

Delegated Decision Report

Application No:	26/0381	Statutory Period Expires:	22nd August 2026
------------------------	----------------	----------------------------------	-------------------------

Site:	6 Stow Park Circle Newport NP20 4HE		
Proposal:	INTERNAL ALTERATIONS TO LARGE DWELLING, TO FORM 7NO FLATS AND 1NO. SINGLE DWELLING, WITH ASSOCIATED OFFROAD PARKING, LANDSCAPING AND BIKE / BIN STORAGE		
Applicant:	S Thomas		
Type:	Full	Ward:	Gaer
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is one of a large pair of ornate semi detached Edwardian houses typical to the area, set back from the road within a generous plot, with lawned front garden and mature planted boundary line to Stow Park Circle, in the Gaer ward.

2.2 Located to the east of the site and separated by a vegetated boundary is the Mansion House Registry Office, directly north the site backs onto 18 Stow Park Circle and to the west the property directly adjoins 8 Stow Park Circle. Further west of No.8 is Rothbury House, a Grade II Listed Building. The site is accessed directly from the highway at Stow Park Circle via a narrow access, which leads to parking at the rear of the site. Approximately 80 metres west of the site along Stow Park Circle Registered Historic Park and Garden.

2.3 The description of development describes the existing use of the property as a 'large dwelling', however the existing internal layout plans are annotated as 'master house' and 'flat'. There appears to be no independent access to the 'flat' and it is accessed via the main dwelling and Council's Corporate Gazetteer records indicate there is only one unit at the property. For clarification, the application will be assessed on the basis that the existing building is one dwelling, as described.

2.4 The application site is located within the Stow Park Conservation Area with 6 Stow Park Circle is identified as a Positive Contributor towards the character and appearance of Stow Park Conservation Area within the relevant Conservation Area appraisal.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposal is for the change of use of the existing C3 Dwellinghouse along with internal alterations to form 7no. flats and 1no. single dwellinghouse, with associated off road parking, landscaping and cycle/refuse storage.

3.2 The 7no. of flats are a mix of one and two bedroom units set over the three stories of the property and the two bedroom dwelling is located within the rear portion of the building at ground and first floor. Flats 1, 2 and 3 benefit from their own private access and Flats 4, 5,6 and 7 are accessed through a shared entrance and stair well to the side of the property. The following table sets out how the property will be arranged, with the units types and their Gross Internal Floor Area.

Unit Type	No. Bedrooms	Gross Internal Area (GIA)
Dwelling (GF/FF)	2	110.14sqm
Ground Floor		
Flat 1	1	39.88sqm
Flat 2	1	
Flat 3	1	43.57sqm
First Floor		
Flat 4	1	36.68sqm
Flat 5	1	35.68sqm
Flat 6	1	29.66sqm
Second Floor		
Flat 7	2	106.93sqm

Figure 1 – Proposed Unit Types and Sizes

- 3.3 Externally, operational development is required to facilitate the proposed change of use of the site. Details are limited, but to the front of the property the application proposes the removal of the existing lawned area, to be replaced by an off road parking area for 4no. spaces, advised as being for Flats 1 to 4. Additionally, a cycle storage for 4no. cycles and refuse storage is also proposed to the front of the property. The existing access from the highway is retained in its current form. To the rear of the property, gates are proposed to separate the proposed dwelling from the communal front area, with off road parking provided within the existing hard surfaced area. Installation of wildflower planters are also shown here on the proposed site plan.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
89/0073	CHANGE OF USE OF HOUSE INTO 2 FLATS AND ERECTION OF A PAIR OF DOUBLE GARAGES	GRANTED WITH CONDITIONS	18.04.1989
06/1510	PRUNING OF 3NO. EUCALYPTUS TREES AND A SYCAMORE TREE PROTECTED BY STOW PARK CONSERVATION AREA	NO OBJECTIONS	02.11.2006
13/0025	FELLING OF 2NO. EUCALYPTUS AND 1NO. SYCAMORE PROTECTED BY STOW PARK CONSERVATION AREA	NO OBJECTIONS	08.01.2013

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

- 5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Strategic Policies

SP1 Sustainability

SP2 Health
SP9 Conservation of the Natural, Historic and Built Environment
SP13 Planning Obligations

General Policies

GP1 Climate Change
GP2 General Amenity
GP4 Highways and Accessibility
GP5 Natural Environment
GP6 Quality of Design
GP7 Environmental Protection and Public Health

Environment

CE7 Conservation Areas

Housing

H2 Housing Standards
H3 Housing Mix and Density
H4 Affordable Housing
H8 Self Contained Accommodation and Houses in Multiple Occupation

Parking and Waste

T4 Parking
T5 Walking and Cycling
W3 Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Flat Conversions
Parking Standards
Sustainable travel
Planning Obligations
Wildlife and Development
Trees, Woodland, Hedgerows and Development Sites
Waste Storage and Collection.

5.5 HISTORIC ENVIRONMENT (WALES) ACT 2023

5.6 CONSIDERATION HAS BEEN GIVEN TO: MANAGING CONSERVATION AREAS IN WALES (CADW MAY 2017)

5.7 TECHNICAL ADVICE NOTE (TAN) 5: NATURE CONSERVATION AND PLANNING TECHNICAL ADVICE NOTE (TAN) 12: DESIGN TECHNICAL ADVICE NOTE (TAN) 24: HISTORIC ENVIRONMENT

6. CONSULTATION RESPONSES

6.1 WELSH WATER DWR CYMRU: No objection.

6.2 HIGHWAYS:

Highway recommendation:

Objection on grounds of highway safety relating to the access.

Highway Comments:

The proposals include a house, six one-bed flats and a two-bed flat.

The “private dwelling” raises no specific concerns as it is basically the existing use and has sufficient parking including a garage that could provide cycle storage. We would seek a condition to provide electric vehicle charging for this.

The addition of seven flats is expected to intensify the use of the drive which does not appear to provide adequate visibility for pedestrians and does not have sufficient width to operate as

a shared two-way access. This could be addressed by widening / reconfiguration potentially. However, this would reduce the in-curtilage parking further.

The SPG suggests there should be eight parking spaces for the flats and there are only 4. This is unlikely to be sufficient and there is nothing submitted to demonstrate that the shortfall could be accommodated on street. It should be noted that the access is adjacent to a junction. On street parking is limited and could impact the junction and visibility from adjacent drives.

Residential parking should also incorporate electric vehicle charging which could be addressed via condition.

The cycle parking for the flats is not detailed but appears to be an open, shared shelter of insufficient size. Subject to identifying sufficient space this could also be addressed via a condition, but the location and detail shown would not be sufficient.

The number of properties would require multiple bins to be placed out on the footway. The footway is too narrow for this to be acceptable, and a collection point should be provided without obstructing the drive or visibility splays.

In summary the lack of space for parking and cycle parking raises issues that could not be readily addressed via conditions, but the access width and visibility are the key objections, which are exacerbated by the lack of provision for bin collection. Subject to an improved access, other matters could potentially be addressed with further information or conditions.

6.3 PRINCIPAL HERITAGE OFFICER:

Legislation and Policy

S160(1) of the Historic Environment (Wales) Act 2023 requires that *“In exercising a planning function in relation to a building or other land in a conservation area, a person must have special regard to the desirability of preserving or enhancing the character or appearance of that area.”*

A reasonable reading of this part of the legislation being that *“special regard”* for Conservation Areas (CAs) should be interpreted in the same way as for listed buildings (see per Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Others [2014] EWCA Civ 137) i.e. the desirability of preserving or enhancing the character or appearance of CAs should also be given *“considerable importance and weight”*.

Planning Policy Wales (Edition 12, 2024) states that:

“6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings.

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.”

Policy CE7 of Newport Local Development Plan 2011 – 2026, January 2015 states that:

“DEVELOPMENT WITHIN OR ADJACENT TO CONSERVATION AREAS WILL BE REQUIRED TO:

- i) BE DESIGNED TO PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA, HAVING REGARD TO THE CONSERVATION AREA APPRAISAL WHERE APPROPRIATE.***
- ii) AVOID THE REMOVAL OF EXISTING HISTORIC FEATURES, INCLUDING TRADITIONAL SHOPFRONTS AND JOINERY.***
- iii) USE MATERIALS WHICH ARE TRADITIONAL, OR APPROPRIATE TO THEIR CONTEXT.***

- iv) COMPLEMENT OR REFLECT THE ARCHITECTURAL QUALITIES OF NEARBY BUILDINGS WHICH MAKE A POSITIVE CONTRIBUTION TO THE CHARACTER OF THE AREA.
- v) PAY SPECIAL ATTENTION TO THE SETTINGS OF BUILDINGS, AND AVOID THE LOSS OF ANY EXISTING DOMESTIC GARDENS AND OPEN SPACES WHICH CONTRIBUTE TO THE CHARACTER OF THE AREA.
- vi) AVOID ADVERSE IMPACT ON ANY SIGNIFICANT VIEWS, WITHIN, TOWARDS AND OUTWARDS FROM THE CONSERVATION AREA.”

6 Stow Park Circle is one of a pair of semi-detached Victorian villas located within the heart of Stow Park Conservation Area.

As identified within the Stow Park Conservation Area Appraisal, February 2020 (CAA):

“3.4.1 Important views within the Stow Park Conservation Area are largely channelled by its streetscapes, especially at intersections where views are split down diverging streets; including the junction of Caerau Road and Caerau Crescent, and the north end of Stow Park Circle. The steep slope of Stow Park Avenue also contributes to views up towards Stow Hill and down towards Belle Vue Park, with the elevated position of the terraced houses on the east side of the road emphasising their presence.

3.4.2 The higher proportion of greenery around Stow Park Circle creates very different types of views in the south-west corner of the Conservation Area, shielding many of the buildings behind mature boundary planting and trees. This means that the buildings are glimpsed between gaps in the planting and the overall character is much greener and less urban than the north and east sides of the Conservation Area.

3.6.1 The architectural character throughout the Stow Park Conservation Area varies greatly: there is no one uniform style although there are obvious classical and Arts & Crafts influences.

3.6.2 The houses in Stow Park Circle are typically large, villa-style buildings set back from the road and in an elevated position, which further emphasises their large scale. By contrast, the rest of the Conservation Area typically consists of townhouses, both terraced and semi-detached. Those on Stow Park Avenue are notably large in their scale and dominant within the streetscape as a result of their size and the topography at the south end of the Conservation Area. Those on the north side of the Conservation Area are typically smaller in comparison.

3.6.3 Although the architectural styles throughout the Conservation Area vary from building to building, there is a common palette of characteristic features. This includes:

- Prominent gable ends.*
- Tall chimneystacks.*
- Hung tiles.*
- Canted or squared bays, and turrets.*
- Large windows, often with smaller lights in the upper pane.*
- Half timbering.*
- Barge boards.*
- Ridge tiles; and*
- Sculpted detailing such as date stones.*

3.6.7 Stow Park Circle & Stow Park Crescent: characterised by large villa-style houses, typically set back within their plots with mature planted boundaries (occasionally

accompanying low walls). Front-facing gable ends are common and half-timbering is often incorporated on upper levels.

3.7.1 The open spaces within the Conservation Area are typically private gardens with lush mature planting around their edges, especially in Stow Park Crescent and Stow Park Circle. This provides important visual amenity to the streetscapes and contributes substantially to their leafy, green character. The tree cover also creates a distinctive contrast of light and shade throughout the Conservation Area, often emphasising the upper storeys of buildings as they catch the sunlight.

4.1.1 The Stow Park Conservation Area is highly significant as a demonstration of Newport's commercial successes in the late 19th and early 20th centuries, and the impact this had on the City's growth. The quality and variety of its architecture, combined with its distinctive greenness results in a highly significant and unusual suburb. Unlike much of the wider suburban development in Newport, Stow Park has a distinctive configuration, especially the looped arrangements in the south-west portion of the Conservation Area.

4.1.2 The different types of architecture throughout the Conservation Area is illustrative of its phased development and result in an aesthetic variety, especially the contrast of the highly visible terraces and more hidden villas. Characteristic features such as prominent gables, ornate detailing and prominent positioning add further to the aesthetic value of the buildings.

4.1.4 Overall, the special interest of the Stow Park Conservation Area is drawn from its historical links with Newport's 19th-century commercial prosperity and the architectural richness this afforded in the growing suburbs. The ratio of greenery to buildings is also a highly significant characteristic of the Conservation Area and sets it apart from other suburbs.

Relevant Aims and Objectives within the Stow Park CAA are:

2. Buildings, features and spaces identified as making a positive contribution to the Conservation Area will be afforded protection against harmful change.

Reason: To protect the character of the Conservation Area as a whole and the significance of its individual heritage assets, in line with Government policy.

5. The rich green-ness of the Conservation Area should be protected through the considered management of existing trees and careful design of new planting.

Reason: To protect a defining characteristic of the Conservation Area and to manage trees in line with other local policy.

6. Newport City Council will resist development where the high proportion of green space to building is affected.

Reason: To protect a defining characteristic of the Conservation Area.

7. Development within the setting of the Conservation Area which harms its character should be resisted. Development which positively contributes to the setting of the Conservation Area will be encouraged.

Reason: To protect and enhance the Conservation Area in line with Government policy.

6 Stow Park Circle is identified as a Positive Contributor towards the character and appearance of Stow Park Conservation Area within the relevant Conservation Area Appraisal.

Note also that there is an Article 4(2) Direction in place within the area, which restricts numerous 'permitted development rights' afforded to dwellinghouses under the GPDO 1995 (as amended). These are:

- Removal, renewal or alteration of doors, door frames, windows and window frames, set within external walls of dwelling houses

- *Alteration or addition of door and window opening, including heads, quoins and cills set in external walls of dwelling houses*
- *Removal, renewal or alteration to the external covering (including slates, tiles and ridge cappings) of the roof covering of a dwelling house*
- *Replacement, removal or renewal of rainwater goods, fascias and soffits*
- *Painting of external walls in a manner that materially affects the external appearance of a dwelling house*
- *Erection, renewal, alteration or demolition of the whole or any part of any gate, fence, wall or other means of enclosure*
- *The construction of a porch outside any external door which faces a highway*
- *The construction of a hard surface where it is nearer a highway than the dwelling*
- *The removal of render, spar, pebbledash or any similar surface finish to the walls of a dwelling house*
- *Insofar as any such development referred to above would front onto a highway or open space.*

Observations

Development within the Curtilage

The property in question is identified as a Positive Contributor towards both the character and appearance of Stow Park Conservation Area, being one of a large pair of ornate semi-detached Edwardian houses typical to the area, set back from the road within a generous plot, with lawned front garden and mature planted boundary line to Stow Park Circle.

It is notable that no existing site plan is provided to show the current extent of both hardstanding and green garden area to the prominent roadside front of the property. This should be provided as part of the application, to clearly demonstrate the extent of proposed alteration within the curtilage.

Though the retained/replanted front hedging will inevitably provide some future screening of the property and its proposed alteration (see below), it must be borne in mind that any future removal of hedging would not constitute development requiring planning permission - and therefore cannot be considered to provide adequate mitigation for any harm proposed.

Notwithstanding the absence of detailed existing site plans, it seems clear that the existing, generous and green front is proposed to be entirely eliminated (barring retention/reintroduction of hedging to the front boundary), with extension of raised paving to the front of the house, extension of what is presumably tarmac across the entire front garden, the introduction of car parking behind the front boundary hedging, and the introduction of both bin and bike storage directly before the house. Such loss of planting will negatively impact upon the rich green-ness of the area (as identified within the CAA), and the proposed enclosures to the front garden will directly distract from and intrude into principal views of the building. This will result in harm.

Alterations to the Building

The existing property frontage appears to have lost its original timber sliding sash windows prior to enactment of the abovementioned Article 4(2) Direction (2020). The property has also, at some stage seen reorientation of principal entrance to the property from side lobby entry (as per no.8) to front, via elimination of its tripartite stone transom and mullion window and the introduction of a door with side lights within the aperture. This has resulted in harmful unbalancing of the semi-detached pair.

As part of this application, it is proposed to further amend existing windows adjacent to the ground floor front entrance, to enable subdivision of the existing sitting room at ground

floor. In my view, this will result in further, harmful unbalancing of the principal front of this semi-detached pair and, by extension, further harm to both character and appearance of Stow Park Conservation Area.

Any opportunity for enhancement elsewhere, which may contribute towards mitigation of harm, has been ignored.

Conclusion

These proposals would result in harm to both character and appearance of the Stow Park Conservation Area, contrary to the aims of S160(1) of the Historic Environment (Wales) Act 2023, Planning Policy Wales (Edition 12, 2024), Policy CE7 of Newport Local Development Plan 2011 – 2026, January 2015 and the Stow Park Conservation Area Appraisal, February 2020.

- 6.4 LANDSCAPE: The frontage has an overgrown evergreen laurel hedge and other small trees/large shrubs in grass behind. The mature hedge frontage is a key characteristic of the Conservation Area.

It is not clear what can be retained and what will require removal. The existing plan does not show the full extent of existing vegetation and should also include boundary vegetation to the west. A Tree Survey to BS5837 is required to establish existing cover and protection areas for tree/hedge retention.

I would advise a topographic survey is used as a base plan as this is a narrow plot which is proposed to accommodate access, four parking spaces, in addition to vehicle turning in an area which is to include new bin and cycle stores.

Location of the cycle store to the front of the house is not ideal particularly in a Conservation Area. Cycle storage should be relocated to the rear.

The wildflower area will be difficult to manage and is in shade. Shade tolerant shrubs, bulbs and perennials are more likely to succeed.

Boundary treatment is unclear.

Recommendations:

- The proposal should meet the requirements of GP5 General Development Principles – Natural Environment : vi the proposal includes an appropriate landscape scheme which enhances the site and the wider context including green infrastructure and biodiversity networks.

In addition to a topographic survey and tree survey, the following further details are required to be submitted for approval:

1. Soft Landscape/Planting Plan showing planting type, species, size, density and outline maintenance plan for five years to cover new planting until established. The plan should clearly showing vegetation to be removed and vegetation to be retained. It is advised that a suitably qualified landscape specialist/professional is used to provide the planting plan.
2. Boundary plan and details.

- 6.5 TREES: The property is located in the Stow Park Conservation Area. Currently, there is no information regarding onsite vegetation and how the proposals to the drive access and parking at the front of the property. Internal layout alterations will not impact on the existing landscaping but changes to the parking and garden area could result in a degradation of the landscape. The application should be supported with a tree survey to BS5837:2012 along with an implications assessment method statement. In addition provision should be made for the installation of suitable new trees on the frontage to provide a long-term amenity and shading to the front garden area whilst contributing the setting and character of the Conservation Area.

Policy Consideration :

Planning Policy Wales (PPW) – Edition 12 (February 2024)

Whilst internal layout alterations will not impact on the setting and character of the Conservation Area the loss of the front garden to parking and potential to damage existing retained vegetation is high.

No information has been provided on the type, health and condition of the existing vegetation or how it will be protected and retained. Site Plan (ground floor) as proposed shows the majority of south facing front garden being hard surface and it is unclear how this will be achieved or its implications. This is contrary to Policy EN.8 which states: *“Development will not be permitted that would cause unacceptable harm to trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage value, or that contribute significantly to mitigating the effects of climate change.”*

Parking will be at an elevated level and therefore retaining boundary vegetation is important if impact on drivers using the junction of Cae Perlan Road is to be avoided. The plan appears to show the loss of the Laurel hedge and potential level changes.

Although vegetation is lost there appears to be little planting provided in mitigation. It is unclear what works are to be carried out along the eastern boundary. Contrary to EN8 and Policy GP5 which requires appropriate new planting and wider landscape/green infrastructure within schemes, not simply avoiding harm.

Conclusion:

Insufficient information has been provided to support the application and without it, it should be refused as failing to meet Policy GP5 and EN.8.

Recommendation:

The applicant should be requested to provide a survey, implications assessment, and tree protection plan in accordance with BS 5837:2012 for trees in relation to design, demolition and construction - Recommendations. This should identify what trees and shrub masses are present, what will be removed and retained, and what protection measures will be implemented to ensure their retention during and post-construction.

The applicant should also provide a landscape scheme which includes new tree planting to the southern elevation which will mitigate proposed losses and contribute to the setting and character of the conservation area.

- 6.6 ECOLOGY: No response.
- 6.7 ENVIRONMENTAL HEALTH: No objection subject to conditions.
- 6.8 SENIOR SCIENTIFIC OFFICER: No objection subject to conditions.
- 6.9 WASTE: No response.
- 6.10 SAB: SAB may be required depending on construction area size.
- 6.11 DRAINAGE: No response.
- 6.12 PLANNING CONTRIBUTIONS MANAGER:

1. Introduction

The following S106 planning obligations are based upon a net development of 1 x 2 bed market apartment and 6 x 1 bed market apartments

2. Affordable Housing

Commuted sum payments for affordable housing will normally be sought on sites of fewer than 10 dwellings within the defined settlement boundary. The site lies within the Newport West Housing Target Area. Newport West requires the delivery of 30% affordable housing on new development. The equivalent commuted sum generated is £25,462

This payment would be index linked to the Retail Price Index and paid prior to occupation of the 3rd dwelling

3. Education

‘School Capacity’ is calculated taking account of: current school capacities; demand generated by extant permissions and/or Joint Housing Land Availability supply; and, future pupil number projections over the lifetime of the related planning permission

Primary

The development is served by Gaer Primary School. Taking into account the scale and type of development and ‘School Capacity’, no contribution is required.

Secondary

The development is served by John Frost High School. Taking into account the scale and type of development and ‘School Capacity’, no contribution is required.

4. Leisure

NB: One bed apartments are exempt from contributing towards Equipped Play

Owing to the surplus of ‘Formal’ and ‘Informal’ play provision within the Gaer Ward, no contributions are requested for these categories. However, there is a deficit of ‘Equipped’ play provision. As such, the proposed development generates a commuted sum of £1,388 to upgrade and maintain Stelvio Recreation Ground

All Leisure Sums will be index linked to the Retail Price Index and paid prior to occupation of the 3rd dwelling

5. Fees

Administration Fee

In accordance with the Planning Obligations SPG (2020), a £1,023 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.

Legal Fee

Planning Obligations can be contained in Unilateral Undertakings or s.106 Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas s.106 Agreements are usually drafted by the Council's in-house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the s.106 Agreement with prior agreement). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing the s.106 Agreement and Unilateral Undertakings, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed. There is a minimum contribution to legal costs of £700, although more time-consuming and complex documents would require an increased contribution to legal costs.

7. PUBLIC REPRESENTATIONS

Neighbour notification letters were sent on 6th July 2026.

- 7.1 NEIGHBOURS: 18no. properties were consulted and no responses have been received.

8. ASSESSMENT

8.1 Principle of Development:

- 8.1.1 The proposal is for the residential redevelopment of the existing single dwellinghouse to provide one dwelling and seven flats. The existing site is previously developed land that is located within the urban boundary and is in a location that is considered to be reasonably sustainable.
- 8.1.2 As such, the proposed conversion of the property to a mix of residential units is considered to be compliant with the aims of Policy SP1 and is acceptable in principle. However, all other material planning considerations must be appropriately addressed and the remainder of this report will assess this.

8.2 Residential Amenity:

- 8.2.1 Policy GP2 (General Amenity) states;

Development will be permitted where, as applicable:

- i) There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;*
- ii) The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;*
- iii) The proposal seeks to design out the opportunity for crime and anti-social behaviour;*
- iv) The proposal promotes inclusive design both for the built development and access within and around the development;*
- v) Adequate amenity for future occupiers.*

- 8.2.2 Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) states

“Within the defined settlement boundaries, proposals to subdivide a property into self contained, 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.”*

- 8.2.3 The Flat Conversions SPG (updated October 2021) is also of relevance and its purpose is to ensure that occupants of converted flats have reasonable living conditions, that converted flats do not deprive persons in existing dwellings of reasonable living conditions and to protect the character and appearance of the built environment.

Future Occupiers

- 8.2.4 The proposed development should meet the following standards in order to achieve acceptable levels of residential amenity for both future and neighbouring occupiers:

A converted flat should offer its occupants reasonable levels/amounts of natural light, perceived space, privacy, ventilation, peace and quiet, noise attenuation, outdoor amenity space, parking, cycle storage, and bin/recycling storage.

- 8.2.5 A flat conversion should meet the relevant desired standard for gross internal floor space, and the below table compares the proposal with the SPG desired standard:

Flat No.	No. Bedrooms	Desired GIA (sqm)	Proposed GIA (sqm)	+/-
1	1	45	39.88	- 5.12
2	1	45	38.57	- 6.43
3	1	45	43.57	- 1.43
4	1	45	36.88	- 8.12
5	1	45	35.89	- 9.11
6	1	45	29.66	- 15.34
7	2	58	106.93	+ 48.93

Figure 2 – Proposed Flat GIA vs SPG Desired GIA

- 8.2.6 With the exception of Flat 7 at third floor level, all proposed units fall below the recommended internal space standards, with some experiencing significant shortfalls. The proposal is therefore considered to represent an overdevelopment of the building, resulting in an unacceptable standard of residential amenity for future occupiers.
- 8.2.7 In addition to their limited size, the flats exhibit poor internal layouts. The subdivision of accommodation through the insertion of partition walls creates awkward and inefficient room configurations, including habitable rooms with restricted outlook and limited access to natural light. These deficiencies would further diminish the perception of space and overall living conditions within the units.
- 8.2.8 While the principle of subdividing the building into self contained flats may be acceptable, the scheme seeks to accommodate an excessive number of units within the existing building. This results in a cramped and poor quality form of development that fails to provide an acceptable level of residential amenity for future residents.
- 8.2.9 The Flat Conversions SPG does advise that where the opportunity exists, outdoor amenity space should be made available for occupants of a converted flat. This is not always possible for flat conversions, however the existing area of lawn which could offer some communal amenity space for residents, albeit not adequate for 7no. flats, is set to be lost for the provision of parking. A small, raised area to the front of Flat 1 and 2 is proposed and could be utilised by these flats to some degree, so would offer limited amenity. Flat 7 would benefit from some private amenity space through the provision of the existing front balcony. However, the limited provision of external space for some units would not outweigh the overall harm caused to future amenity by the insufficient and overdeveloped layout or the proposed development.

Neighbouring Amenity

- 8.2.10 The general character of the overall area is residential, although the site is located next to the registry office at Mansion House. The existing property is in residential use and the proposal will retain the residential use of the building, albeit in a much intensified capacity.
- 8.2.11 It is considered that the adjoining semi detached property at 8 Stow Park Circle is the neighbouring property who would most likely feel any adverse impact should it arise through the proposed subdivision and conversion of the property. Having reviewed the layout, the main stair case of that will provide access to the upper floor flats is located on the opposite side of the building to the party wall, so any increase in comings and goings and use of these stairs are not likely to be noticed by no.8. A new stair case is proposed adjacent to the party wall, however this is within the newly proposed two bedroom dwelling, so would be limited to use by these occupiers only and is not considered to give rise to any significant level of disturbance. It is not considered that the use of other existing rooms as flats along the party wall would result in an adverse impact on residential amenity either.
- 8.2.12 18 Stow Park Circle shares the rear boundary with the site, however there is not considered to be any adverse impact on their residential amenity through the subdivision of the building, and the relationship is considered to be retained in a comparable fashion to existing.
- 8.2.13 The proposal is not considered to result in any adverse impact to the residential amenity of any neighbouring occupiers.

Conclusion

8.2.14 The proposal is contrary to Policy GP2 and H8 of the NLDP 2011-2026 (adopted January 2015).

8.3 Impact on the Character and Appearance of the Conservation Area and Visual Amenity:

8.3.1 S160(1) of the Historic Environment (Wales) Act 2024 requires that *“in exercising their function in relation to a building or other land in a conservation area, a person must have special regard to the desirability of preserving character or enhancing the character or appearance of that area”*.

8.3.2 NLDP 2011-2026 (adopted January 2015) Policy CE7 states;

Development within or adjacent to conservation areas will be required to:

- i) Be designed to preserve or enhance the character or appearance of the conservation area, having regard to the conservation area appraisal where appropriate.*
- ii) Avoid the removal of existing historic features, including traditional shopfronts and joinery.*
- iii) Use materials which are traditional, or appropriate to their context.*
- iv) Complement or reflect the architectural qualities of nearby buildings which make a positive contribution to the character of the area.*
- v) Pay special attention to the settings of buildings, and avoid the loss of any existing domestic gardens and open spaces which contribute to the character of the area.*
- vi) Avoid adverse impact on any significant views, within, towards and outwards from the conservation area.*

8.3.3 The application property is identified as a Positive Contributor to the character and appearance of the Stow Park Conservation Area. The dwelling forms one half of an attractive pair of ornate Edwardian semi detached houses that are characteristic of the area. The property occupies a generous plot, set back from the highway behind a lawned front garden and mature planted boundary frontage to Stow Park Circle, all of which make a positive contribution to the significance, character and appearance of the Conservation Area.

8.3.4 The proposal would result in the loss of the existing lawned front garden and its replacement with a substantial area of hardstanding to provide vehicular parking. In addition, the raised patio to the front elevation would be extended. Collectively, these alterations would introduce a significantly harder and more suburbanised appearance to the frontage of the property, diminishing its contribution to the spacious, landscaped character of the Conservation Area. Whilst the submitted drawings provide limited detail, it is evident from the site visit that changes in ground levels may be required to facilitate the proposed parking area, potentially necessitating retaining structures. In the absence of such details, the full extent of the visual impact cannot be assessed; however, any associated engineering works would be likely to further erode the character and appearance of both the host property and the wider Conservation Area. The provision of refuse and cycle storage directly to the front elevation of the property and in public view would also result in an adverse visual impact on the character and appearance of the Conservation Area.

8.3.5 Although the mature vegetated frontage provides a degree of screening, both the Council's Tree Officer and Landscape Officer have raised concerns regarding the potential impact of the proposed development on this important landscape feature. No arboricultural survey, tree constraints information or topographical survey has been submitted to demonstrate that the proposed works could be undertaken without harm to existing trees and vegetation, nor to identify any mitigation measures necessary to ensure their long term retention. In the absence of this information, it has not been demonstrated that the proposal would preserve the landscape qualities of the site or avoid adverse impacts on features that make a positive contribution to the Conservation Area.

- 8.3.6 Furthermore, and as discussed elsewhere in this report, the existing access arrangements are inadequate to serve the proposed intensification of residential use. The Council's Highways Officer has advised that works would likely be required to widen the access and improve visibility in order to provide an acceptable means of access. Such works would necessitate further encroachment into the landscaped frontage and likely require the removal or reduction of existing boundary vegetation. This would increase the prominence of the proposed parking area within the street scene and further undermine the verdant and spacious character that defines this part of the Stow Park Conservation Area.
- 8.3.7 The site is located in proximity to Rothbury House, a Grade II Listed Building, and Stow Park Circle, a Registered Park and Garden. Consideration has been given to whether the proposed development would affect the significance, special character or setting of these heritage assets. Given the limited intervisibility between the site and the assets, it is considered that the proposal would not result in harm to their significance, character or setting, and their heritage interests would therefore be preserved. This does not however outweigh the adverse impact established on the CA.
- 8.3.8 Overall, the proposed development would not only fail to preserve or enhance the character of the Stow Park CA, it would notably cause harm to both its character and appearance, contrary to the Historic Environment (Wales) Act 2023, PPW 12 and Policy CE7 of the NLDP 2011-2026 (adopted January 2015) and the Stow Park Conservation Area Appraisal (February 2020).

8.4 **Green Infrastructure and Biodiversity:**

- 8.4.1 Chapter 6 of *Planning Policy Wales* (PPW), Edition 12 (February 2024), requires planning authorities to maintain and enhance biodiversity in the exercise of their functions. The policy promotes the delivery of a net benefit for biodiversity, whereby development should leave biodiversity and ecosystem resilience in a demonstrably better state than before development takes place, delivering both immediate and long-term ecological benefits. PPW also requires the submission of a Green Infrastructure Statement (GIS), proportionate to the scale and nature of the proposed development, demonstrating how green infrastructure has informed the design process and how the stepwise approach has been applied to avoid, minimise, mitigate and compensate for impacts on biodiversity. Where relevant, proposals should incorporate appropriate enhancement measures to secure a net benefit for biodiversity.
- 8.4.2 No Green Infrastructure Statement has been submitted in support of the application. Whilst the principal element of the proposal relates to the change of use of the building, operational development is required to facilitate the development, including the construction of a parking area within the front curtilage. As discussed elsewhere in this report, this would result in the loss of the existing lawned frontage and has the potential to adversely affect existing landscape features within the site. The Council's Tree Officer and Landscape Officer have raised concerns regarding the impact of the proposal on these features and the absence of sufficient information to demonstrate their protection and long term retention. In the absence of a GIS, arboricultural information and supporting surveys, it has not been demonstrated that the proposal has appropriately followed the stepwise approach, safeguarded existing green infrastructure assets, or incorporated measures to secure biodiversity enhancement. On the contrary, the available evidence indicates that the development is likely to result in a net loss of green infrastructure and biodiversity value, contrary to the objectives of PPW12. Therefore, in accordance with 6.4.12 of PPW12 it is considered necessary to refuse consent: *"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"*.
- 8.4.3 As such, the proposal fails to comply with Chapter 6 of PPW12 or Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

8.5 **Highway Safety and Parking:**

- 8.5.1 The existing dwelling has a parking requirement of 3no. spaces as per the adopted Parking Standards SPG, and this is currently accommodated on site to the rear via two garages and hard surfaced external area, allowing vehicles to manoeuvre within the site and access and egress in a forward gear.
- 8.5.2 The proposed development would result in 1no. parking space for the 6no. one bedroom flats, 2no. parking spaces for the two bedroom flat, 2no. parking spaces for the two bedroom house and 1no. visitor parking space per 5 units. Altogether the parking demand for the proposed development would equate to 10no. resident parking spaces and 1no. visitor space.
- 8.5.3 The proposal would involve the removal of the existing front lawn to provide four parking spaces within the site. Notwithstanding this provision, the development would result in a shortfall of six resident parking spaces and one visitor parking space against the Council's parking standards. No supporting information has been submitted to justify a reduced parking provision through a sustainability appraisal, nor has any parking survey been provided to demonstrate that the resulting parking demand could be safely accommodated on the surrounding highway network without adverse impacts on highway safety or residential amenity. Observations made during the site visit indicate that on street parking in the locality is limited and already subject to high levels of demand. Whilst national planning policy seeks to promote sustainable travel choices and reduce reliance on the private car, insufficient evidence has been submitted to demonstrate that future occupiers would generate a reduced parking demand or that any parking overspill could be accommodated safely and appropriately on surrounding streets.
- 8.5.4 Further concerns arise in relation to the site's access arrangements. The existing access is narrow and provides limited visibility. The Council's Highways Officer has advised that the proposed net increase of seven flats would significantly intensify use of the access, which does not provide adequate visibility for pedestrians and lacks sufficient width to function effectively as a shared two way access. Whilst it is acknowledged that these deficiencies may potentially be addressed through widening or reconfiguring the access, such alterations would likely reduce the amount of parking that could be accommodated within the site. It is also likely that such visibility splays would include land outside of the applicant's control and implementation could not be secured. Furthermore, works required to improve the access and/or increase parking provision would necessitate the loss of existing landscaping features and the boundary wall. As set out elsewhere in this assessment, the removal of these features would harm the character and appearance of the Conservation Area and conflict with green infrastructure objectives and would be resisted. The removal of boundary walls would not be supported given their positive contribution to the character and appearance of the CA. Consequently, such works would not represent an acceptable solution to the identified highway and parking deficiencies.
- 8.5.5 The proposal is contrary to Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

8.6 Section 106 Planning Obligation matters

- 8.6.1 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:

In this case, the developer has provided information in relation to the viability of the planning obligations relevant to the scheme...(officers must explain what information received, what viability issues raised and our assessment of them, how has this affected the planning obligation agreed by officers)?

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 and Economic Development	Commutated sum to provide a financial contribution to off site affordable housing	30% - Newport West Housing Target Area in accordance with policy SP13 of NLDP £25,462	N/A	N/A
Leisure	Deficit of Equipped play provision within Gaer Ward	Commutated sum of £1,388 to upgrade and maintain Stelvio Recreation Ground	N/A	N/A

8.6.2 As the application is being refused planning permission, agreement to the Draft Heads of Terms from the applicant has not been sought.

8.6.3 In line with the advice set out in Dear CPO letter December 2018, the lack of an obligation is included as a reason for refusal. In the event of an appeal, this will avoid the LPA introducing a new reason for refusal at appeal stage.

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 proposed development would result in an unacceptable standard of residential amenity for future occupiers by reason of substandard internal space provision, poor unit layouts, limited outlook and inadequate access to natural light. Furthermore, the proposal would fail to preserve the character and appearance of the Stow Park Conservation Area, resulting in harm to the significance of the application property as a positive contributor and to the wider verdant character of the area. The development would also have an adverse impact on existing landscape features and green infrastructure, with insufficient information submitted to demonstrate their protection, retention or enhancement, and would fail to secure a net benefit for biodiversity. In addition, the proposal would give rise to unacceptable parking deficiencies and would intensify the use of a substandard access arrangement, to the detriment of highway safety and the safe operation of the local highway network.

10.2 This is contrary to Policies SP9, SP13, GP2, GP4, GP5, H4, H8 and CE7 of the Newport Local Development Plan 2011-2026 (adopted January 2015), the Stow Park Conservation Area Appraisal (2020) and the Historic Environment (Wales) Act 2023.

10.3 Planning permission is refused.

11. DECISION

REFUSED

01 The proposed development would result in an overdevelopment of the building and an unacceptable standard of residential amenity for future occupiers of the site by reason of insufficient flat sizes, their poor layout and limited outlook and access to natural light. This is contrary to Policy GP2 and H8 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the Flat Conversions SPG (adopted October 2021).

02 The proposed development would fail to preserve or enhance the character and appearance of the Stow Park Conservation Area and would result in an adverse impact on visual amenity by reason of the loss of the existing landscaped front garden and lawned area to accommodate car parking, together with the harmful impact on the established mature boundary landscaping, which makes a positive contribution to the street scape and the significance of the conservation area. No information has been provided to mitigate this. The proposal is contrary to Policies SP9, GP2, GP5 and CE7 of the Newport Local Development Plan 2011-2026 (adopted January 2015), Planning Policy Wales 12, and the Historic Environment (Wales) Act 2023.

03 The proposal would result in an unacceptable impact on highway safety through the intensification of the use of a substandard shared access and through the insufficient provision of off street parking for the scale of development proposed. No information has been submitted that mitigates this. The proposal is contrary to Policy GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

04 The proposed development will have a significant adverse impact on interests of acknowledged importance, namely Green Infrastructure and Ecological Enhancement. No information has been provided to mitigate this. The proposal is contrary to Chapter 6 of Planning Policy Wales 12 and Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

05 The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely affordable housing. No signed legal agreement has been provided for the commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing and leisure provision. This is contrary to Policy SP13 and H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; Ground Floor Existing; Ground Floor Proposed; Site Plan (Ground Floor Shown) As Proposed; Site Plan (Ground Floor Shown) As Existing; First Floor Existing; First Floor Proposed; Second Floor Existing; Third Floor Proposed; Existing (Front) South Elevation; Proposed (Front) South Elevation; Existing Rear (North) Elevation; Proposed Rear (North) Elevation; Side (East) Elevation Existing; Side (East) Elevation Proposed);

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP9, SP13, GP1, GP2, GP4, GP5, GP6, GP7, CE7, H2, H3, H4, H8T4, T5 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.