planning Authority. The windows shall then be installed in accordance with the approved drawings.

Reason: In the interest of preserving the character and appearance of the conservation area in accordance with section 160 of the Historic Environment (Wales) Act 2023 and policy CE7 of the Newport Local Development Plan.

## 7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 10/04/2025.

- 7.1 NEIGHBOURS: 62no. neighbours were consulted. 2no. public comments were submitted.

### Flat 1, 11 Griffin Street:

we were informed that we would be able to apply for a Resident Parking Permit once we had completed on the sale at 11 Griffin Street. Once we had moved in and tried to apply online for this permit we found out that griffin street did not fall under the criteria to receive/apply for one, which means we have to pay for parking on a daily basis.

I have real concerns that if a further 5 apartments are built, then where would the extra cars park? We struggle on a daily basis to park our vehicle when clearly there are vacant spaces around these properties in different streets that could be utilised by the owners of both 11 Griffin street and also the new owners of 8-10 Griffin street.

My question (and a slight objection to further apartments being built) is that until this is rectified we will continue to have parking issues

Griffin street t is only accessible between 6am - 10am, so no parking on the actual street, however could this not be resolved along side this planning application, and Griffin Street residents apply for permits to park their cars in surrounding streets?

Caerleon, Newport:

I wish to object on four grounds

1. Loss of Office Space

The proposal contradicts Newport's economic priorities by removing small, affordable office spaces vital for startups and SMEs. Compact offices align with post-pandemic trends favoring flexible, low-cost workspaces, and their loss undermines Policy SP3 (Economic Development) of the Newport Local Development Plan (LDP), which supports employment-generating uses in the city centre

The erosion of office stock harms daytime footfall for retail and food businesses, countering Policy GP2 (General Amenity) by reducing economic vitality

2. Misclassification of Housing Type

The description of "four one-bedroom apartments" conflicts with the shared living/kitchen arrangement, suggesting a de facto House in Multiple Occupation (HMO). HMOs fall under Use Class C4 and require assessment under Policy H8 of the LDP, which restricts overconcentration and mandates adequate amenities

If the units are genuinely self-contained (open-plan living spaces per unit), the application must clarify this to avoid misleading stakeholders. Ambiguous wording risks non-compliance with Policy GP6 (Quality of Design)

3. Overconcentration of HMOs

Newport's Supplementary Planning Guidance (SPG) for HMOs caps their concentration at 10% within a 50m radius to preserve community character

Approval could exacerbate imbalances, violating Policy H8's safeguards against neighborhood destabilization, especially when other buildings exist which would be better suited for such HMOs. For example, premises on upper floors should be prioritised as ground floor conversions harm the streetscape of the city's main streets, and ground floor flats are more affected by noise and anti social behaviour at street level.

4. Inadequate Consideration of Alternatives

The applicant has not demonstrated efforts to retain office use or explored hybrid solutions (e.g., partial conversion), failing Policy SP3's emphasis on viable alternatives

The application should be refused for non-compliance with Policies SP3, GP2, H8, and GP6. The loss of office space harms economic resilience, while the ambiguous housing proposal risks perpetuating HMO overconcentration. Clarity on unit design and evidence of viable office retention must be provided for reconsideration.

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. This application relates to the change of use of office accommodation to five 1no.bed self-contained apartments.

8.2 Given the sites city centre location future occupiers would be well served by local amenities and would be well served by public transport, this accords with the aims/objectives as set within both Local and National Planning Policy.

8.3 The proposed development would constitute a change of use to a residential development from offices. The land used is not designated as employment land, however, the scheme does promote development proposals promoting alternative uses on existing employment sites and this should be assessed below. Residential accommodation within the city centre is considered to be acceptable subject to the assessment of other material planning considerations below. The land is also not designated as primary or secondary shopping frontage.

8.4 When assessing the acceptability of self-contained apartments, Policy H8 applies:

### 8.5 *Policy H8: Self Contained Accommodation and Houses in Multiple Occupation*

WITHIN THE DEFINED SETTLEMENT BOUNDARIES, PROPOSALS TO SUBDIVIDE A PROPERTY INTO SELF CONTAINED ACCOMMODATION, BEDSITS OR A HOUSE IN MULTIPLE OCCUPATION WILL ONLY BE PERMITTED IF:

- i) THE SCALE AND INTENSITY OF USE DOES NOT HARM THE CHARACTER OF THE BUILDING AND LOCALITY AND WILL NOT CAUSE AN UNACCEPTABLE REDUCTION IN THE AMENITY OF NEIGHBOURING OCCUPIERS OR RESULT IN ON STREET PARKING PROBLEMS;
- ii) THE PROPOSAL DOES NOT CREATE AN OVER CONCENTRATION OF HOUSES IN MULTIPLE OCCUPATION IN ANY ONE AREA OF THE CITY WHICH WOULD CHANGE THE CHARACTER OF THE NEIGHBOURHOOD OR CREATE AN IMBALANCE IN THE HOUSING STOCK;
- iii) ADEQUATE NOISE INSULATION IS PROVIDED;
- iv) ADEQUATE AMENITY FOR FUTURE OCCUPIERS.

8.6 Firstly, 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 development would change the use of the ground floor and would intensify the development. There is a lack of detail on the external changes so the harm to the character of the building and Conservation Area cannot be assessed contrary to Policy H8, GP6 and CE7. There is a lack of information on waste storage which could lead to inappropriate storage internally leading to smells or left on the highway at the detriment of the Conservation Area. The scheme to create 5no. flats would appear as overdevelopment within the space as the flats do not hold adequate amenity and is discussed further below. The amenity of neighbouring occupiers would be reduced given the intervisibility between windows to the rear to the neighbouring property. In terms of parking, the scheme is designated within parking zone 1 within the City Centre

and no parking has been provided. Given the sustainable location this is deemed acceptable. Cycle parking has not been provided, and this does not comply with Policy H4 and the SPG. Therefore, the scheme does not fully accord with this aspect of Policy H8 and is further discussed within the report.

- 8.7 Secondly, 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 the scheme is not proposing a House in Multiple Occupation, this aspect of Policy H8 does not apply.
- 8.8 Thirdly, ADEQUATE NOISE INSULATION IS PROVIDED. No information on noise insulation has been provided, nor a noise survey submitted. As the site is designated within the City Centre, it is uncertain if windows can be opened without undue noise disturbance experienced by residents, and this is contrary to Policy GP2 and Policy H8. This is further discussed below.
- 8.9 Finally, ADEQUATE AMENITY FOR FUTURE OCCUPIERS. It is considered the ground floor has been overdeveloped and does not provide good amenity to residents. Flat 5 falls short of the space standards set out within the SPG at the detriment of resident's amenity experienced. The outlook/lack of windows within the flats is unacceptable and would not provide good outlook or amenity to residents contrary to Policy H8 and GP2. The lack of information if windows can be opened with adequate noise levels experienced and acceptable ventilation cannot be confirmed. This is further elaborated on below.

8.10 **Visual Amenity/ Character and Appearance;**

The proposed external alterations consist of replacement opening windows on the front elevation at ground floor, and to the rear, 2no. new windows, 1no. new doorway and 1no. replacement door. The proposed alterations to the front elevation appear minimal. To the rear, the changes are minimal and would not be visible and would likely be acceptable. However, it is considered the site is defined within the City Centre Conservation Area and therefore, consideration should be given to the impact created on the setting. This is discussed below.

8.11 **Heritage**

The application site is defined within the City Centre Conservation Area and should accord with Policy CE7. The scheme also needs to accord with National Policy section 160 of the Historic Environment (Wales) Act 2023 which requires the Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The SPG states, *External alterations in association with a flat conversion should respect the character and appearance of both the building and the streetscape. Note: New doors and windows in a converted ground-floor commercial unit should be identical to those in the upper floors. Developers must take particular care when a proposal would affect a listed building or a conservation area.* The Heritage Officer has no objection to the change of use as external alterations are minimal. However, there is little detail for the new windows and openings as they are currently traditional style shopfront windows, having openings would alter the character and appearance of the building. Therefore, there is a lack of detail to fully assess the

schemes impact and a condition securing the details of the external alterations shall be attached to any consent granted.

### 8.12 Residential Amenity

All of the flats proposed are 1no.bedroom flats and The Council's Flat Conversion SPG specifies desired standards for internal floorspace:

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)

The proposed flats floor space equates to:

- Flat 1= 52.61sqm
- Flat 2=51.49sqm
- Flat 3=86.48sqm
- Flat 4=43.47sqm
- Flat 5= 33.34sqm

8.13 Flats 1, 2 and 3 exceed the space requirements of the standards outlined above. Flat 4 marginally falls short and would be deemed acceptable in this instance. However, flat 5 falls significantly short. This would provide a lack of space for basic amenity at the detriment for future occupiers. Therefore, this does not accord with the SPG and Policy GP2.

### 8.14 Overlooking and privacy

The Flat Conversions SPG suggests, *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.*

### 8.15 Flat 1

It is considered that flat 1 benefits from windows on the front elevation overlooking Griffin Street which would provide light and outlook to the bedrooms and kitchen/living areas. It is considered that whilst there are windows, the street is within the City Centre and there is poor outlook onto the streetscene. Additionally, there is likely to be high footfall past these windows. It is therefore not understood the impact of noise on residents from the street if windows were to be opened. This is discussed further in detail below.

#### 8.16 Flat 2

This holds the same relationship and concerns raised as Flat 1.

#### 8.17 Flat 3

There are no windows from the living/kitchen area in the flat. This would not maximise the living standards for occupants and would provide a poor level of amenity for occupiers contrary to the SPG and Policy GP2. Flat 3 benefits from 1no.window to serve the entire apartment from the bedroom and the outlook would be into an enclosed courtyard. The outlook from this room would look out directly onto the staggered neighbouring rear building as shown below. The window would hold a separation distance of approximately 10m to the blank two-storey elevation, and approximately 12m onto the three/four storey element of the building. The SPG states, *Development that reduces the distance between a protected window and a blank two-storey elevation to less than 14.00 metres is unlikely to be acceptable*. Given the City Centre location, the separation distance achieved is deemed acceptable. Moreover, Flat 3 proposes a lower ground basement floor which would hold a living area, shower room and sump room. There would be no outlook from this area and would not provide adequate amenity to occupiers. The lack of windows to serve the flat is unacceptable.

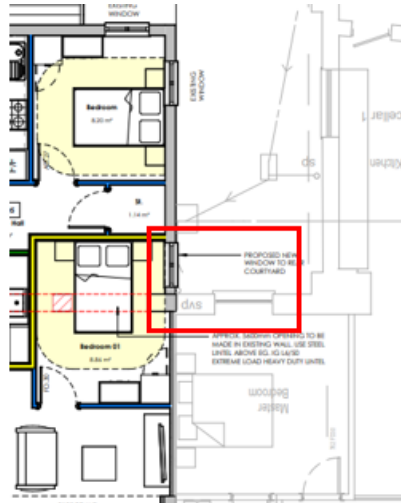
Rear boundary wall of neighbour property:



#### 8.18 Flat 4

Flat 4 holds a similar relationship to flat 3. There are no windows from the living/kitchen area in flat 4. This would not maximise the living standards for occupants and would provide a poor level of amenity for occupiers contrary to the SPG and Policy GP2. Flat 4 also benefits from 1no.window to serve the entire apartment and the outlook would be into an enclosed courtyard as shown below. This would hold a perpendicular relationship to an existing window which serves a master bedroom in a separate flat. The proposed window from flat 4's bedroom would be higher than the neighbouring window, and thus views may be able to be afforded down into the neighbouring window and this would be unacceptable. Additionally, the proposed window would hold an outlook onto a high boundary wall as shown below. The separation distance is 2.5m and this would be unacceptable given this is the principal outlook, contrary to the SPG and Policy GP2. Therefore, there is inadequate outlook and light from flat 4. Flat 4 also proposes a living area adjacent to a neighbouring bedroom. The SPG as stated above prohibits this unless suitable acoustic insulation has been provided. No information on this has been provided and therefore, contrary to the SPG.

Rough plotting of new window:



#### 8.19 Flat 5

Flat 5 benefits from windows serving the bedroom and living/kitchen area. This would overlook the shared courtyard and would be set up from ground level. It should be considered that there is a neighbouring building to the rear of the courtyard and would be approximately 8m from the rear elevation of the host property. This relationship is shown below. The window on the side elevation to serve the bedroom would be within 2.5m of the neighbouring properties kitchen window. The outlook from this room is unacceptable and could also hold views to neighbouring windows.

It is therefore considered that the ground floor would be overdeveloped, creating too many units providing overall poor amenity for occupiers.

Outlook between rear elevation of flat 5 to neighbouring rear boundary wall:



8.20 An application under 17/0280 proposed CONVERSION OF FORMER NIGHTCLUB PREMISE TO 2NO. GROUND FLOOR OFFICES WITH BASEMENT TOILET FACILITIES AND STORAGE; AND CONVERSION OF FIRST AND SECOND FLOORS TO 9NO. ONE BEDROOM RESIDENTIAL UNITS at 8-11 Griffin Street. The offices on the ground floor had been implemented and could be seen on a site visit as shown on the photos below. It is also noted from council tax records that there are currently 9 apartments registered for 8-10 Griffin Street and a doorway which states 'Griffin Executive Apartments' with doorbells situated adjacent to the host site demonstrating that apartments have been implemented on the upper floors. The approved plans under 17/0280 demonstrate that part of the proposed kitchen/living areas in flats 1 and 2 on the ground floor would be under the bedrooms on the first floor of units 1 and 3. Acoustic insulation would likely be covered by building regulations in this instance.

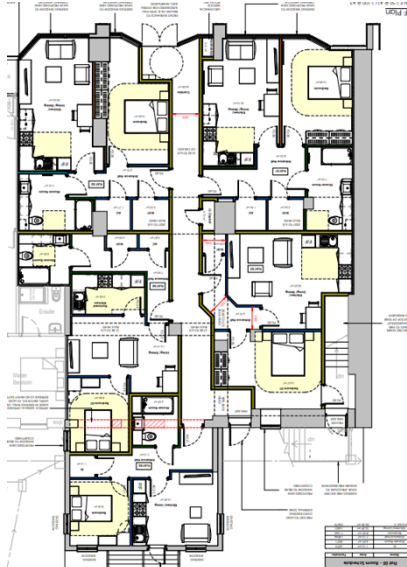
Offices on ground floor on site visit:



Access to upper flats with doorbells and 'Griffin Executive Apartments' on the door:



Plans under 25/0051:



Plans approved under 17/0280:



Outdoor amenity space

8.21 The application site does benefit from a shared courtyard to the rear. No plans have been provided on this, however, a site visit demonstrated an adequate space. Furthermore, in line with the Flat Conversions Supplementary Planning Guidance document *FC 5.1* private amenity space is only required where the opportunity exists. As the opportunity does exist, the proposal is considered to accord with the Flat Conversions SPG guidance on amenity space. Moreover, there is accessible transport to amenity areas such as Belle Vue Park situated along Cardiff Road and the City Centre along the Usk River.

8.22 **Soundscape**

Noise

Moreover, the Flat Conversions SPG suggests, *In order to ensure that occupants have adequate living conditions, a converted flat in a noisy location should feature noise-attenuation and ventilation measures.* No information on this or noise levels have been provided as part of the submission. Whilst Environmental Health have not provided comment on the submission, given that the unit is situated within the City Centre, it is unknown if windows can be opened, and residents experience an appropriate level of noise. Therefore, there is a lack of information to reasonably assess noise levels. Moreover, there are a lack of windows within flat 3 and 4 and would not provide sufficient ventilation measures at the detriment of resident's amenity.

8.23 The neighbouring ground floor unit at no.7 Griffin Street appears to have been a Public House. There is limited planning history on the neighbouring unit in terms of conditions

to control opening hours. Therefore, it is considered that the noise disturbance from the neighbouring unit to residents cannot be fully assessed. Some consideration is given to the fact that the City Centre generally experiences higher noise levels into later evenings but in conclusion, the application is lacking in information to conduct a full assessment contrary to Policy GP2.

**8.24 Movement**

It is understood that the site is defined within the City Centre in Parking Zone 1. The SPG requires apartments within Zone 1 to have 0.5 to 1 space per unit. Whilst no parking information has been provided, given the location of the site, there is no provision for parking available at site. The site is deemed highly sustainable situated within the City Centre and therefore, no vehicular parking in this location is deemed acceptable in line with Policy GP4. The highways officer has not raised any objection on this basis.

**8.25** In terms of cycle storage, the Sustainable Travel SPG sets out the minimum provision for cycle storage in the table below:

Table 1: Minimum cycle parking standards

DEVELOPMENT TYPE	CYCLE PARKING PROVISION	
	Long Stay Requirement (secure and ideally covered)	Short Stay Requirement (obvious, easily accessed and close to destination)
<b>RESIDENTIAL</b>		
Dwelling House, Student Accommodation, Over 50s Accommodation and Houses in Multiple Occupation	1 space per 2 bedrooms <sup>3</sup>	1 space per 20 bedrooms

**8.26** At a minimum there should be provision for 3no. cycle storage spaces provided in line with the development. No information on this has been provided. It is considered that there is a communal corridor to a rear communal space, however, residents would have to navigate stairs down in this space which could become problematic. The highways officer holds concerns over the lack of storage and therefore contrary to the SPG and Policy GP4.

**8.27 Drainage/ Flooding:**

The planning application proposes highly vulnerable development (residential). The application site is entirely within Flood Map for Planning (FMfP) Flood Zone 3. TAN15 (2025) states within paragraph 10.21, *Allocations 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, or 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...* para 10.22 states, *Planning applications in zone 3 require the strongest justification.* No justification has been provided in line with the application.

8.28 TAN 15 (2025) goes onto state in paragraph 10.24, *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.* No Flood Consequences Assessment has been provided in line with the submission contrary to National Policy. A full assessment cannot be carried out. The development proposes residential development on the ground floor and lower ground floor and no information has been provided to assess the severity and acceptability. NRW were consulted on the scheme and currently hold objections to the development proposed given the lack of information on flood risk. Therefore, the scheme is currently contrary to Policy SP3 and TAN 15 (2025).

8.28 **Biodiversity**

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. No ecological enhancements are proposed as part of the development. As such the proposal is currently not compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

8.29 Moreover, 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.* In this case no biodiversity enhancement or GI statement has been submitted to accompany the application. In accordance with section 6.4.12 of PPW 12 *“Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission”.* Accordingly lack of this detail will form part of the reason for refusal.

8.30 **Archaeology**

The scheme is designated within an archaeological sensitive area and therefore, Policy CE6 applies. Given the scale of works, there is a minor possibility of encountering archaeological remains. HENEB have confirmed that an archaeological mitigation is not required. Therefore, the scheme is compliant with policy CE6.

8.31 **Waste**

The Waste Storage and Collection SPG (2020) in paragraph 3.1 states, *All residential developments are required to provide adequate external storage for all dedicated waste streams; recycling (separate collections of cans/plastics, cardboard/paper and glass), garden waste, food waste and residual waste.* When assessing the bin storage for the property, there is no dedicated space for waste storage or a waste management plan and this would have a negative impact on residential amenity contrary to the SPG and Policy W3. It is likely that the storage of multiple bins on the highway for a long period would not be acceptable and would not be respectful of the Conservation Area contrary to s160 of the Historic Environment Act (2023). The storage of bins internally for this period of time would also cause smells and would not provide adequate amenity to residents. The highways officer also has concerns over the lack of information within the submission. The waste officer has not provided updated comments on the scheme, however, the lack of information is deemed contrary to Policy W3 and the SPG.

### 8.32 **Other Issues**

8.33 It is considered that the ground floor is currently used as offices and therefore Policy EM3 applies.

DEVELOPMENT PROPOSALS PROMOTING ALTERNATIVE USES ON EXISTING EMPLOYMENT SITES WILL BE RESISTED UNLESS:

- i) THE SITE HAS BEEN MARKETING UNSUCCESSFULLY FOR EMPLOYMENT PURPOSES FOR A MINIMUM OF 12 MONTHS;
- ii) THERE REMAINS A SUFFICIENT RANGE AND CHOICE OF EMPLOYMENT LAND AND PREMISES TO MEET LDP REQUIREMENTS AND LOCAL DEMAND;
- iii) THE DEVELOPMENT HAS NO ADVERSE IMPACT ON EXISTING OR ALLOCATED EMPLOYMENT SITES;
- iv) THE DEVELOPMENT HAS NO ADVERSE IMPACT ON AMENITY OR THE ENVIRONMENT.

8.34 There has been no information submitted on marketing of the site, so the first section of EM3 cannot be evaluated. However, it is considered the site is not defined within a primary or secondary shopping frontage, and the scale of development would not have an adverse impact on existing employment sites elsewhere. It is likely that the loss of the offices in this location would not be detrimental to the Town Centres viability given the scale.

8.35 Public comments have raised concern over the loss of office space and states, the removal of office space harms daytime footfall for retail and food businesses and would remove small, affordable office spaces contrary to Newport's Economic priorities and LDP. This has been assessed above.

8.36 Public comments also hold concerns over the Misclassification of Housing Type and whether the development holds shared facilities as a HMO. Concerns were also raised on an over concentration of HMOs and concerns over neighbourhood destabilisation. On assessment, the description clearly defines 'self-contained' apartments. Additionally, all apartments detailed on the plans do not demonstrate shared facilities apart from the amenity area.

8.37 Public comments also suggest that ground floor conversions harm the streetscape of the city's main streets, and ground floor flats are more affected by noise and anti-social behaviour at street level. Impacts on noise have been addressed above. Additionally, the

generation of anti-social behaviour from self-contained apartments is not a planning consideration.

8.38 Public comments also raise concerns on the lack of information submitted by the applicant to demonstrate efforts to retain office use or explored hybrid solutions (e.g., partial conversion). This has been addressed above.

8.39 Public comments have been submitted regarding concerns on the lack of parking around Griffin Street and the lack of availability of permit parking. Parking matters have been discussed above. As the scheme is designated within the City Centre, the site is deemed highly sustainable and, in this instance, there is no requirement for parking or parking permits.

**8.40 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 and Housing</i>	<i>to provide on site affordable housing</i>	<i>30% affordable housing units at £17,160</i>	<i>30% affordable housing units at £17,160</i>	<i>No</i>
<i>Regeneration, Investment and Housing</i>	Legal Fees	£700	£700	No
<i>Regeneration, Investment and Housing</i>	Admin Fee	£200	£200	No

HEADS OF TERMS AGREED BY APPLICANT

The Heads of Terms was not agreed by the applicant.

**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 development is considered to hold an unacceptable impact on residential amenity, falling short on the space requirements set out within the SPG within Flat 5 at the detriment to residents. Additionally, there is a lack of windows and poor outlook from flats 3,4 and 5 and would not hold an acceptable level of amenity experienced by residents and some degree of intervisibility from Flat 4 and Flat 5 to the neighbouring building. There is a lack

of information on noise levels and if residents can open windows for ventilation without undue noise disturbance experienced within the flats. External changes have been proposed, however, there is a lack of detail given on these changes. Additionally, there is a lack of information on waste storage which could lead to bin beings stored on the street. Given the lack of information, the full impact on the City Centre Conservation Area cannot be assessed. No biodiversity scheme or GI statement has been provided in line with the application. Additionally, no flooding information has been provided to assess the severity of flooding to residents. Therefore, the scheme 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 designated within Zone 3 as defined by the Flood Map for Planning. No information has been submitted that mitigates this objection. 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) (July 2004).

02 The development would have a significant adverse impact upon interests of acknowledged importance, namely it represents an unsustainable form of development which fails to be mitigated by contributions towards affordable housing. As such, the scheme is contrary to the Planning Obligations SPG dated January 2020 and policies SP1, SP13 and H4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

03 The development would have an adverse impact upon interests of acknowledged importance, namely, upon residential amenity. The scheme represents overdevelopment resulting in an unacceptable level of amenity for future occupiers by reasons of the lack of sufficient space within the flats, poor / no outlook, and insufficient information on bin storage. The scheme results in an unacceptable impact to neighbouring occupiers given the intervisibility between the window of flat 4 and the adjacent apartment. This would be contrary to the adopted Flat Conversions SPG (2021) guidance and Policy GP2 and H8 of the Newport's Local Development Plan 2011-2026 (Adopted January 2015) and Flat Conversions SPG (2021).

04 The development would have an adverse impact upon interests of acknowledged importance, namely, upon residential amenity. There is no information provided on noise levels that would be experienced by future residents within the flats and lack of natural ventilation. No information has been provided in the form of a noise impact assessment to mitigate these concerns. The proposal is contrary to Policy GP2 and H8 of the Newport's Local Development Plan 2011-2026 (Adopted January 2015) and Flat Conversions SPG (2021).

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

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

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

08 The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely impact upon the appearance and character of the City Centre Conservation Area. Insufficient information has been provided relating to the proposed windows to the front elevation to mitigate this concern. There is a lack of information of a waste management plan and the impact on the Conservation Area. The proposals are currently contrary to Policy CE7 and W3 of the Council's Local Development Plan, 2011-2026 (Adopted January 2015), Waste Storage and Collection SPG and the Historic Environment (Wales) Act 2023.

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: 1033-AMT (20) 22 - Existing & Proposed Elevation B (Rear); Revised Proposed 1033-AMT (20) 02 Rev.A - Proposed GF & LGF Plan; 1033-AMT (20) 01 - Existing GF Plan of Office; 1033-AMT (20) 90 - Site Location Plan; 1033-AMT (20) 20 - Existing and Proposed Elevation A (Front).

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

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

04 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

05 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the

Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

06 In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

07 We anticipate this development will require the installation of a new single water connection to serve the new premise. Capacity is available in the water supply system to accommodate the development. The applicant will need to apply to Dwr Cymru Welsh Water for a connection to the potable water supply system under Section 45 of the Water industry Act 1991. The applicant attention is drawn to our new water connection application guidance notes available on our website.