

Delegated Decision Report

Application No:	25/0283	Statutory Period Expires:	29th July 2025
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Site:	1 - 3 Chartist Tower Upper Dock Street Newport South Wales NP20 1DX		
Proposal:	CHANGE OF USE TO ARCADE		
Applicant:	M Brown		
Type:	Full	Ward:	Stow Hill
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located within the City Centre inset map as per the Newport Local Development Plan 2011-2026 (adopted January 2015), with the elevation facing Corn Street allocated as a Secondary Shopping Frontage. The site is also located within an Archaeologically Sensitive Area. The site comprises of the ground floor and first floor unit at the intersection of Upper Dock Street and Corn Street.

2.2 The currently vacant unit forms the lower ground floor area of the developed Chartist Hotel. Historically, this corner unit formed a retail unit however planning permission was granted under 18/0465 for the redevelopment of Chartist Tower for this unit to be used as A3 – Food and Drink. Most recently, under 23/0767 the unit had been used as 15no. cinema pods with overnight accommodation. The unit is now vacant.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks the change of use to a gaming arcade. The building would be accessed off Corn Street and the proposed ground and first floor layout would comprise arcade games. The opening hours proposed are Monday to Thursday Closed. Friday- 16:00-20:00. Saturday, Sunday and Bank Holidays 10:00-20:00.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/0767	CHANGE OF USE OF GROUND FLOOR AND FIRST FLOOR TO PROVIDE 15NO. CINEMA PODS WITH OVERNIGHT ACCOMODATION, SHOWER/TOILET FACILITIES AND INTERNAL ASSOCIATED WORKS	GC	09.11.2023
18/0465	CHANGE OF USE OF CHARTIST TOWER TO PART HOTEL (USE CLASS	GC	21.09.2021

	C1), COMPRISING ANCILLARY FACILITIES (GYM, CONFERENCE SPACE, STORAGE SPACE, OFFICES & RESTAURANT) AND GROUND FLOOR COFFEE SHOP (USE CLASS A3) AT FORMER UNITS 8-11, PART RETENTION AND RECONFIGURATION TO CREATE OFFICE FLOOR SPACE (USE CLASS B1), CHANGE OF USE OF UNITS 1-3 TO A RESTAURANT (USE CLASS A3), AND EXTERNAL ALTERATIONS TO THE FACADE OF CHARTIST TOWER (TO INCLUDE ROOF TOP LOUVRES, CLADDING, NEW FENESTRATION AND GLASS BOX EXTENSION) AND TO THE RETAIL UNITS FRONTING UPPER DOCK STREET, AUSTIN FRIARS (FORMER UNITS 1-7 & 12-13) AND COMMERCIAL STREET (THE FORMER BHS)		
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5. PLANNING POLICY

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 8- Flooding

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

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

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

5.3 TECHNICAL ADVICE NOTE

Technical advice note (TAN) 4: retail and commercial development
Technical advice note (TAN) 5: nature conservation and planning
Technical advice note (TAN) 15: development, flooding and coastal erosion
Technical advice note (TAN) 21: waste
Technical advice note (TAN) 24: the historic environment

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 (Sustainability)
GP2 (General Amenity)
GP4 (Highways and Accessibility)
GP5 (Natural Environment)
GP6 (Quality of Design)
T4 Parking
W3 (Provision for Waste Management Facilities in Development)
R3 (Non-Retail Uses in Secondary City Centre Shopping Areas)
CE6 (Archaeology)
CE7 (Conservation Areas)

5.5 SUPPLEMENTARY PLANNING GUIDANCE

Parking Standards SPG (August 2015)
Waste Storage and Collection (2020)

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales:

We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

The planning application proposes less vulnerable development, change of use to arcade. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and within Flood Zone 2 & 3 – Sea. The application proposes a change of use to a less vulnerable use as defined in Technical Advice Note 15: Development, flooding and coastal erosion (TAN15), dated 2025. As such we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences. We would also expect the developer to take the opportunity to incorporate flood resilient design where feasible. Guidance on resilient design can be found in Chapter 13 of TAN15 which references advice from Construction Industry Research and Information Association, including a Code of Practice and Guidance for Property Flood Resilience.

6.2 Local Highways Authority:

No adverse highway impacts are anticipated and there are therefore no objections

6.3 Welsh Water:

We would request that if you are minded to grant Planning Consent for the above development that the **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.

6.4 SAB: Having reviewed the submitted information, a SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant to visit SAB.

- 6.5 Waste Manager: We anticipate a requirement for trade waste and recycling. NCC trade waste services would be happy to quote for services ahead of opening.

From April 2024 Workplace Recycling Regulations will apply to all non-domestic premises.

- 6.6 Contamination Officer: No comments received.

- 6.7 DOCO: No comments received.

- 6.8 HENEB:

The information in the Historic Environment Record (HER) curated by this Trust shows that the proposed development site is situated within the Newport Archaeologically Sensitive Area (ASA), with a concentration of evidence of activity of medieval and early Post-medieval date. However, there are no known archaeological sites or remains recorded within the proposed development area.

The proposed development involves the change of use to an arcade. The proposed groundworks remain relatively limited in scale and it is unlikely that archaeologically significant material will be encountered during the course of the proposed works.

As a result, there is unlikely to be an archaeological restraint to this proposed development. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

- 6.9 Drainage Manager: No comments received.

- 6.10 Environmental Health: No comments received.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 03/06/2025, Site Notice was put up on 04/06/2025.

- 7.1 140no. neighbours were consulted. No comments received.

- 7.2 Councillor Miqdad Alnuaimi and Councillor Kate Thomas were consulted. No comments received.

- 7.3 COMMUNITY COUNCIL:

8. ASSESSMENT

- 8.1 This application seeks planning permission for the change of use of the ground floor and first floor to provide a gaming arcade at Units 1, 2 and 3 Chartist Tower on the corner of Upper Dock Street and Corn Street, in the Stow Hill ward.

- 8.2 The site is located within the City Centre inset map as per the Newport Local Development Plan 2011-2026 (adopted January 2015), with the elevation facing Corn Street allocated as a Secondary Shopping Frontage as per Policy R3. The site is also located within an Archaeologically Sensitive Area as per Policy CE6.

- 8.3 The building would be accessed off Corn Street and the proposed ground and first floor layout would comprise arcade games. The opening hours proposed are Monday to Thursday Closed. Friday- 16:00-20:00. Saturday, Sunday and Bank Holidays 10:00-20:00.

Principle of Development

- 8.4 The site is located within the City Centre and as such is a highly sustainable location with access to nearby amenities and public transport. It forms part of an existing building that has undergone wider redevelopment to provide a mixed-use comprising of hotel, leisure, retail and food and drink uses. Locating such a leisure use here is therefore considered to be acceptable in principle.

Retail Policy

- 8.5 Within designated secondary frontage areas, it is accepted that a greater mix of uses is appropriate, but with retail remaining the principal use. The rear of the building along Upper Dock Street is secondary retail frontage. Policy R3 of the LDP sets out the criteria that non A1 uses are required to meet: It states that; the proposal, either on its own or in conjunction with adjoining units, would not result in a break in the retail frontage of more than 20 metres; the proposal would not result in a gap in the retail frontage of more than 2 units; at least 60% of any frontage length is maintained in retail use; the proposal does not involve a prominent or corner unit; the proposed development would not adversely affect local residential amenity, either in its own right or cumulatively with other uses; any anticipated environmental disturbance can be effectively controlled through the use of planning conditions or noise abatement zone controls; the development is accessible in terms of public transport provision, and associated pedestrian movement following operating hours will not be directed through residential areas.
- 8.6 The wider redevelopment previously saw the site subject to this application granted permission from A1 Retail to A3 Restaurant and whilst this did not comply with all of the criteria of Policy R3 the loss of the secondary retail frontage was considered acceptable, and as such has already been established. Planning Policy Wales states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. There are a number of material considerations that are considered to be relevant to the determination of this application: Since the adoption of the LDP, the city centre has undergone significant change with the opening of Friars Walk during November 2015. It is acknowledged that the opening of the Friars Walk scheme has had an influence on the increased availability of A1 units and subsequent shift in retail activity and shop front hierarchy within the city centre. The units subject to this application have been vacant for many years and even with planning permission for the redevelopment of Chartist Tower being given for the change of use of these units to A3, they did not come into use and had remained vacant. The previous use of the unit as cinema pods was deemed acceptable to regenerate the prominent corner unit back into a sustainable use and made a positive contribution to the City Centre.

- 8.7 When taking into account that the loss of secondary retail frontage has previously been established at the site and a non-retail use can lawfully be implemented, as well as the economic benefit of bringing a prominent corner unit back into a sustainable use, it is considered that in this instance, it outweighs the non-compliance with Policy R3.

Residential Amenity

- 8.8 The site is located within the City Centre where there are many late night activities and uses operating. The proposed use is self contained within the premises with no external area and given the nature of the proposed use and opening hours, it is not anticipated that it would result in any harmful contribution to noise and disturbance to residential amenity within this mixed use central location.

Quality of Design & Conservation Area

- 8.9 There are no external changes proposed as part of the redevelopment of the site and all alterations would be internal. Any signage would require its own separate advertisement consent. The site is not located within a Conservation Area but is located near the City Centre Conservation Area as defined by Policy CE7. No comments have been received by the Conservation Officer, however, as forementioned, any external changes/advertisement would need separate consent.

Archaeology

- 8.10 The site is located within an Archaeologically Sensitive Area as per Policy CE6. The proposed groundworks remain relatively limited in scale and it is unlikely that archaeologically significant material will be encountered during the course of the proposed works as confirmed by HENEB. Therefore, there is no objection.

Highway Safety, Parking and Refuse

- 8.11 The site is located within the City Centre and therefore, in accordance with the Newport City Council Parking Standards, non-operational parking is not required due to the close proximity of a range of public transport links, facilities and services. The Highways Officer has offered no objection to the proposed scheme.
- 8.12 In terms of refuse management, the applicant has provided information to suggest that the waste generation from the arcade is low as there is no food sales on site. The applicant suggests they get on average one bin bag of rubbish a week, this is collected by one of our staff members and transported to Newbury, (head office) where it is placed into our waste bin. Given that the use as a gaming arcade would typically generate less waste without the sale of food on site, this is deemed acceptable. If the applicant does not adhere to this plan and starts to place large amounts of rubbish onto the street, waste enforcement can deal with this separately. However, the applicant has provided detail to suggest that the waste is minimal and there is a plan in place to deal with the waste off site and will be conditioned.

Biodiversity

- 8.13 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 a suitably worded condition.

Other Issues

- 8.14 NRW have no objections to the development. The planning application proposes less vulnerable development, change of use to arcade. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and within Flood Zone 2 & 3 – Sea. Therefore, NRW have no objections.

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, the proposed development will bring prominent corner unit back into a sustainable use having been vacant for many years. Despite, the proposal not wholly complying with the aims of Policy R3 it is also noted that a change of use in this instance provides benefits which outweigh the non-compliance with the policy and the proposal is acceptable. As such, planning permission 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; Proposed First floor plans; Existing first floor plan; Existing ground floor plan; Waste management; Proposed Opening hours; Screenshot 2025-04-11 at 08.40.40; Screenshot 2025-04-11 at 08.40.08; PHOTO-2025-04-11-12-37-14; PHOTO-2025-04-11-12-37-13; HS Newport Preliminary Floor Plan Ground Floor with advertisement annotations[1]; High Score Newport Preliminary Elevation[1].

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 The hours of operation of the arcade hereby permitted shall be open no later than 09:00 to 22:00 Monday to Sundays.

Reason: To protect residential neighbours from noise and disturbance in accordance with policies GP2, GP4 and T4

04 The strategy for dealing with refuse and waste shall be implemented as per the details set out in 'Waste management plan' dated *1st July 2025*, and maintained at all times for the duration of the use.

Reason: To ensure amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 and W3.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, GP5, GP6, R3, CE6, CE7, W3 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 This consent does not grant permission for advertisement consent. This would require a separate permission.

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

05 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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