

Delegated Decision Report

Application No:	25/0030	Statutory Period Expires:	11 th April 2025
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Site:	24 Courtybella Terrace Newport NP20 2LA		
Proposal:	CONVERSION OF VACANT SHOP INTO 2NO. BEDROOM HOUSE		
Applicant:	N Mahmood		
Type:	Full	Ward:	Pillgwenlly
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

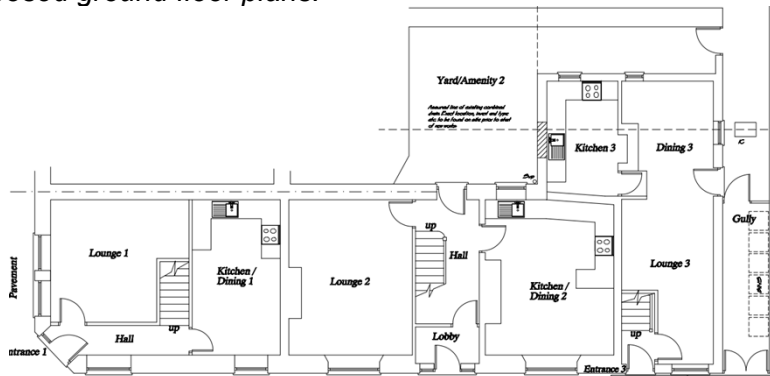
1.1 The following application was previously submitted on the property and refused for the following reasons.

24/0763- CONVERSION OF EXISTING VACANT SHOP INTO A SELF CONTAINED 2NO. BEDROOM HOUSE

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. 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).*

1.2 It is noted 16/1191 was granted for the conversion and division of the shop and 7-bedroom house into 2no. two-bedroom houses and 1no. 3 bedroom house and external alterations.
Proposed ground floor plans:



2. SITE LOCATION AND CONTEXT

2.1 The host site is a two-storey corner property. The host site is situated within parking zone 3 and within the defined urban boundary. In terms of flood risk, the site lies entirely within Zone B as defined by NRW's Development Advice Maps (DAM) as contained in TAN15. The development is situated within flood zone 3 (high flood risk zone) of the NRW Flood Map for Planning. Opposite the site, there is some green space, with playing fields and an open greenspace within close proximity of the site. The area mainly consists of residential properties within close proximity, however, it is also located within close proximity to Commercial Road and the District Centre.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks the conversion of an existing vacant shop into a self-contained 2no. bedroom house. The existing windows will be replaced with double glazing UPVC external opening top-hung windows. Additional alterations include omission of the ground floor window on the West elevation next to the existing entrance door. Additionally, the existing smaller single window on the West elevation is proposed to be replaced with a window to match the first-floor window above, with grid lines and stonework detailing. 2no. smaller windows are proposed on the North elevation to replace the large window which would have served the shop. These replacement windows would be of similar design to the existing windows with grid lines and stonework detailing around the windows. A new front door will be added to the site. On the first floor, no new windows are proposed. Internally, the ground floor would hold an entrance hall, with a bicycle storage, bin storage room and a living kitchen area. On the second floor, there are 2no. bedrooms proposed and a bathroom.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0763	CONVERSION OF EXISTING VACANT SHOP INTO A SELF CONTAINED 2NO. BEDROOM HOUSE	R	31/10/2024
16/1191	CONVERSION OF SHOP AND 7 BEDROOM HOUSE INTO 2NO. 2 BEDROOM HOUSES AND 1NO. 3 BEDROOM HOUSE AND EXTERNAL ALTERATIONS	GC	27/07/2017
01/0649	CONVERSION OF PROPERTY TO SINGLE DWELLING AND EXTERNAL ALTERATIONS	GC	13/07/2001

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

6.6.22- Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.

5.3 TECHNICAL ADVICE NOTES

TAN 2: Planning and Affordable Housing (2006)

TAN 11: Noise (1997)

TAN 12: Design (2016)

TAN 15: Development and Flood Risk (2004)

TAN 21: Waste (2017)

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

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 SP3 (Flooding)

Policy SP1 (Sustainability)

Policy SP13 (Planning Obligations)

Policy SP18 (Urban Regeneration)

Policy H4 (Affordable Housing)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

PLANNING OBLIGATIONS SPG

PARKING STANDARDS SPG

WASTE STORAGE AND COLLECTION SPG

SUSTAINABLE TRAVEL SPG

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales:

We continue to 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.

Flood Risk

The planning application proposes highly vulnerable development (residential). Our Flood Risk Map confirms the site to be within Zone B of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 Sea.

We have reviewed the updated flood risk information, addendum, submitted by KRS Enviro

dated 18 February 2025, reference P.0848.001.R002.A.

It states that a 'pragmatic approach' needs to be considered by NRW and Newport City Council when assessing the flood risk at this location and that undertaking more modelling would not provide more useful information or be cost effective given the scale of the proposed development. In our previous response, dated 12 February 2025, we confirmed that due to the depths of flooding during the extreme events that the development proposals 'cannot be designed to be compliant with A1.14 and A1.15 TAN 15 requirements'. NRW did not request further modelling to support the application.

The addendum includes, by applying the sea level increments, a full climate change allowance which may be useful to the LPA in determining the application.

These levels are:

- 1 in 200 year plus climate change : 9.35metres (m) Above Ordnance Datum (AOD)
- 1 in 1000 year plus climate change : 9.77m AOD.

In our previous response, dated 12 February 2025, we confirmed that the full allowance would only increase the flooding slightly, in this case the additional years of climate change allowance increased the previous flood levels by 0.04m.

The addendum states that A1.14 is indicative and not mandatory, this is incorrect. NRW will always state if a development fails or meets the requirements of A1.14 and it is for the authority to determine other factors that may override an A1.14 failure. As stated previously the flood depth on the site is at such a level compared to the ground site levels that this or any development not altered will not achieve A1.14 compliance.

We recognise that the development will include flood resilience and resistance measures that will be included in conversion, it also states that that given the flood warnings available for the site, the occupants will be advised to sign up to flood warnings and produce an evacuation plan. The inclusion of this mitigation does not lead to compliance with TAN 15 alone.

It is suggested in the FCA that the safe access and egress routes, via Courtybella Terrace to the south east, via Commercial Road to the north west and then on to Chapel Crescent to the south west. We would encourage consultation with the Emergency Planners within the authority for any emergency plans proposed on the site.

Other than providing the updated flood levels, the letter does not provide any further information that can alter our initial response. We therefore refer you to our previous advice, dated 12 February 2025, which remains relevant.

6.2 Local Highways Authority:

The conversion would mean that the site is less onerous in terms of parking and servicing requirements. Parking is therefore assumed to exist on street. It is understood that a bin store would be secured within the building as there is no rear yard/garden. This is need to prevent more bins being permanently left on highway, resulting on safety, obstruction and

amenity issues. No cycle parking is proposed or practical without rear access/space. This is contrary to policy, but no worse than the existing situation.

6.3 Environmental Health Officer:

Air quality

I have reviewed the submissions in relation to the above application. The development shows that there is no availability for off street parking and that the use of on street parking will be made use of.

Active travel and zero emission transport opportunities should exist through new development by way of providing links to existing and new infrastructure. Whilst the site is not within an air quality management area (AQMA), the traffic it will generate will be accumulative. In view of this and the ongoing air quality action planning across Newport which seeks new development to contribute to reducing emissions the following conditions are recommended: Additionally, there are further opportunities to reduce emissions through the use of low-carbon heating systems. It is recommended that this be encouraged should the development proceed. A condition is proposed accordingly.

The following conditions are proposed accordingly to the above statements:

Conditions:

Low carbon heating

No development shall take place until a low carbon heating strategy and associated system has been submitted to the LPA. The sustainable heating system shall be implemented prior to occupation of the development and retained thereafter.

Reason: *To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2)*

Access to Active Travel and low/zero emission public transport

No development shall commence on site until a scheme of active travel measures including but not limited to walking, cycling infrastructure and access to low/zero emission bus services has been agreed with the LPA.

Reason: *To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2).*

6.5 Waste Officer:

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

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.

6.7 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

6.8 Contamination Officer: No comments received.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 24/09/2025.

7.1 NEIGHBOURS: 9no. neighbours were consulted on the application. No neighbours comments submitted.

8. ASSESSMENT

8.1 Principle of Development

The application proposes a residential development within a residential area defined within the urban boundary and the principle of development would be deemed acceptable. The scheme has previously been refused primarily on the lack of information submitted in terms of flooding. The scheme proposed under this submission proposes the same development in principle, however, has sought to overcome the previous reasons for refusal under 24/0763 and will be discussed below.

8.2 *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. 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).*

8.3 *02The 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).*

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

The scheme remains the same as under 24/0763 for external changes. When evaluating the new windows on the ground floor, it is considered that the large window which would have served as the large store front window on the North Eastern elevation would be replaced with 2no. smaller windows to match the existing upper floor windows. These would also hold stone detailing and grid lines to represent a coherent development and would be deemed acceptable. Moreover, the development also seeks the omission of the ground floor window on the West elevation next to the existing entrance door. This would be deemed acceptable on the building and would not detract from the symmetry on the property. Additionally, the existing smaller single window on the West elevation is proposed to be replaced with a window to match the first-floor window above, with grid lines and stonework detailing. All new windows are also proposed to be double upvc glazed windows. It is noted that the fascia, cornice and console/corbel will remain on the building. This preserves a pleasant design feature to the front of the property and its retention would not harm the character and façade of the building. Therefore, the design would be deemed acceptable.

8.5 **Residential Amenity**

The development does not have rear outdoor amenity space in relation to the dwelling it would serve. No amenity space is proposed for the unit, and it would not be possible to provide any space within the application site for amenity space. As per comments made under 16/1191, an appeal decision (reference number 15/0560, Appeal ref: APP/G6935/A/15/3133423), which specifically commented on amenity space for future occupiers. The Inspector did not agree that the lack of outdoor amenity space would cause material harm to the living conditions of future occupiers. He considered that the internal layout of the proposal would mean that future occupiers would have relatively spacious living accommodation which would reduce the need for outdoor space. He also considered that due to the close proximity of the city centre the need for outdoor space would not be a critical requirement as future occupiers would be able to make a balanced judgement on whether the benefits of the proximity to local facilities would outweigh the lack of outdoor private amenity space.

8.6 The outlook from this unit is good with windows facing the adjacent streets. The house would be fairly spacious with a ground floor lounge area and kitchen with two good sized bedrooms and bathroom on the first floor. In this instance the property is not close to the town centre but is sited within a sustainable location close to the Commercial Road District Centre, designated environmental space are located on the northern side of Courtybella Terrace, opposite the site and a large recreation ground is approximately 100m away, which at a minimum, would provide public amenity space. Therefore, although there is a lack of amenity space to serve the property, it is considered given its location, this would be acceptable in this instance.

8.7 It is noted that residential properties are either side of the site. Sufficient soundproofing should be installed on the site to protect neighbouring residential amenity, however, this is controlled by building regulations and should be done in accordance with approved Document E. It is suggested within the DAS that the building as whole would be investigated for its structural integrity and its thermal insulation will be upgraded to comply with building regulations.

8.8 The Environmental Health Officer has no objections to this aspect of the development.

8.9 **Air Quality**

The Environmental Health Officer states the development shows that there is no availability for off street parking. Active travel and zero emission transport opportunities should exist through new development by way of providing links to existing and new infrastructure. Whilst the site is not within an air quality management area (AQMA), the traffic it will generate will be accumulative. On assessment of EH's comments, it is considered that the conversion to a 2no.bed home would be less onerous than the traffic to the shop that once existed. Additionally, the site is within a sustainable location, and is within close proximity to Active Travel Future Route as approved by Welsh Government to the North West of the site. The applicant has provided a bike store within the unit which encourages bike use. Therefore, a condition to impose an active travel scheme would be deemed unreasonable given the above.

8.10 Additionally EH have suggested, that the ongoing air quality action planning across Newport seeks new development to contribute to reducing emissions. Opportunities to reduce emissions through the use of low-carbon heating systems is recommended. On assessment, although it is recommended, the development is not within a designated AQMA, and this cannot be enforced on the applicant. Given the property is of small scale, this would be deemed unreasonable.

8.11 **Movement**

It is considered that the existing upper floor contains 2no. bedrooms above the shop. It should be noted under 16/1191, that given the sustainability of the site, each unit which was divided up from a 7no bedroom house to 3no. individual houses only required 1no. space each due to sustainability of the site. Therefore, given the unit still retains 2no bedrooms, there is no worse off effect than the extant use. The highways officer has suggested the conversion would mean that the site is less onerous in terms of parking and servicing requirements. Parking is therefore assumed to exist on street.

8.12 Moreover, the highways officer has stated that no practical cycle storage has been provided without rear access/space. However, on assessment, sufficient cycle storage has been submitted within the plans on the ground floor and is deemed acceptable. An Internal ventilated secured bin storage will be provided with adequate capacity. Highways have not provided objections on this basis.

Loss of a retail unit

- 8.13 In terms of the loss of a retail unit, the retail element appears to have been vacant for some time and was apparent to be vacant under previous application 16/1191, although no supporting evidence has been submitted to confirm this. It is noted that the site sits outside of defined retail centres, sitting outside of the City Centre, District Centre and small local retail centres. Therefore, the loss of the unit would not be contrary to the policies highlighted within the Local Development Plan (2011-2026). Given the site's sustainable location, situated within close proximity to Commercial Road District Centre and its retail provision and the vacant nature of the premises, it is considered the loss of the retail unit is not detrimental to its setting.
- 8.14 **Drainage/ Flooding**
Welsh Water confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. Welsh Water recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system. This will be secured via condition.
- 8.15 In terms of flooding, it is considered that the new TAN15 document primarily relating to the Flood Map For Planning came into effect on 1st April 2025. The letter published by Welsh Government on 31st March 2025 alongside the publication of the new TAN document states:
- 8.16 *We recognise that the publication of new guidance may have impacts on the processing of planning applications so there will be a transitional period for the implementation of the TAN. Planning applications which were submitted and registered before the publication of the new TAN will continue to be assessed against the previous version...*
- 8.17 The date of this application was received on the 16th January 2025. Therefore, in light of this information, consideration will be given to the development against the previous TAN 15 (2004) document and the current TAN 15 document which came into effect in April 2025.
- 8.18 The planning application proposes highly vulnerable development (residential). The application site is entirely within Zone B of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). However, Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and is within Flood Zone 2 and 3 (Sea).
- 8.19 Under the TAN 15 (2004) document, it is understood that the site is within Zone B. Set within Zone B, it could be possible to justify the proposed development. Under the new adopted TAN 15, it would be set within Zone 3 within FMfP, which has the highest likelihood of flooding. The new TAN 15 suggests that all highly vulnerable development should be directed away from Flood Zone 3.
- 8.20 The applicant has provided a Flood Consequences Assessment in line with the application and the scheme is assessed below.
- 8.21 Flood Risk Assessment
Section 6.2 of TAN 15 (2004) refers specifically to justifying the location of development and that such development should only be permitted within Zone C1 if determined by the planning authority to be justified in that location and demonstrated that:

- i) Its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- ii) Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region; and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
- iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

8.22 For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.

8.23 **Test 1 – Location**

8.24 **Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement**

The application site is located within Zone B, however it is located within the updated Zone 3 of the FMfP.

8.25 **It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1)**

PPW defines previously developed land as: *Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.*

The development meets the definition.

8.26 **Tests 2 to 12 – Consequences of Flooding**

Moreover, criterion (iv) of paragraph 6.2 of TAN 15 refers specifically to the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable. These are referred to as tests 2 to 12 below.

8.27 ***Test 2 - Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).***

NRW have not objected to the development on the basis of inadequate flood defences.

The FCA states the site is protected against tidal flooding by flood defence measures which provide a 1 in 200 year Standard of Protection. The flood defences take the form of flood embankments and flood walls which are all maintained by NRW. The flood risk will be further mitigated by using a number of risk management measures to manage the overall flood risk at the site. NRW have stated in light of this information that this site is not

in an area protected by any flood defences, the defences in the area are located on the opposite side of the River Usk and will not provide any benefit to this development site.

Flood barriers will be used on external doors, sealant will be used around external doors and windows, all external doors and windows will be constructed from hard wearing materials with flood seals and all electric wiring, switches, sockets, socket outlets etc., to be located a minimum of 450mm above the finished flood level which provides a further freeboard above the floodwater levels.

8.28 ***Test 3 - The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.***

Flood mitigation measures are proposed as part of the development. The cost breakdown and maintenance has not been provided.

8.29 ***Test 4 - The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.***

The owner of the property will carry out the role of Flood Warden for the Site and ensure they have an understanding of the flood mechanisms of the site and will ensure that the safety of the occupants and visitors will not be compromised.

Information will be shared with all of the tenants in the building. All tenants will be signed up to the NRW Telephone Flood Warning Service.

8.30 ***Test 5 - Effective flood warnings are provided at the site***

The finished floor level of the building will be set at the existing floor level, however, it is recognised due to constraints it is considered impractical to raise the finished floor levels further.

It is recommended that the occupants of the Site are to sign up to receive flood warnings from NRW a Flood Warning and Evacuation Plan to a safe area away from the building during times of flood is developed. A Flood Warning and Evacuation Plan (FEWP) outlining the precautions and actions you should take when a flood event is anticipated to help reduce the impact and damage flooding may cause will be developed.

The FEWP should be periodically reviewed and updated to provide advice and guidance to occupants and explain the mechanisms of the flood defences. A flood Warden will be designated from the occupants of the site.

NRW operate a free flood warning service providing alerts by telephone.

All occupants will be made aware of NRW's Flood line telephone number and flood warning codes and their meaning.

8.31 ***Test 6 - Escape/evacuation routes are shown by the developer to be operational under all conditions***

Safe access and egress routes, including emergency access can be maintained for vehicles and/or by foot via Courtybella Terrace to the South East, via Commercial Road to the North West and then Capel Crescent to the South West.

The developer has stated the site is one of the last places in the area to flood and remains flood free when other area close by are flooded. The site is at such a ground level that it would only flood in the most extreme flood events; the site will remain flood free for the vast majority of flood event during the lifetime of the proposed development.

NRW state they would encourage consultation with the Emergency Planners within the LPA for any emergency plans proposed on the site.

8.32 Test 7 - Flood emergency plans and procedures produced by the developer must be in place

It is recommended that the occupants of the Site are to sign up to receive flood warnings from NRW a Flood Warning and Evacuation Plan to a safe area away from the building during times of flood is developed. A Flood Warning and Evacuation Plan (FEWP) outlining the precautions and actions you should take when a flood event is anticipated to help reduce the impact and damage flooding may cause will be developed.

The FEWP should be periodically reviewed and updated to provide advice and guidance to occupants and explain the mechanisms of the flood defences. A flood Warden will be designated from the occupants of the site.

NRW operate a free flood warning service providing alerts by telephone.

All occupants will be made aware of NRW's Flood line telephone number and flood warning codes and their meaning.

8.33 Test 8 - The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters.

And,

Test 9 - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.

No residential accommodation is proposed on the ground floor. However, it is considered the flood levels would likely encroach to the first floor.

Flood barriers will be used on external doors, sealant will be used around external doors and windows, all external doors and windows will be constructed from hard wearing materials with flood seals and all electrics wiring, switches, sockets, socket outlets etc., to be located a minimum of 450mm above the finished flood level which provides a further freeboard above the floodwater levels.

8.34 Test 10 - No flooding elsewhere.

The proposed only proposes internal changes to the layout of the property. The proposal will not impact risk to other properties.

8.35 Test 11 - Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.14) of development for either a 1 in 100

chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.

- 1 in 200 year plus climate change : 9.35metres (m) Above Ordnance Datum (AOD)

The proposed scheme does not fulfil A1.14.

- 8.36 **Test 12 – In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.15m/second in properties and the maximum rate of rise of floodwater would not exceed 0.1m/hour.**

- 1 in 1000 year plus climate change : 9.77m AOD
- Rate of inundation has been provided with defen

The FCA states, the likelihood of a rapid water level rise and possible rapid inundation of urban areas posing a risk to life is considered to be minimal with a forewarning of two (2) days of a pending flood event. The site is located within a low risk area where the onset of flooding is gradual (many hours) as per Flood Risk Assessment Guidance for New Development Phase 2, R&D Technical Report FD2320/TR2. This would allow safe access and egress from the site as per NRW's guidance.

NRW state, The FCA states that the site is protected against tidal flooding by flood defences in the form of a flood embankment and flood walls maintained by NRW. Please note that this site is not in an area protected by any flood defences, the defences in the area are located on the opposite side of the River Usk and will not provide any benefit to this development site. When the DAM is consulted the site is located within the Zone B.

The scheme does not fulfil A1.15.

- 8.37 **Assessment– Flooding**

On assessment, it is noted that part of the scheme does not accord with A1.14 and A1.15 of the TAN15 (2004) document. NRW have objected on this basis but have not commented on the risk management of the site and have left this up to the discretion of the LPA. Some consideration should be given to the fact that the site has been previously used and approved with highly vulnerable development and this is not changing. Under 16/1191 the scheme was approved for the subdivision of a shop and 7no.bedroom house into 3no. separate residential units. Although this has now lapsed, the same TAN15 (2004) document would have been in use at the time of the previous application. Additionally, the unit already contained 2no.bedrooms above the shop and consideration should be given to this. The current scheme also provides resilience measures including flood defences on the property, warning signals and access and egress routes. Furthermore, the flooding is tidal which suggests that the flood water will retreat after a certain period of time.

- 8.38 The applicant has suggested that property was advertised as a lease opportunity for a retail unit on Facebook Marketplace for a considerable period. Additionally, the applicant

has directly approached business owners to gauge interest in the space. Unfortunately, despite these efforts, they have encountered challenges securing potential tenants. The primary obstacles to finding tenants is the location of the building and the proximity of the Commercial Road District Centre, which already has numerous vacant shops that present more attractive business opportunities. The applicant has suggested that the property has been vacant for more than twenty years. During that time there has been no indication of interest in utilising the building for commercial purposes. Therefore, the proposed development will regenerate the unit in line with Policy SP18. The area in which the site is located is residential and is located within a sustainable location. As discussed above, there is not necessarily an obligation for the retail element of the proposal to remain and the siting of a commercial unit here does not follow the councils retail hierarchy. The proposal would regenerate the vacant property within the residential area. On balance, the unit has already been used as residential previously and the regeneration benefits outweigh the flood risks. The applicant has provided flood mitigation measures which all residents should be aware of within the property.

8.39 **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). However, this can be secured via condition.

8.40 In PPW12, paragraph 6.2.12 states, *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.* A GI statement has not been provided in line with the application and will be secured via condition.

8.41 **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.

The NCC's Property Acquisition Officer has confirmed that the property is accepted under the Properties Leasing Scheme (LSW) and will be used as temporary housing for homeless households. Additionally, the scheme would not result in a net increase as the unit has been previously used partly as a residential unit. As such, no s106 affordable housing obligations are requested.

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 development would regenerate a vacant building which would be looked upon favourably. The external changes made to the property would be

deemed acceptable. The site is within a sustainable location and in parking terms, would be less onerous than the existing shop. Sufficient waste and cycle storage have been provided, however, an ecological enhancement scheme shall be required via condition. The proposal site situated within the flood zone has been justified and therefore, the scheme is granted with conditions.

11. DECISION GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Site Location Plan; C T01 - Existing Floor Plans and Elevations; CT02 - Proposed Floor Plans and Elevations; Further information- renting the unit; KRS.0848.001.R.002.A - Addendum to FCA; Flood Consequence Assessment; Design and Access Statement.

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

02 Prior to the commencement of development, a biodiversity enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be implemented in accordance with the approved plans prior to the first beneficial use of the development hereby approved and retained as such for the lifetime of the development.

Reason: In the interest of protected species, in accordance with Policy 9 of Future Wales and Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

03 Prior to the first beneficial use of the development hereby approved, the external alterations at ground level as per the approved plans: *CT02 - Proposed Floor Plans and Elevations* shall be completed in its entirety and retained for the lifetime of development.

Reason: In the interest of character and appearance of the area in accordance with Policy GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, GP7, SP3, SP1, SP13, SP18, H4 were relevant to the determination of this application.

02 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.

03 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

04 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.

05 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.