

Delegated Decision Report

Application No:	25/0706	Statutory Period Expires:	24th October 2025
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Site:	175A Commercial Street Newport NP20 1JN		
Proposal:	S73 APPLICATION FOR VARIATION OF CONDITION 1 (APPROVED PLANS), REMOVAL OF CONDITION 3 (WINDOW DETAILS) AND CONDITION 4 (BRICK DETAILS) AND PARTIAL DISCHARGE OF CONDITION 5 (DETAILS OF GRILLS/GRATES), CONDITION 6 (RAINWATER GOODS AND SOIL PIPE) AND CONDITION 7 (SOUND INSULATION) OF 22/0794 CHANGE OF USE OF FIRST FLOOR FROM OFFICE TO 6 BEDROOM HOUSE IN MULTIPLE OCCUPATION		
Applicant:	I Enyinna		
Type:	Renewals and Variation of Conditions	Ward:	Stow Hill
Decision:	GRANTED WITH CONDITIONS SUBJECT TO S106 WITH DELEGATED POWERS AND DISCRETION TO REFUSE IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN THREE MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION		

1. BACKGROUND

- 1.1 The previous consent 22/0794 permitted the change of use from office to a six bedroom House of Multiple Occupation subject to conditions. The current proposal seeks to vary conditions 01, 03 and 04, along with discharging details of conditions 05, 06 and 07.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located within the conversation area and is curtilage listed given its physical connection with the adjoining listed buildings as confirmed by the Principal Heritage Officers comments on the original consent. The five storey building is flanked by buildings of similar scale which have period features and lies in a prominent position at the head of Commercial Street.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposal seeks to vary the internal arrangement of rooms to account for the retention of an existing load bearing wall and window and allow for more circulation and work spaces.
- 3.2 The application also seeks to remove conditions 03 and 04, and discharge details relating to conditions, 05, 06 and 07.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
22/0794	CHANGE OF USE OF FIRST FLOOR FROM OFFICE TO 6 BEDROOM HOUSE IN MULTIPLE OCCUPATION	Granted with conditions	04.05.2023

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

- 5.2 Historic Environment (Wales) Act 2023
- 5.3 PLANNING POLICY WALES (EDITION 12) 2024
- 5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)
 - SP1 – Sustainability
 - SP9 – Conservation of the Natural, Historic and Built Environment
 - SP13 – Planning Obligations
 - SP18 – Urban Regeneration
 - GP2 – General Amenity
 - GP4 – Highways and Accessibility
 - GP6 – Quality of Design
 - GP7 – Environmental Protection and Public Health
 - CE6 – Archaeology
 - CE7 – Conservation Areas
 - H8 – Self Contained Accommodation and Houses in Multiple Occupation
 - T4 - Parking
 - W3 – Provision for Waste Management Facilities in Development
- 5.5 SUPPLEMENTARY PLANNING GUIDANCE
 - Sustainable Travel
 - Planning Obligations
 - Waste Storage and Collection
 - Archaeology and archaeologically sensitive areas
 - Parking Standards
 - Housing in Multiple Occupation

6. CONSULTATION RESPONSES

- 6.1 Principal Heritage Officer: I have the following observations on the revised information:

No issue with proposed floor plan change, which sees some reconfiguration of modern partitioning.

Condition 3: *Prior to the commencement of development details including 1:20 scaled drawings of timber casement windows, including sections, proposed to the rear elevation shall be submitted to and approve in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

REASON: *To ensure the proposed development protects and/or enhances the special architectural features of the building in accordance with Policy SP9 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).*

Agree that this condition is no longer relevant – please omit from the new consent.

Condition 4: *Prior to the commencement of development details of the brick to be used for the solid courses above the 2nd rear windows shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

REASON: *To ensure the proposed development protects and/or enhances the special architectural features of the building in accordance with Policy SP9 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).*

Agree that this condition is no longer relevant – please omit from the new consent.

Condition 5: *Prior to the commencement of development details of the grills/grates for the mechanical extraction ventilation shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

REASON: To ensure the proposed development protects and/or enhances the special architectural features of the building in accordance with Policy SP9 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

I am happy with the supplied information – please omit from the new consent.

Condition 6: *Prior to the commencement of development details of the rainwater goods and soil pipe shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

REASON: To ensure the proposed development protects and/or enhances the special architectural features of the building in accordance with Policy SP9 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

I would reiterate here that any replacement of cast iron with uPVC drainage or rainwater goods to the principal (front) elevation of the listed asset would not be considered acceptable, noting in particular the significant square-section downpipe to the rounded corner of no. 175a. According to the supplied specification, replacement is proposed to the **“Rear Elevation Only if needed – ensures no impact on the building’s principal elevation.”** Therefore, I am happy that this condition is satisfied and need not be applied to the revised consent.

Condition 7: *Prior to the installation of any sound insulation within the building, details of the type of insulation, its location and method of installation shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

REASON: To ensure the proposed development protects and/or enhances the special architectural features of the building in accordance with Policy SP9 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

- **Floor build-up**

There is sufficient skirting depth to allow for the proposed floor build-up. I have no issues here.

- **Wall insulation**

- *“Wall sound insulation is not [proposed to be] used on external heritage walls to avoid disruption of existing building fabric as this wasn’t in the approved noise assessment recommendation.”* Therefore, I have no issues here.

- **Ceiling Insulation**

- The communal area at the stair landing is the only area with notably significant ceilings: in this case deeply coffered. I am pleased to receive confirmation that this will be left unaffected.
- Confirmation has been received regarding details for proposed Suspended Ceiling Systems, and their internal interface with significant windows - including those to the fine bay windows as shown below.
- It has been confirmed that bespoke secondary glazing is proposed: *“Bespoke segmented and curved secondary glazing units will be manufactured by Selectaglaze, using Pilkington Optiphon acoustic laminated glass (or equivalent Selectaglaze acoustic laminated specification) for bay and curved windows. The systems will be designed to match existing frames, including curved and segmental heads.”*

Note

Please note that there is a corresponding LBC under 24/0348. This FULL variation will also require a new corresponding application for LBC.

6.2 Housing Development Manager: No comment.

6.3 Planning Contributions Manager: No comment.

6.4 Environmental Health Officer: No objection.

6.5 HMO Licensing Officer: No objection.

6.6 Gwent Police: No comment.

6.7 Waste Manager: No comment.

6.8 Highways Officer: No objection.

6.9 Dwr Cymru/Welsh Water: We have no comments to offer on this S73 application for variation of condition 1, removal of conditions 3 and 4, and partial discharge of conditions 5, 6 and 7 of planning permission 22/0794.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on the 5th September 2025, Site Notice was put up on the 12th September 2025 and a Press Notice dated 20th September 2025.

7.1 NEIGHBOURS: No comments.

7.2 COUNCILLORS: No comments.

8. ASSESSMENT

8.1 Principle of Development

8.1.1 The application site is located within the city centre and is therefore inherently sustainable in terms of close by amenities and public transport links. The proposal accords with the aims of Policy SP1 to focus development within the urban boundary.

8.2 Variation of Condition 01

8.2.1 The variation to the proposed first floor plan relates to the rearrangement of rooms to account for the retention of existing load bearing walls and window. The number of bedrooms is not being increased above the existing consent, and the room sizes accord with the HMO Licensing Standards. The proposed floorplan amendments are considered acceptable in terms of residential amenity in accordance with Policy GP2.

8.3 Removal of Conditions 03 and 04

8.3.1 Conditions 03 and 04 stated that:

3. Prior to the commencement of development details including 1:20 scaled drawings of timber casement windows, including sections, proposed to the rear elevation shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the proposed development protects and/or enhances the special architectural features of the building in accordance with Policy SP9 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

4. Prior to the commencement of development details of the brick to be used for the solid courses above the 2nd rear windows shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the proposed development protects and/or enhances the special architectural features of the building in accordance with Policy SP9 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

8.3.2 Due to the rearrangement of the floorplan, the works to which conditions 03 and 04 related to would now not be undertaken to facilitate the development. The removal of these conditions has received no objection from the Principal Heritage Officer as they no longer relate to the development. The retention of these conditions in any future consent would no longer meet the six tests for the attachment of conditions. Therefore, the conditions are hereby removed.

8.4 **Discharging of Details Condition 05**

8.4.1 The previous consent contained the following condition:

5. *Prior to the commencement of development details of the grills/grates for the mechanical extraction ventilation shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

REASON: To ensure the proposed development protects and/or enhances the special architectural features of the building in accordance with Policy SP9 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

8.4.2 The supporting statement confirms that the grills are to be heritage-style powder coated in RAL9005 matt black, or brick-colour to match the existing and flushed mounted. The Principal Heritage Officer has raised no objection to these details; therefore, the details are acceptable and fulfil the duty to preserve and enhance under the Historic Environment (Wales) Act 2023 and the aims of Policy SP9.

8.4.3 The retention of these conditions in any future consent would no longer meet the six tests for the attachment of conditions as sufficient details have been provided.

8.5 **Discharging of Details Condition 06**

8.5.1 The previous consent contained the following condition:

6. *Prior to the commencement of development details of the rainwater goods and soil pipe shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

REASON: To ensure the proposed development protects and/or enhances the special architectural features of the building in accordance with Policy SP9 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

8.5.2 The submitted details confirm that only the rear elevation would be subject to potential replacement rainwater goods. The submitted details have received no objection from the Principal Heritage Officer with the caveat that controls remain if any works to replace to the principal elevation rainwater goods are proposed. Given that the site is curtilage listed, it is considered that the controls would remain through the Listed Building consenting process.

8.5.3 As the details submitted are considered acceptable with regard to the rear elevation, the submitted details are included within the approved plans/documents list to ensure development is carried out in accordance with those details.

8.6 **Discharging Details of Condition 07**

8.6.1 The previous consent contained the following condition:

7. *Prior to the installation of any sound insulation within the building, details of the type of insulation, its location and method of installation shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

REASON: To ensure the proposed development protects and/or enhances the special architectural features of the building in accordance with Policy SP9 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

8.6.2 A scheme of sound insulation and secondary glazing has been provided which has received no objection from the Principal Heritage Officer and Environmental Health Officer. The scheme confirms that the installation would not impact the historic fabric of the building to an unacceptable degree. It is considered that the condition can be altered to a compliance condition with the option to submit details should the proposal alter during the course of construction.

8.7 **Section 106 Planning Obligation matters**

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three

tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

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

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

and

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

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration and Economic Development	To provide a contribution toward off site affordable housing.	A commuted sum of £2,064 toward off site affordable housing.	A commuted sum of £2,064 toward off site affordable housing.	No.

HEADS OF TERMS AGREED BY APPLICANT

Section 106 Planning Obligations **(without prejudice & subject to contract)**

1. Introduction

Based upon a S73 planning application (related to previous planning permission 22/0794), the following planning obligation is required to mitigate the impact of the development and create a sustainable development.

2. Affordable Housing Contribution

Commuted sum payments for affordable housing will be sought on schemes of 1 to 2 units anywhere within Newport. The site lies within the Housing Target Area of Newport West.

Based upon a net gain of 1 x 6 bed dwelling, and subject to economic viability, a commuted contribution of £2,064 would be requested for affordable housing provision.

Affordable Housing Sum will be index linked to the Retail Price Index and paid prior to occupation

3. Fees

Administration Fee

A £200 administration fee has already been received

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.

Please Note:

Planning Obligations can be contained in Unilateral Undertakings or Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas 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 Agreement if preferred). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing any Deed of Obligation, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed.

You are required to agree to these Heads of Terms in writing. In doing so you also agree to an extension of time for the determination of your proposal in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits)(Wales) Regulations 2015 and the Town and Country Planning (Development Management Procedure)(Wales) Order 2012. This will extend the statutory period for determination of your application by 16 weeks from the date the Local Planning Authority resolve to grant your planning permission (i.e. the Planning Committee date or the delegated Agenda date) subject to a legal agreement. This extension of time is required to enable completion of the section 106 Agreement (although the Local Planning Authority will endeavour to determine your application as soon as possible prior to this date).

Once your written agreement to the Heads of Terms for section 106 has been received by the Authority and a resolution made on the basis of such agreement, the Local Planning Authority will NOT enter into any negotiations that seek to alter the Heads of Terms in terms of discounting agreed figures due to, for example, viability reasons before the final Notice of Decision is issued. It is important that you check the Heads of Terms you receive thoroughly and if you have any questions regarding the figures included or the justification for them, you must raise these and satisfy yourself that the request is reasonable, relevant and necessary, prior to providing your written agreement to the Terms.

Any negotiations must take place before Heads of Terms are agreed by you and if you seek to discuss or re-negotiate section 106 Heads of Terms having agreed them in writing and having received a resolution (but not a decision notice), your application must be withdrawn to enable re-negotiation to take place. Failure to sign a section 106 within 3 months of any resolution being made may lead to your application being refused. Alternatively, you may proceed to complete the section 106, receive a Notice of Decision and then make a new submission to the Authority that will enable altered terms to be negotiated. Please be advised that any such re-submission will likely attract a new planning application fee.

9. OTHER CONSIDERATIONS

9.1 ***Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 ***Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

10.1 The proposal is acceptable in terms of its impact upon the wider conservation area and would remain to accord with the duties as outlined within the Historic Environment (Wales) Act 2023, and the Newport Local Development Plan policies.

11. DECISION

GRANTED WITH CONDITIONS SUBJECT TO S106 WITH DELEGATED POWERS AND DISCRETION TO REFUSE IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN THREE MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION

01 The development shall be implemented in accordance with the following plans and documents:

- Proposed Section of Wall, Ceiling & Floor (Received: 29.08.2025)
- Section 73 Planning Statement (Received: 29.08.2025)

- Product Data Sheet for Proposed Materials (Received: 29.08.2025)
- Proposed First Floor Plan (Received: 29.08.2025)
- Noise Impact Assessment (Dated, 21st July 2022)

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 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

REASON: In the interests of residential amenity in accordance with Policy GP2 and GP7 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

03 The scheme of sound insulation shall be installed prior to the first use hereby approved and retained for the duration of the use in accordance with details as contained within the approved plans list.

REASON: To ensure the proposed development protects and/or enhances the special architectural features of the building in accordance with Policy SP9 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP13, SP18, GP2, GP4, GP6, GP7, CE6, CE7, H8, T4 and 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.