

Delegated Decision Report

Application No:	25/0160	Statutory Period Expires:	28th April 2025
Site:	<i>Land And Buildings Encompassing 14 To 20 Stow Hill Newport South Wales</i>		
Proposal:	<i>PARTIAL DISCHARGE OF CONDITIONS 2 (FOUL DRAINAGE), 3 (MATERIALS), 5 (SOUND INSULATION) AND 6 (ECOLOGICAL ENHANCEMENT) OF 22/1032 VARIATION OF CONDITION 1 (PLANS) RELATING TO PLANNING PERMISSION 20/1210 FOR THE CHANGE OF USE OF BUILDING. PROVISION OF ADDITIONAL THIRD FLOOR TO EXISTING FLAT ROOFED REAR EXTENSION INCLUDING ERECTION OF MANSARD ROOF. TO CREATE 36 AFFORDABLE FLATS, RETENTION AND RECONFIGURATION OF GROUND FLOOR RETAIL UNITS AND ASSOCIATED WORKS</i>		
Applicant:	<i>Newport City Homes Housing Association Limited</i>		
Type:	Discharge Conditions	Ward:	Stow Hill
Decision:	APPROVED		

1. BACKGROUND

- 1.1 The previous scheme 22/1032 consented the construction of 36no. flats and retention of ground floor retail units and associated works. The current discharge of condition application seeks approval of matters relating to conditions 02, 03, 05 and 06 of 22/1032.
- 1.2 The submitted application form confirms that works commenced on the 8th October 2021 and a series of condition discharge approvals have been issued regarding the original consent 20/1210.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located within the city centre with the principle elevation facing Stow Hill; the principle elevation has period features which contribute toward the overall appearance of the city centre. The four storey building has commercial units at the ground floor which is retain period features also. The building has a large rear extension and the previously permitted scheme allowed for a further extension to the third floor.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks to discharge the conditions below:

02 No development, other than demolition, shall commence until full details of the foul drainage systems for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented fully in accordance with the approved scheme prior to the occupation of any dwelling.

Reason: To ensure adequate drainage is provided.

03 No work shall be commenced on the construction of the approved scheme until samples of materials and finishes set out in the N205 - A173 - Material Schedule have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings, complying with policies GP2, GP6 and GP7 of the Adopted LDP 2011-2026.

05 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council of an enhanced sound insulation value DnT,w and L'nT,w of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise and compliance with GP2 and GP6 of the Adopted LDP 2011-2026

06 Prior to the commencement of the works, a scheme of Ecological Enhancement will be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include measures to promote increased biodiversity on the site and providing for the future management of any such measures as necessary and shall include a timescale for implementing these measures. The development shall be carried out in accordance with the approved Ecological Enhancement scheme and maintained in this manner thereafter.
Reason: to ensure the development provides ecological net benefit on the site as required in Planning Policy Wales Edition 10.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
21/1131	PARTIAL DISCHARGE OF CONDITIONS 2 (FOUL DRAINAGE DETAILS), 5 (MATERIALS) AND 9 (WASTE STORAGE AND RECYCLING) OF PLANNING PERMISSION 20/1210 FOR THE CHANGE OF USE OF BUILDING. PROVISION OF ADDITIONAL THIRD FLOOR TO EXISTING FLAT ROOFED REAR EXTENSION INCLUDING ERECTION OF MANSARD ROOF. TO CREATE 36 AFFORDABLE FLATS, RETENTION AND RECONFIGURATION OF GROUND FLOOR RETAIL UNITS AND ASSOCIATED WORKS	Approved	19.07.2024
22/1032	VARIATION OF CONDITION 1 (PLANS) RELATING TO PLANNING PERMISSION 20/1210 FOR THE CHANGE OF USE OF BUILDING. PROVISION OF ADDITIONAL THIRD FLOOR TO EXISTING FLAT ROOFED REAR EXTENSION INCLUDING ERECTION OF MANSARD ROOF. TO CREATE 36 AFFORDABLE FLATS, RETENTION AND RECONFIGURATION OF GROUND FLOOR RETAIL UNITS AND ASSOCIATED WORKS	Granted with conditions	31.01.2024
23/0842	PARTIAL DISCHARGE OF CONDITION 8 (SCHEME OF BIODIVERSITY ENHANCEMENT) OF 20/1210 CHANGE OF USE OF BUILDING. PROVISION OF ADDITIONAL THIRD FLOOR TO EXISTING FLAT ROOFED REAR EXTENSION INCLUDING ERECTION OF MANSARD ROOF TO CREATE 36 AFFORDABLE FLATS, RETENTION AND RECONFIGURATION OF GROUND FLOOR RETAIL UNITS AND ASSOCIATED WORKS	Approved	31.10.2023
22/0779	PARTIAL DISCHARGE OF CONDITIONS 3 (CYCLE PARKING FACILITIES), 4 (REPLACEMENT SHOPFRONT AND WINDOWS) AND 7 (SOUND INSULATION) OF PLANNING PERMISSION 20/1210 FOR THE CHANGE OF USE OF BUILDING. PROVISION OF ADDITIONAL THIRD	Approved	07.12.2022

	FLOOR EXISTING FLAT ROOFED REAR EXTENSION INCLUDING ERECTION OF MANSARD ROOF. TO CREATE 36 AFFORDABLE FLATS, RETENTION AND RECONFIGURATION OF GROUND FLOOR RETAIL UNITS AND ASSOCIATED WORKS.		
21/1273	NON-MATERIAL AMENDMENT RELATING TO PLANNING PERMISSION 20/1210 FOR THE CHANGE OF USE OF BUILDING. PROVISION OF ADDITIONAL THIRD FLOOR TO EXISTING FLAT ROOFED REAR EXTENSION INCLUDING ERECTION OF MANSARD ROOF. TO CREATE 36 AFFORDABLE FLATS, RETENTION AND RECONFIGURATION OF GROUND FLOOR RETAIL UNITS AND ASSOCIATED WORKS	Refused	20.10.2022
20/1210	CHANGE OF USE OF BUILDING. PROVISION OF ADDITIONAL THIRD FLOOR TO EXISTING FLAT ROOFED REAR EXTENSION INCLUDING ERECTION OF MANSARD ROOF. TO CREATE 36 AFFORDABLE FLATS, RETENTION AND RECONFIGURATION OF GROUND FLOOR RETAIL UNITS AND ASSOCIATED WORKS	Granted with conditions	29.09.2021
20/0137	REPLACEMENT ROLLER SHUTTERS	Granted with conditions	21.05.2020
10/0354	INSTALLATION OF REPLACEMENT FASCIA SIGNAGE, PROJECTING SIGN, BACK OF HOUSE SIGNAGE AND WINDOW GLAZING GRAPHICS	Granted	15.07.2010
05/1433	DISPLAY OF VARIOUS SIGNAGE	Granted with conditions	13.02.2006
05/0725	INSTALLATION OF SHOPFRONT, INSTALLATION OF NEW WINDOWS, ALTERATIONS TO REAR ADDITION INCLUDING NEW FLAT ROOF AND PARTIAL RENDERING OF ELEVATIONS, IN CONNECTION WITH WORKS TO PROVIDE NEW SINGLE LEVEL FIRST FLOOR THROUGHOUT THE BUILDING	Granted	06.10.2005
05/0125	CHANGE OF USE OF GROUND AND UPPER FLOORS FROM CLASS D2 TO CLASS A1 (RETAIL)	Granted with conditions	19.04.2005
03/1500	USE OF PREMISES AS A CAFE/BAR (CLASS A3 USE)	Granted with conditions	04.03.2004
02/0481	ALTERATIONS TO FRONT ELEVATION	Granted with conditions	18.06.2002
01/0827	INSTALLATION OF REPLACEMENT SECURITY SHUTTER	Granted with conditions	12.12.2001
95/1024	EXTERNAL ALTERATIONS TO PROVIDE WINDOWS TO HIGHWAY FOR NIGHT CLUB LOUNGE	Granted with conditions	12.01.1996
95/0458	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF PREMISES FOR	Granted	11.08.1995

	DANCE STUDIO		
91/1283	PROPOSED USE OF PREMISES AS A CAFÉ	Granted with conditions	17.12.1991
91/0963	PROPOSED USE OF PREMISES AS AN ESTATE AGENTS	Permitted Development	27.09.1991

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)

- SP4 – Water Resources
- GP2 – General Amenity
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Wildlife and Development

6. CONSULTATION RESPONSES

6.1 Ecology Officer: No response.

6.2 Drainage Manager: No response.

6.3 Environmental Health Officer: No response.

6.4 Dwr Cymru/Welsh Water: Dwr Cymru Welsh Water has no objection to the discharge of condition 2 of planning permission 22/1032.

7. PUBLIC REPRESENTATIONS

Application was not advertised.

8. ASSESSMENT

8.1 The application seeks to partially discharge conditions 02, 03, 05 and 06 of the previous consent 22/1032.

8.2 Conditions 02, 03, 05 and 06 all state that details shall need to be submitted prior to the commencement of development or works. The submitted application form states that development has already commenced on the 8th October 2021.

8.3 Condition 02 – Foul Drainage

8.3.1 The details submitted for the foul drainage are the same as previously approved on application 21/1131. Despite the submission not according with the trigger point of the condition details, it is considered that the details are acceptable.

8.4 Condition 03 – Materials Schedule

8.4.1 The details submitted for the materials schedule are the same as previously approved on application 21/1131. Despite the submission not according with the trigger point of the condition details, it is considered that the details are acceptable.

8.5 **Condition 05 – Sound Insulation**

8.5.1 The details submitted for the scheme of sound insulation are the same as previously approved on application 22/0779. Despite the submission not according with the trigger point of the condition details, it is considered that the details are acceptable.

8.6 **Condition 06 – Ecological Enhancement**

8.6.1 The details submitted for the scheme of ecological enhancement details are the same as previously approved on application 23/0842. Despite the submission not according with the trigger point of the condition details, it is considered that the details are acceptable.

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 details contained within the application have confirmed that development has already commenced prior to the submission of this discharge of condition application but the details secured by those conditions have already been considered acceptable via previous

consents; the material considerations remain the same and as such the details are considered acceptable.

11. DECISION
Approved:

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Covering Letter (Received: 03.03.2025)
- Material Schedule (Drawing ref: A173 Rev B)
- Separating Floor Details – Above Retail Units (Drawing ref: A237)
- Ecological Situation Report (Received: 03.03.2025)
- Drainage Plan (Drawing ref: A222)
- Site Location Plan (Drawing ref: A150 Rev A)

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

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.