

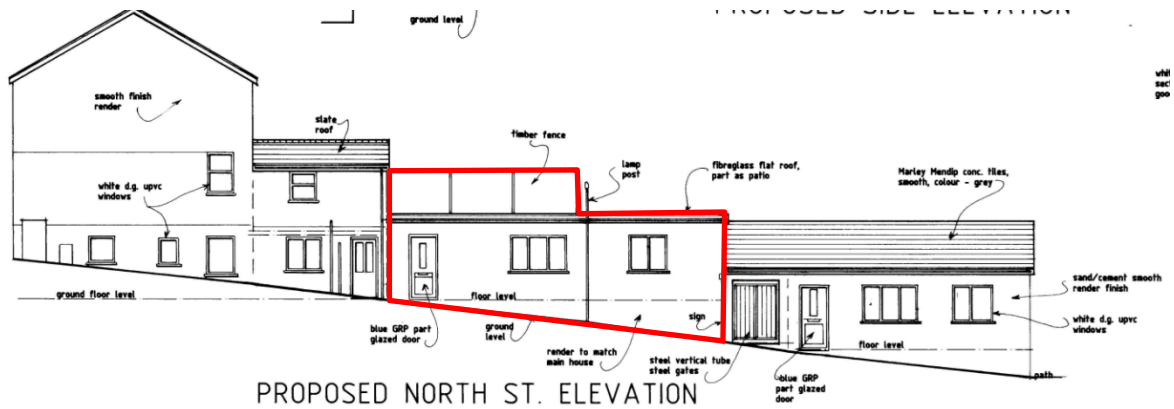
Delegated Decision Report

Application No:	25/0377	Statutory Period Expires:	26 th September 2025
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Site:	21 North Street Newport NP20 1JY		
Proposal:	CHANGE OF USE OF VACANT COMMERCIAL GARAGE TO SELF-CONTAINED FLAT, WITH ASSOCIATED FACADE ALTERATIONS		
Applicant:	Khurana		
Type:	Full	Ward:	Stow Hill
Decision:	REFUSED		

1. BACKGROUND

- 1.1 A previous scheme 24/0284 for the creation of 1no. dwelling was refused for five reasons relating to residential amenity, information relating to possibly contaminated land, unsigned Section 106 agreement and absence of a Green Infrastructure Statement.
- 1.2 The submitted red edged site location plan only relates to the centrally located garage, whereas the submitted proposed elevation and floor plan drawing include development related to land outside of the red edge which is being considered under application 25/0456. The proposed development outside of the red edged plan therefore lies outside of the consideration of this application and no further reference shall be made to it.
- 1.3 The above indicates a series of anomalies which bring into question the quality and accuracy of the submission overall which has essentially *salami sliced* the application rather than submitting a holistic comprehensive scheme. Therefore, an element of judgment is required to identify what unit/land the application relates. The assessment of this application is based upon the creation of 1no. unit relating to the area outlined in red below:



Planning History

- 1.5 The planning history for the site sets out that application 95/0409 was allowed at appeal for the retention of a flat conversion known as 21 North Street; this unit forms the basement of the original dwelling of 1 Jones Street. The application site associated with 95/0409 did not include the garage subject of the current application as can be seen from the proposed floor layout below. The conditions attached by the Inspector allowing the flat conversion application did not contain any conditions relevant to the garage under consideration on the current application.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0284	CHANGE OF USE OF VACANT COMMERCIAL GARAGE TO SELF CONTAINED FLAT, WITH ASSOCIATED FACADE ALTERATIONS	Refused	10.10.2024
07/1143	PARTIAL DISCHARGE OF CONDITION 01 (DETAILS OF ENCLOSURE) OF APPEAL DECISION APP/G/A/07/2043459 FOR THE RETENTION OF DECKING	Approved	20.11.2007
06/1430	RETENTION OF TIMBER DECK BALCONY INSTALLED ON FLAT ROOFED REAR ANNEXE	Refused	29.11.2006

5. PLANNING POLICY

5.1 Historic Environment (Wales) Act 2023

5.2 Technical Advice Note 24: The Historic Environment

5.3 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

5.4 PLANNING POLICY WALES (EDITION 12) 2024

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP13 – Planning Obligations
- SP18 – Urban Regeneration
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- H2 – Housing Standards
- H4 - Affordable Housing
- H8 – Self Contained Accommodation and Houses in Multiple Occupation
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development

5.6 SUPPLEMENTARY PLANNING GUIDANCE

- Sustainable Travel
- Planning Obligations
- Wildlife and Development
- Flat Conversions
- Waste Storage and Collection
- Parking Standards

6. CONSULTATION RESPONSES

6.1 Principal Heritage Officer: No response.

6.2 Ecology Officer: No response.

6.3 Landscape Architect: No objections in principle however, further details are clarifications would be required, and the below comments taken into consideration, should planning consent be given approval: If the area of roof indicated as fibre glass is proposed to be patio, then the balustrade should extend around this area.

If any area of roof is not proposed for patio, then biodiverse sedum/wildflower roof should be considered and would be recommended as well as supported. It is assumed that behind the proposed timber fence/balustrade would also be accessible roof terrace, this should be made clearer.

It is assumed that the fence illustrated, is the existing timber fence, which from Google Street View appears to be in disrepair, is perhaps not the most ideal solution for a balustrade. Etched glass panels would be a more appropriate solution and create a more aesthetically pleasing streetscape.

Details of the proposed roof terrace should be submitted for approval to include:

- Balustrade type and construction; providing evidence that they comply with Building Regulations.
- Surfacing material for the roof terrace/patio.
- Roof planters, if any are proposed, with plant species, size, specification, quantity, spacing.

Ideally a proposed roof plan should be submitted for approval which would help illustrate and clarify the above points

6.4 Drainage Manager: No response.

6.5 Planning Contributions Manager: Planning contributions required toward affordable housing.

6.6 Environmental Health Officer: No response.

6.7 Senior Scientific Officer: No response.

6.8 SAB: 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 the SAB webpage.

6.9 Waste Manager: No response.

6.10 Gwent Police: No response.

6.11 Highways Officer:
Highway recommendation:
Clarification/further information requested. Objections raised, but may be additional objections.

Highway Comments:

The submitted plans show two bedsits as proposed. This is not consistent with the description or red line plan. Furthermore, the bedsits share storage facilities. It is not clear how many units share the facilities, but it appears to be three existing flats and two proposed bedsits.

It is not known what status the existing units have in terms of permitted use; however, it is suggested that they are not domestic garages. From a highways' perspective it is important to understand what the current permitted use is. Given the dropped kerb/footway crossing it appears that the units are garages belonging to adjacent premises.

Assuming that to be the case, there would be a loss of parking and an increased demand, which cannot be supported.

If it is shown that the garages are commercial then the conversion would probably not add any parking demand, but the footway crossing and H bar markings would have to be removed at the developer's expense.

In any event the arrangement for shared bin and cycle storage is not acceptable (even for one unit). Space behind the bins does not constitute cycle storage and it should be noted that the gates must open inwards and thus they reduce the space available. We would question if there is sufficient space for bins let alone bikes. It is certainly not an arrangement that would allow bikes to be manoeuvred or encourage cycle use.

If there are two units as it appears there is opportunity to have storage at the rear, which should be taken.

In summary, clarification of the site's size, proposed development and extant use is requested. There may be objections relating to parking and there are objections relating to refuse management and cycle storage.

- 6.12 Dwr Cymru/Welsh Water: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

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

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.

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.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on the 23rd May 2025.

7.1 NEIGHBOURS: No responses received.

8. ASSESSMENT

8.1 Main Issues:

8.1.1 The main issues relate to residential amenity, parking, character and appearance, and securing Section 106 contributions. Other material considerations shall follow those assessments.

8.2 Impact on Amenity

8.2.1 The proposal seeks to install a 1.37m high fence above the unit to enclose an existing balcony serving an adjoining residential unit. Assessment of the planning history – application 06/1430 – shows that the terraced area as shown on the current proposed drawings would not extend beyond that allowed by the Inspector under appeal G6935/A/07/2043459. The Inspector attached the below condition to ensure the privacy screens were retained for the duration of the use:

1) Unless within 3 month of the date of this decision a scheme for the addition of permanent screening to the western and northern elevation of the timber deck is submitted in writing to the local planning authority (LPA) for approval and unless the approved scheme is implemented within 3 months of the LPA's approval the timber deck shall be removed until a scheme approved by the LPA is implemented. Once erected the permanent screening shall not be removed or altered without the prior written approval of the LPA.

8.2.2 The appeal decision also set out that a privacy screen was required along the western and northern boundaries in the interests of privacy. Details were submitted and agreed by the Local Planning Authority for a closed timber fence measuring 1.58m (h) x 1.8m (w) on the western and northern boundaries.

8.2.3 When taking into account the planning history, it is considered that the erection of a closed boarded timber fence enclosing the roof terrace along the western and northern and boundaries would not harm the visual amenity of the area or lead to increased levels of overlooking from that currently experienced as the impact upon visual amenity has been established through the previous appeal decision.

8.2.4 However, the erection of the fencing along the eastern boundary, adjacent to the highway, would result in identifiable harm on the wider character and appearance of the area resulting in an incongruous and unacceptable visual impact and the setting of the listed building opposite the site. As such, this forms a further reason for refusal.

8.2.5 The alteration to the front elevation facing North Street is considered to not adversely impact the levels of amenity afforded to any residential occupier or the adjacent school.

8.2.6 To the rear elevation, alterations are proposed to reduce the window sizes and to be fixed and obscure glazed, with a cill height of 1.5m above internal finished floor levels which is an improvement in amenity terms when compared to the existing larger obscured windows which are uncontrolled by any planning conditions. However, for a window to be considered as high level, typically the cill shall be 1.7m above the internal floor level. Given the presence of the existing windows and that these are not controlled by way of any form of planning condition to protect existing residential amenity, it is considered that on balance the proposed rear elevation fenestration arrangement would represent an improvement to the amenity and privacy for the occupiers of 2 Jones Street as these would be fixed closed and obscure glazed.

- 8.2.7 The internal floorspace provided for the 1no. bedroom unit equates to 47sqm; this exceeds the minimum space standards as set out within the Flat Conversions SPG and is considered acceptable.
- 8.2.8 The physical constraints of the site result in no outdoor amenity space being available to any future occupant. The Flat Conversions SPG sets out in 5.5.1 that '*Outdoor amenity space should be made available to the occupants...wherever the opportunity exists.*' In this case, there is no opportunity to provide outdoor space, therefore the proposal would not afford future occupants with sufficient levels of amenity.
- 8.2.9 The main living area and bedroom are served by east facing windows; it is considered that this would afford the unit sufficient levels of daylight and sunlight.

8.3 **Impact on Highways and Parking**

- 8.3.1 The Highways Officer notes the loss of the garage for off street parking and notes that the proposed unit would increase on street parking demand. The Highways Officers comments relating to the established use of the garages was addressed under the previous application 24/0284 which concluded that the garages are used in association with existing residential uses of the adjoining properties.
- 8.3.2 The site is located within Parking Zone 2; in this area a one bedroom flat conversion scheme has a parking demand of 1no. parking space. Parking is restricted directly outside of the unit between 8am – 6pm Monday to Saturday, and further down North Street is limited to 1 hour only between 8am -6pm Monday to Saturday. Along Jones Street parking is controlled by residents permits between 8am-8pm Monday to Saturday.
- 8.3.3 While the proposal would generate parking demand, it is considered that on street parking is suitably controlled through the above outlined parking controls. Furthermore, the application site is in a sustainable location due to its proximity to the city centre and amenities located in Stow Hill. It is considered that despite the lack of off street parking, this is not sufficient to form a reason for refusal and does not accord with the aims of Planning Policy Wales (Ed.12) to reduce reliance upon private vehicles for utility journeys.
- 8.3.4 Application 25/0456 seeks to convert the adjoining unit to provide a further 1no. bedroom unit along with communal waste, recycling and bicycle storage. The area of land to which that development relate lies outside of the red edge associated with this application.
- 8.3.5 As set out within 25/0456 the shared use of space for waste and bicycle storage is unacceptable as this arrangement is not suitable as it would not encourage modal shift through the provision of suitable facilities for bicycle storage. Furthermore, if application 25/0456 was found to be acceptable on these grounds the use of a Grampian condition would need to be considered as the scheme under the current application would be reliant upon using this space to cater for those facilities.
- 8.3.6 In the absence of a permitted scheme to provide sufficient communal waste and bicycle storage, the proposed bicycle storage arrangement is unacceptable and contrary to Policy T4.

8.4 **Impact on Character and Appearance**

- 8.4.1 The existing garage adds very little to the architectural quality of the area. The proposed works to renovate and restore the existing building would positively contribute toward the overall appearance of the area and adjacent listed building. However, this benefit would not outweigh the harm caused through the provision of fencing atop the existing unit on the eastern boundary.

8.5 **Section 106 Planning Obligation matters**

- 8.5.1 The terms of the Section 106 agreement have been agreed by the agent; however there are other issues with the scheme as outlined above. Therefore, the scheme is recommended for refusal; in the absence of a signed agreement to the terms, the scheme would not secure any form of contribution toward off site affordable housing. Therefore, the proposal is contrary to Policy SP13 and H4.

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)

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

and

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

In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration, Investment and Housing	To provide a contribution toward off site affordable housing	A commute sum of £858.	Agreed.	No.

8.6 Impact on Biodiversity

8.6.1 The proposal is required to achieve a biodiversity net gain in accordance with Planning Policy Wales (Ed.12). No green infrastructure statement has been submitted to show that the step-wise approach has been followed or provide any biodiversity net gain.

8.6.2 Section 6.4.12 of Planning Policy Wales (Ed.12) sets out that '*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.*'

8.6.3 In the absence of a proportionate green infrastructure statement or other material considerations to justify the lack of green infrastructure statement, this forms a further reason for refusal.

8.7 Waste and Recycling

8.7.1 The adjoining development site proposal includes an area for the provision of waste and recycling storage, in general terms, this would be suitable however as set out above, using

this space for cycle storage also is not acceptable and would be reliant upon an adjoining scheme to provide this area. Therefore, the proposed unit would not be served by adequate waste and recycling storage contrary to Policy W3.

8.8 **Contamination**

8.8.1 The submitted drawings indicate that the garage had a previous commercial use; assessment of the planning history shows no lawful decision confirming a commercial use. Despite this, a precautionary approach is taken as contaminants may be present on the site. In the absence of any survey work to confirm the presence of any contaminants, this forms a further reason for refusal as it cannot be confirmed that the development would have no impact upon public health contrary to Policy GP7.

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 proposal would not secure a contribution toward off site affordable housing, insufficient waste and bicycle storage, poor residential amenity and absence of green infrastructure statement.

11. **DECISION**

Refuse, for the following reason(s):

01 The proposed dwelling would provide a poor level of amenity and privacy for future occupiers. The development would fail to provide any external private amenity space. The scheme would therefore fail to accord with policies GP2 and H6 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

02 The development would have a significant adverse impact upon interests of acknowledged importance, namely human health, having regard to the previous non-domestic use of the garage. No information including testing for contaminants and any required mitigation measures to deal with any contamination has been submitted, contrary to Policy GP7 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

03 The development would have a significant adverse impact upon interests of acknowledged importance, namely lack of waste storage and cycle storage contrary to Policies GP4 and W3 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

04 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).

05 The development would have a significant adverse impact upon interests of acknowledged importance, namely the elevated fencing along the eastern boundary would result in an incongruous appearance resulting in harm on the wider character and appearance of the area and setting of a listed building contrary to Policies SP9 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Site Location Plan (Received: 19/05/2025)
- Proposed Plans and Elevations (Drawing ref: KD2006/1)
- Existing Plans and Elevations (Drawing ref: KD1973/1)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP13, SP18, GP2, GP4, GP5, GP6, GP7, H2, H4, H8, T4 and W3 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.