

Delegated Decision Report

Application No:	25/1014	Statutory Period Expires:	27 th March 2026
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Site:	White Heart House West Market Street Newport NP20 2AU		
Proposal:	CHANGE OF USE FROM B1 (OFFICES) TO D1 (CHILDREN'S NURSERY)		
Applicant:	C Burrows		
Type:	Full	Ward:	Pillgwenlly
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located within an urban area at the corner of Tredegar Street and West Market Street and the Lower Dock Street Conservation Area. A large supermarket is located east of the site with residential to the north, south and west. A car park is also located to the rear of the building. The existing 3 storey building has many period features which positively contribute toward the appearance of the area. It is noted that the uPVC windows installed were allowed at appeal. The site is located within Flood Zone 3 (Sea) and Flood Zone 2 & 3 (Surface Water and Small Watercourses).

3. DESCRIPTION OF DEVELOPMENT

3.1 Change of use of existing building to D1 (Children's Nursery) to provide 27no. child places along with 15no. staff.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
15/0550	CHANGE OF USE FROM GROUND FLOOR OFFICES TO COFFEE SHOP	Granted with conditions	06.08.2015
04/0453	RETENTION OF REPLACEMENT UPVC WINDOWS	Refused	14.05.2004
E03/0822	upvc WINDOWS	Granted at Appeal	29.07.2005
02/0965	CONVERSION OF PUBLIC HOUSE TO OFFICES (B1) AND ERECTION OF NEW LEAN-TO STORE BUILDING	Granted with conditions	27.09.2002

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 Technical Advice Note 15: Development, Flooding and Coastal Erosion
Technical Advice Note 24: The Historic Environment

5.4 Historic Environment (Wales) Act 2023

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP3 – Flood Risk
- SP12 – Community Facilities
- SP18 – Urban Regeneration
- GP2 – General Amenity
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- CE7 – Conservation Areas
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development

5.6 SUPPLEMENTARY PLANNING GUIDANCE

- Sustainable Travel
- Waste Storage and Collection
- Wildlife and Development
- Parking Standards

6. CONSULTATION RESPONSES

6.1 Principal Heritage Officer: The building in question is located within Lower Dock Street, wherein there is an Article 4 Direction which restricts permitted development rights for:

- Removal, renewal or alteration of doors, door frames, windows and window frames, set within external walls of dwellinghouses
- Alteration of door and window openings, including heads, quoins and cills set in external walls of dwellinghouses
- Removal, renewal or alteration of chimney stacks and chimney pots on dwellinghouses
- The application or removal of render, spar, pebbledash or any similar surface finish to the walls of a dwellinghouse.
- Removal, renewal or alteration to the external covering [including slates, tiles and ridge cappings] of the roof covering of a dwellinghouse
- The installation of windows into a roof of a dwellinghouse
- Painting of external walls of a dwellinghouse insofar as any such development referred to above would front onto a highway or open space.

Provided no external alterations are proposed, I have no issue with these proposals – the character and appearance of the conservation area will be preserved.

6.2 Environmental Health Officer: Based on the information provided, I have no objections.

6.3 Head of Children's Services: No response.

6.4 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.

6.5 Newport Access Group: No response.

6.6 Highways Officer: The parking requirement for 6 staff is less onerous than that generated by the existing use.

The parking standard only requires 1 space for two FT staff. On that basis we would conclude it is no worse than existing and raise no objection.

However there is little space that I would consider acceptable for drop off.

We can't accurately predict the profile of pick up/drop off and secondly the existing / proposed developments have different peaks.

We anticipate ASDA car park being used for dual purpose trips, but this cannot be relied upon or conditioned. It can be controlled to some extent by imposing staggered start /end times via condition.

I note the applicant seems content to reduce the numbers and I would like to clarify if this is maximum on site or a total over the day or what?

What we need to drill down to is peak activity remembering that drop off is usually quicker than collection. Both can be spread over some time but peak around 8-9 and 5-6. There's likely to be lunch time activity too. If this is total for the day or total on roll I would be more comfortable and not request the condition to stagger start times.

The conclusion has to be no objection. However, if they are agreeable I would like them to consider a lower number, but I don't think there are grounds to insist. There should be a condition for cycle storage for staff. Unless there is a physical limit we should also consider a max roll/staff number condition.

- 6.7 Natural Resources Wales: We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

The planning application proposes highly vulnerable development (children's nursery). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 (Sea).

We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult with your Lead Local Flood Authority.

Therefore, we have reviewed the FCA undertaken by Aegaea, dated 18/02/2026, reference AEG10116_NP20_Newport_01. Our advice to you is that the FCA satisfactorily demonstrates that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection to the application as submitted. Further detail is provided below.

Technical Advice

The FCA estimates the ground floor finished floor level (FFL) of the existing building is approximately 7.92m AOD, based on LiDAR information. On this basis, the estimated first floor level is approximately 10.62m AOD. A further typical floor-to-floor height of 2.7m has been assumed between the first and second floors. On this basis, the estimated second floor level is approximately 13.32m AOD.

Hydraulic modelling data was taken from NRW Newport Hydraulic Model (2022) and the following flood levels provided:

- 1 in 200 year plus climate change : 8.73m AOD
- 1 in 1000 year plus climate change : 9.31m AOD

We note that an amended room schedule submitted for the proposed use supports the FCA, which now confirms that the children's nursery will be confined to the first and second floors only, with the ground floor remaining an office use. The amended room schedule confirms that the rooms on the ground floor will not be in use by the nursery.

On this basis, the highly vulnerable element of the application (nursery use) will remain above the 0.5% (1 in 200 year) event plus climate change allowance (CCA) flood levels and therefore accords with Figure 5 of TAN 15 (2025).

The estimated first floor finished floor level provides approximately 1.31m freeboard above the 0.1% (1 in 1000 year) event plus CCA flood level. Accordingly, on this basis the proposed nursery accommodation would remain above predicted flood levels in the extreme event and is considered to remain within tolerable conditions and in accordance with Figure 6 of TAN 15 (2025).

The proposal does not increase the building footprint and therefore would not increase flood risk elsewhere and meets the requirements of TAN 15 (2025) in this respect also.

The FCA does not include any hazard ratings for the access of the proposed development. Your authority may wish to request this further information to inform any emergency evacuation plans.

6.8 Dwr Cymru/Welsh Water: No objection.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on the 23rd December 2025 and a Site Notice was put up on the 9th January 2026.

7.1 NEIGHBOURS: No comments received.

7.2 COUNCILLORS:

7.2.1 Councillor Jenkins: No response.

7.2.2 Councillor Adan: No response.

8. ASSESSMENT

8.1 Principle of Development:

8.1.1 The application site is located within an urban boundary and therefore the principle of development is acceptable subject to other material planning considerations.

8.2 Flood Risk

8.2.1 The site is located within Flood Zone 3 (Sea) and Flood Zone 2 & 3 (Surface Water and Small Water Courses). The proposal would be considered as a redevelopment as the scheme relates to an existing building and the proposed use is highly vulnerable as the scheme would provide childcare.

8.2.2 The proposal is considered to contribute toward essential regeneration of the existing settlement through the reuse of an existing building within the established residential area. The schemes contribution toward childcare provision, employment and reuse of the building identify how the scheme contributes towards the essential aims of the Local Development Plan.

8.2.3 The application is supported by a Flood Consequences Assessment and amended floorplans which confirms the children's nursery would be located to the first and second floors only, with the ground floor used as office space. Therefore, the proposed use would remain flood free and achieve the tolerable conditions in accordance with *Figures 5 and 6* of TAN15 respectively. A condition is attached to ensure that the children's nursery shall be located to the first and second floors only. It is considered that this approach accords with paragraph 13.4 of Technical Advice Note 15 (2025) where the less vulnerable parts of the development are located to the ground floor (offices) and the highly vulnerable use located to the upper floors. The Flood Consequences Assessment states that advance tidal flood warnings will allow for safe closure of the site and a Flood Emergency Plan will be implemented ensuring safe access and egress. The proposal does not include any alteration to the building footprint and therefore would not increase the risk of flooding elsewhere. The proposal is considered to accord with TAN15 and Policy SP3.

8.3 **Community Facilities and Urban Regeneration**

- 8.3.1 Policy SP12 supports the development of new community facilities (day nurseries) within sustainable locations. Furthermore, Policy SP18 supports the reuse of existing underuse or derelict properties. The scheme therefore has general policy support and would positively contribute toward the provision of local facilities serving the needs of residents.

8.4 **Impact on Amenity**

- 8.4.1 The proposal does not include the provision of any built form of development or alterations to existing window or door openings. As such, the separation distances, outlook and levels of daylight and sunlight afforded to existing properties would not be altered.
- 8.4.2 The existing last known use of the site was as offices; it is noted that a coffee shop was granted at ground floor, however it is not clear if this was ever implemented. In terms of noise, the proposed use is likely to result in higher levels of noise when compared to an office use. However, it is considered that the resultant noise level would not be significant to result in an adverse effect upon the wider amenity of neighbouring properties. Furthermore, the hours of operation are proposed to be Monday to Friday 0730 – 1800 hours. It is noted that the hours of operation on the previous consent 02/0965 were not controlled by way of condition. As such, it may be argued that the limitation of operating hours under the current application would represent a betterment to residential amenity.
- 8.4.3 No external alterations are proposed; therefore, visual amenity would be unaffected by the scheme. The proposal is considered acceptable in accordance with Policy GP2.

8.5 **Biodiversity**

- 8.5.1 The urban location results in the site from having limited ecological value; however, in accordance with Planning Policy Wales (Ed.12), all developments are required to result in a net gain in biodiversity. Furthermore, the application is not supported by a Green Infrastructure Statement. However, given the site's urban location and limited opportunities to provide a net gain in biodiversity, it is considered that a scheme is secured by way of condition in the form of bird and bat boxes.
- 8.5.2 No works are proposed to the roof, as such no further survey work is required to establish the presence of any protected species.
- 8.5.3 Subject to the attachment of a condition for biodiversity enhancement, the proposal accords with the aims of PPW (Ed.12) and Policy GP5.

8.6 **Character and Appearance and Conservation Area**

- 8.6.1 The proposal does not include any external alterations; the existing building has many attractive period features typical of Victorian period architecture. The Principal Heritage Officer has no objection to the scheme as no external alterations are proposed, thereby retaining the significance of the building and maintaining the buildings contribution toward the Lower Dock Street Conservation Area. The duty to preserve the appearance of the conservation area as outlined within the Historic Environment (Wales) Act 2023 is considered to have been met.

8.7 **Highways and Parking**

- 8.7.1 The proposal does not involve any alterations to existing vehicle accesses onto the highway, as such highway safety is considered to not be affected by the scheme.
- 8.7.2 In terms of parking, the site is located within Parking Zone 1 therefore the existing use as offices has a *nil* parking demand according to the Parking Standards SPG. The proposed use in Parking Zone 1 has a parking demand of 1no. commercial vehicle space and *nil* non-operational parking. During a site visit it was confirmed that capacity exists on street to cater for the 1no. commercial vehicle space. It is noted that a car park is located to the rear elevation, however this falls outside of the site location boundary and cannot be relied upon for any parking provision relating to the proposed use. Regarding pick up and drop off, the Parking Standards SPG has no requirement for allocated parking or areas given the sustainable location. Therefore, the scheme is considered acceptable in terms of parking arrangements.

- 8.7.3 The Highways Officers comments are noted, however they relate to Parking Zone 2, rather than Parking Zone 1 in which this site lies, and are therefore given very limited weight in the consideration of this scheme.

8.8 **Waste and Recycling**

- 8.8.1 The proposed use would require a commercial waste agreement with a licenced provider. The site includes a dedicated yard area which could adequately accommodate commercial bins and has a gated access onto the footway on collection days. To ensure that waste and recycling are not permanently stored on the footway, a condition is attached to the recommendation ensuring this is sited within the yard in the interests of maintaining the appearance of the conservation area.

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 considered to accord with all relevant national and local planning policies and is hereby recommended to be granted subject to conditions as detailed below.

**11. DECISION
GRANTED WITH CONDITIONS**

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

- Site Location Plan (Received: 25.03.2026)
- Flood Consequences Assessment (Received: 23.02.2026)
- Proposed Room Allocation (Received: 17.02.2026)

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 hours of operation shall be restricted to 0730 – 1800 hours Monday to Friday and at no times on Saturdays, Sundays or Bank Holidays.

Reason: In the interests of the amenities of occupiers of adjoining properties.

03 Within 3 months from the date of the decision notice, a scheme of biodiversity enhancement shall be submitted to and agreed in writing by the Local Planning Authority. The use shall not commence until the approved biodiversity enhancements have been installed and shall be retained for the duration of the use.

REASON: To achieve a net gain in biodiversity in accordance with Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and Planning Policy Wales (Ed.12).

04 The waste and recycling storage shall be located within the yard area as shown on the Site Location Plan (Received: 25.03.2026) north of the main building.

REASON: In the interests of preserving the appearance of the Conservation Area in accordance with the Historic Environment (Wales) Act 2024 and Policy CE7 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

05 The childcare provision shall only commence on the first and second floors of the building for the duration of the use in accordance with the details contained on the approved plans Proposed Room Allocation (Received: 17.02.2026).

REASON: In the interests of Technical Advice Note 15: Development, Flooding and Coastal Erosion (2025) and Policy SP3 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, SP3, SP12, SP18, GP2, GP5, GP6, GP7, CE7, 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.