

Delegated Decision Report

Application No:	26/0093	Statutory Expires:	Period	10th April 2026
-----------------	---------	--------------------	--------	-----------------

Site:	164 Tregwilym Road Rogerstone Newport NP10 9EL		
Proposal:	SUBDIVISION OF EXISTING GROUND FLOOR FLAT INTO TWO ONE-BEDROOM UNITS		
Applicant:	J Papa		
Type:	Full	Ward:	Rogerstone West
Decision:	GRANTED WITH CONDITIONS SUBJECT TO LEGAL AGREEMENT 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 This application is a resubmission of a previously refused application (Ref: 25/0625) of the same description. The main difference is that the current application includes a lightwell and new bay window serving the basement bedroom of one of the flats.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is located within the settlement boundary as defined by the Newport City Council Local Development Plan 2011 – 2026 (Adopted January 2015) (LDP). The site is not subject to any constraints on the LDP Constraints Map, nor any proposals on the LDP Proposals Map. There is a Grade II listed building (Rogerstone Public Library) located to the north west of the application site, approximately 40 metres away.
- 2.2 The property itself is detached and set back from the road frontage, from which it is elevated. The front portion of the site consists of a lawned garden which is enclosed with a brick retaining wall adjacent to the footpath. A path on the southern side of the site provides pedestrian access to the rear, where a private outdoor amenity space and off road car parking is sited.
- 2.3 The plans show that the existing use of the property is as two flats, one within the ground floor and basement and one at first floor level. It was noted during a site visit that the ground floor and basement of the building are currently vacant and in need of renovation.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks full planning permission for the subdivision of the ground floor flat to create two separate one bedroom units. The proposed flats would be arranged so that one is located within the front portion of the ground floor with access from the existing front door and the other within the rear portion of the ground floor and basement, with a separate access from the rear.
- 3.2 The front flat would consist of a kitchen/dining/living space, a shower room and one bedroom. The rear flat would consist of a kitchen/dining room and snug within the ground floor and a bedroom, study area and shower room within the basement.
- 3.3 To facilitate the proposal, external changes proposed include the excavation of part of the front garden of the application site to create a lightwell enclosed by new railings, along with the addition of a bay window to serve the bedroom contained within the basement.
- 3.4 The submitted Site Plan shows that Bike and Bin Storage would be located adjacent to the site's south eastern boundary, with car parking provision sited within the north eastern portion of the application site.

4. RELEVANT SITE HISTORY

Application No:	Proposal:	Decision:	Decision Date:
-----------------	-----------	-----------	----------------

25/0625	PROPOSED SUBDIVISION OF GROUND FLOOR FLAT INTO TWO ONE-BEDROOM UNITS	Refused	25/09/2025
---------	--	---------	------------

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

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 HISTORIC ENVIRONMENT ACT (WALES) 2023.

5.4 Newport Local Development Plan (2011-2026) (NLDP):

SP1 (Sustainability)

SP9 (Conservation of the Natural, Historic and Built Environment)

SP13 (Planning Obligations)

SP18 (Urban Regeneration)

GP2 (General Amenity)

GP4 (Highways and Accessibility)

GP5 (Natural Environment)

GP6 (Quality of Design)

GP7 (Environmental Protection and Public Health)

H4 (Affordable Housing)

H8 (Self Contained Accommodation and Houses in Multiple Occupation)

T4 (Parking)

W3 (Provision for Waste Management Facilities in Development)

5.5 Supplementary Planning Guidance:

Parking Standards Supplementary Planning Guidance (Adopted August 2015)

Waste Storage and Collection (Adopted January 2020)

Flat Conversions Supplementary Planning Guidance (Adopted October 2021)

6. CONSULTATION RESPONSES

6.1 Local Highways Authority:

No objection subject to conditions.

We would not anticipate any impacts in terms of parking or traffic movements.

The proposed changes include cycle and bin storage. The stores are acceptable in themselves but located such that they are impractical to open and use. Access is obstructed by soft landscaping when the doors are opened. This could be addressed via a condition as there is space for acceptable provision. Changes to the stores or the landscaping would be sufficient to enable suitable provision.

On the basis of the above we would offer no objection, subject to the following condition.

Suggested Condition:

Except for site clearance and remediation no development shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

- 6.2 Environmental Health:
No response received.
- 6.3 Waste Manager:
No response received.
- 6.4 Principal Heritage Officer:
I do not foresee any impact upon the setting of the Gll Rogerstone Library which is located some way to the west of the proposed development.
- 6.5 Dwr Cymru Welsh Water:
We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

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

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

Condition

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

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

Advisory Notes

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

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

Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

7. PUBLIC REPRESENTATIONS

- 7.1 The application was advertised by direct neighbour notification letter and a Site Notice was displayed. No responses were received.
- 7.2 Rogerstone Community Council: No response received.

8. ASSESSMENT

8.1 Principle of Development:

- 8.1.1 The site is regarded as previously developed land within the settlement boundary. As noted, the ground floor of the building appears to be vacant and in need of refurbishment. Policy SP18 supports the reuse of vacant land for residential purposes in the urban area. The proposal would therefore be consistent with this policy and the general brownfield strategy within the Local Development Plan.

8.2 Visual Amenity/ Character and Appearance:

- 8.2.1 The proposed development would take place within the footprint of the existing property and no extensions to the building are proposed.
- 8.2.2 Works to the front elevation of the building which include the excavation of land to create a light well along with the addition of a new bay window to serve the basement flat are proposed, however it is not considered that these works would significantly alter the character and appearance of the application site or that of the street scene.
- 8.2.3 Whilst the works would be visible from the immediate area, the front portion of the application site is located at a higher level than the road and the property is well set back from the highway, reducing their prominence. It is noted that the lightwell would be enclosed by what appear to be railings, however specific details of their type and material have not been provided. To ensure they would have an appropriate visual appearance, details of the railings can be secured by way of condition.

8.3 Residential Amenity:

- 8.3.1 Policies GP2, H8 and the Flat Conversions SPG require no adverse impact on local amenity in terms of noise, disturbance, privacy, overbearing, light, odours and air quality. There should also be acceptable living standards for future occupants with particular regard to internal floor space, outdoor amenity space, parking, bin storage, bicycle storage and noise.
- 8.3.2 The surrounding area consists of residential properties, and the application site currently consists of two flats. It is considered that the proposed development would be compatible with surrounding land use.
- 8.3.3 In terms of the impact on the privacy of surrounding residential properties, the external works proposed are not considered to result in any increased overlooking impact, neither would they be overbearing to nearby properties.
- 8.3.4 In terms of the amenity of future occupiers, the Flat Conversions SPG makes recommendations on internal space standards for new residential accommodation. It recommends a minimum of 45m² for the internal floor space of 1 bed flats. The front flat has a proposed internal floor space of 39.5m², thereby falling short of this standard, whilst the rear flat has a proposed internal floor area of 60 m², thereby exceeding the standard.

- 8.3.5 It is recognised that all flats would have access to an external refuse storage area within the confines of the site and there is also space for cycle parking as required by the Council's Highways Department. It is acknowledged that the flats would also be provided with outdoor amenity space and there are shared car parking facilities available to rear of the application site.
- 8.3.6 The living space of the front flat would be served by the existing bay window which faces Tregwilym Road, whilst the bedroom would be served by an existing window overlooking the rear of the application site, as well as by a side facing window. This is considered acceptable in terms of outlook as well as in terms of the level of natural daylight which would enter the unit. It is however noted that the proposed floor space would fall short of the SPG standard. Notwithstanding this, the floor space proposed would not be significantly less than the guidance (5.5 m²) and it is considered that the flat would contain usable space, which would allow for storage, cooking and preparing food, as well as for sitting. As such, it is not considered that this alone would warrant the refusal of the application.
- 8.3.7 The rear flat is of an acceptable scale and would provide occupiers with adequate floor space. It is noted that the previous application was refused on the basis that the window serving the basement bedroom would have resulted in unacceptable living standards for future occupiers in terms of outlook and natural daylight as it was considered to allow only limited daylight into the room, with views of only of a solid brick wall. The plans have been revised and now show a new bay window serving this bedroom, facilitated by the excavation of a portion of the front garden and creation of a lightwell. Whilst the outlook from this window would not be perfect, the large bay window would allow the room to receive adequate natural daylight and create a feeling of openness for occupiers of the flat. It is not considered that the room would feel uninviting or oppressive as per the previously refused plans. As such, it is considered that this application overcomes the previous reason for refusal and would be in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

8.4 Biodiversity:

- 8.4.1 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.
- 8.4.2 It is noted that the application has not been accompanied by a Green Infrastructure Statement or details of any scheme of biodiversity enhancement. Notwithstanding this, given the small scale of the development, it is considered that it would be acceptable to secure a proportionate biodiversity scheme via condition. As such the proposal could be compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015), subject to further details which could be submitted at a later date should planning permission be granted.

8.5 Heritage:

- 8.5.1 The application site is located approximately 40 metres away from the Grade II listed Rogerstone Public Library. As such the impact of the proposal on the setting of the listed building must to be considered. Consultation has been undertaken with the council's Principal Heritage Officer, who has concluded that given the separation distance between the buildings, as well as the fact the alterations proposed are only minor in nature, the setting of the heritage asset would be preserved.

8.6 Waste:

- 8.6.1 Facilities for the storage of waste and recycling have been incorporated into the proposed scheme for both of the proposed units. It is considered that adequate bin storage would be available and bins could be collected in an appropriate location.

8.7 Section 106 Planning Obligation Matters:

- 8.7.1 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:

- 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 and provide sufficient open space and ensure its continued maintenance).
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development).
- 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 site).

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

Service Area that requires Planning Obligation	Purpose of Planning Obligation	Planning Obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)?	Viability Issues?
Regeneration, Investment and Housing	To provide affordable housing.	A commuted sum of £858 in accordance with Policy H4 of the LDP and the formulae in the adopted Affordable Housing SPG.	Agreed	N/A

- 8.7.2 The applicant has agreed to the Heads of Terms and the proposal will therefore provide the required affordable housing contributions in accordance with Policy SP13.

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 principle of the proposal is regarded as acceptable, as is the impact of the development on the amenities of neighbouring and future occupiers and on the character and appearance of the local area.

11. DECISION

GRANTED WITH CONDITIONS SUBJECT TO LEGAL AGREEMENT 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. The development shall be implemented in accordance with the following plans and documents:
SLP001 – Site Location Plan2099
SP001 – Site Plans
P001 – Proposed Floor Plans
P002 – Proposed Elevations
P003 – Proposed Section
SL04 – Proposed Site Layout
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.
2. Notwithstanding the approved plans, except for site clearance and remediation no development shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council.
Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.
3. Notwithstanding the approved plans, except for site clearance and remediation no development shall take place until details of the railings surrounding the lightwell have been submitted to and approved in writing by the Local Planning. The details shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter.

Reason: In the interests of visual amenity, in accordance with Policy GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

4. Prior to the beneficial occupation of any part of the development hereby approved, the external works associated with the development, including the creation of the basement windows and the construction of the lightwell shall be fully completed and they shall be retained as such thereafter.

Reason: In the interests of residential amenity, in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

5. Prior to any part of the development being brought into use, 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 maintained for the lifetime of the development

Reason: In the interest of protected species, in accordance with Policy GP5 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 (Sustainability), SP9 (Conservation of the Natural, Historic and Built Environment), SP13 (Planning Obligations), SP18 (Urban Regeneration), GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP6 (Quality of Design), GP7 (Environmental Protection and Public Health), H4 (Affordable Housing), H8 (Self Contained Accommodation and Houses in Multiple Occupation), T4 (Parking) and W3 (Provision for Waste Management Facilities in Development) are relevant to the determination of this application.

02 Newport City Council Parking Standards, Waste Storage and Collection and Flat Conversions Supplementary Planning Guidance are 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.