

Delegated Decision Report

Application No:	25/0428	Statutory Period Expires:	3 rd October 2025
Site:	Ty Derwen Church Road Newport South Wales NP19 7EJ		
Proposal:	CHANGE OF USE OF GROUND FLOOR FROM B1 TO D1 AND FIRST FLOOR FROM B1 TO 7NO. BEDROOM HMO (PART RETROSPECTIVE)		
Applicant:	Mahmood		
Type:	Full	Ward:	St Julians
Decision:	REFUSED		

1. BACKGROUND

1.1 In 2001 a Certificate of Lawfulness (01/0709) was Issued by Newport City Council establishing the existing use of the application site as an Educational Establishment (D1).

1.2 The most recent planning history for the site dates back to 2002 where a change of use to offices and voluntary training centre (02/0459) was Granted with Conditions by Newport City Council. This approval contained Condition 02 which stated;

02 The premises shall be used only for offices and associated training centre but for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order).

Reason: In order to safeguard the use of the premises which are located adjacent to residential properties.

1.3 There is no more recent planning history available for the site, and it is understood that the existing lawful use would be as B1. Whilst this application is in part retrospective, there is not considered to be any existing lawful residential use of the property.

2. SITE LOCATION AND CONTEXT

2.1 The site is a large mid terraced Victorian building constructed of red brick and stone with large gables that fronts onto the northern side of Church Road. It is a former Educational building and the site also comprises of a large area to the rear, which would have previously been used as the playground but is now used as parking for the site.

2.2 To the east, the site adjoins Newport Nursery School and to the west adjoins a row of residential terraced dwellings. The northern boundary of the site contains a vehicular access onto Gloster Street providing access and egress for vehicles.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks planning permission for the change of use of the ground floor of the property from B1 (Offices) to D1 (Non Residential Institution) and first floor to a 7no. bedroom HMO at Ty Derwen, Church Road in the St Julians ward.

3.2 The ground floor place of worship comprises of 1no. pedestrian entrance directly from Church Road and 2no. entrance points to the rear. The layout comprises of a series of rooms served by a central corridor and comprise of a number of offices, meeting/prayer rooms, kitchen/dining area and children's play area. The area designated for prayer is relatively small in comparison to the layout of the ground floor and the proposed layout plan as listed above suggests use of this area for more than just a place of worship. The layout and labels of the plan suggest more of a community centre based use. However, both place of worship and community centre both fall into Use Class D1 and that is what has been applied for.

3.3 The first floor House in Multiple Occupation (HMO) has an exclusive entrance off Church Street and a shared access with the Place of Worship via a lobby and corridor to the rear of the building. The first floor arrangement comprises of a central corridor serving 7no. rooms

labelled 'Bed/Sitting Room' that all have ensuite facility and a communal lounge and kitchen with w/c. The application is silent in terms of detail relating to the first floor residential use, other than stating it is a HMO. However, the layout does not point to that typically associated with this use. Each room is very large, is labelled as having a bedroom and sitting area with an ensuite, which is not conducive to a typical HMO. The ground floor and first floor do somewhat appear linked given the layout being proposed and the lack of clear separation, however as previously stated, no commentary is provided on this point.

- 3.4 The rear of the site contains a car park comprising of 25no. spaces, a Sheffield cycle rack with 4no. hoops and a designated refuse storage area for all of the building. It is advised that 7no. parking spaces (6-12) are for the exclusive use of first floor residents, meaning that the ground floor place of worship would benefit from 18no. parking spaces on the layout provided.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
01/0709	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF PROPERTY AS EDUCATIONAL ESTABLISHMENT (D1)	ISSUED	27.07.2001
02/0459	CHANGE OF USE OF PREMISES TO OFFICES AND VOLUNTARY TRAINING CENTRE	GRANTED WITH CONDITIONS	21.06.2002

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

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 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1, SP3, SP12, SP13, SP18, SP19, GP2, GP4, GP5, GP7, H8, T4, W3.

- 5.4 SUPPLEMENTARY PLANNING GUIDANCE

PARKING STANDARDS

SUSTAINABLE TRAVEL

PLANNING OBLIGATIONS

HOUSES IN MULTIPLE OCCUPATION (HMOS)

AIR QUALITY

6. CONSULTATION RESPONSES

- 6.1 Natural Resources Wales: No objection as the highly vulnerable element of the development is at first floor. However, advise it is for planning authorities to determine whether the risks and consequences of flooding are acceptable. Therefore, the LPA should be satisfied that the proposal has fully considered access requirements, including evacuation routes used in an emergency flood event.

NRW also advise that the FCA fails to demonstrate that the potential risks and consequences of flooding are manageable.

- 6.2 Dwr Cymru Welsh Water: No objection.

- 6.3 Gwent Police: No response.

- 6.4 Highways: Objection.

Access from highway is via narrow gates which appear to open out onto highway and offer no visibility at all. This is the key safety issue. Notwithstanding the parking practices on Gloster Street the entrance should accommodate two-way traffic as well as pedestrians. It is currently around 2.7m wide with no pedestrian access.

Forward visibility and pedestrian visibility could be achieved by reducing the height of the wall. This would start to address highway safety concerns.

We would seek confirmation of the current lawful use, as it appears to be a school with very limited traffic movement and unsuited to any commercial use. Even if it is office space, movements are limited and tidal. When this and the proposed operations are understood, a view can be taken regarding intensification of use. At this stage however we would assume a significant increase in daily traffic.

However, it remains that the access is unsuited to the proposed uses and cannot be considered safe. Intensification would also increase conflicts on Gloster Street, but this has an effective carriageway width of 5m albeit partial obstructed by parking.

Highways would not support the retention of gates unless they are set back into the site and provision is made for pedestrian access.

The submission lacks sufficient detail to calculate the required parking provision (or daily trips) accurately. It suggests that half of the office space is retained which does not appear correct (from the drawing labelled as existing but assumed to be proposed). The ground floor appears to have a significant children's play area as well as prayer rooms and offices. The web site suggests international appeal and multiple activities or at least a significant catchment.

Without any supporting rationale we can only assume these are all separate uses generating cumulative parking demands and trips throughout the day and evening. On that basis there appears to be too little parking and intensification of use. Further information is needed to facilitate a pragmatic approach.

The provision should include electric vehicle charging and disability spaces, as well as provision for visitors.

Short stay cycle parking is indicated, but all proposed uses would require long stay provision. This must be secure and weatherproof. The commercial element should be separate from the residential provision.

Similarly refuse should be separated and formal storage provided. This must be accessible. The current parking arrangement and narrow gates prevent access. A refuse collection vehicle (RCV) will also be required to enter and turn which does not appear to be provided for. Amended plans with appropriate access and parking should be submitted with tracking for an 11m RCV.

Other service vehicles are anticipated, but these are not generally any more onerous and can be accommodated if the gates are removed and sufficient space is available for the RCV.

In summary, Highways would request more information, which may help to support the proposals, but at this stage would object on grounds of highway safety and parking policy.

- 6.5 Senior Scientific Officer: No response.
- 6.6 Waste Manager: No response.
- 6.7 Ecology: No response.
- 6.8 Environmental Health: No response.
- 6.9 HMO Licensing Officer: No objection.
- 6.10 Planning Contributions:

1. Introduction

Based upon a development of one HIMO, the following S106 planning obligations are required to mitigate the impact of the development.

2. Affordable Housing

Commuted sum payments for affordable housing will normally be sought on developments of one to two dwellings anywhere within Newport. The site lies within the Housing Target Area of Newport East. Newport East has aspirations for delivery of 20% affordable housing on new development. The equivalent commuted sum generated is £1,125

This payment will be paid prior to occupation and index linked to the RPI

3. Fees

Administration Fee

In accordance with the Planning Obligations SPG (2020), a £200 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.

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.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 9th June 2025 and a Site Notice was put up on 13th June 2025.

- 7.1 NEIGHBOURS: All neighbours within 50m of the application site were consulted (177no. properties) and 15no. responses have been received (13no. objecting and 2no. supporting), with a summary of comments listed below;

Objections

- Impact on parking with the local area (HMO and Place of Worship);
- Change in character of the area in combination with existing HMOs and temporary accommodation and the impact on/erosion of community and social cohesion and quality of life;
- Increased Anti social behaviour and associated issues within Church Road;
- Increased number of HMOs in the area putting a strain on local services including waste management with bins overspilling onto pavements;
- Existing occupiers of the building causing noise and disturbance with comings and goings late into the evening;
- Music being played as part of service from the place of worship at ad hoc times is disturbing residential amenity – Lack of noise insulation and soundproofing has been queried;
- Large gatherings associated with place of worship increasing noise levels particularly late at night on several occasions causing elevated noise levels;
- Further intensification of the use of the site along with the HMO will likely heighten this disruption;
- The HMO is not an appropriate use next to a nursery;
- Requests for Place of Worship to have operating hours controlled;
- Rubbish piled up to rear of property and fires being lit near the nursery school;
- Smell of cannabis coming into the nursery garden.

Support

- Bringing the previously vacant old building back into a beneficial use for the local community and providing much needed accommodation;
- The property has its own parking and is within easy walking distance from bus and train links should those without a car require public transport.

7.2 COUNCILLOR HOURAHINE:

- Traffic management concerns with vehicles entering from Gloster Place;
- Supports concerns raised by Headteacher of the Nursery School.

COUNCILLOR TOWNSEND:

- Objects to location next to the nursery school and there are issues associated with the property relating to litter, rats, smells, rubbish and smell of cannabis.

COUNCILLOR BRIGHT:

- Objects to the poor waste management of the current site,
- The property regularly has fires in the car park which causes a health problem and prevents Nursery School from having the windows open and has caused them to change their fire evacuation policy as previous fire exit required entry to the car park;
- Increased traffic in the area generated by additional occupants in the building will have a detrimental effect on residents living in Gloster Place
- Flood risk.

8. **ASSESSMENT**

8.1 **Principle of Development:**

8.1.1 The proposal is for the reuse of an existing building within the Urban Boundary and in a location that is generally considered to be sustainable, which until recently was vacant.

8.1.2 The reuse of a previously vacant building is supported in principle in line with Policy SP1 and SP18 of the NLDP 2011-2026 (adopted January 2015). However this is subject to all other material planning considerations and site constraints being addressed.

8.2 Retail Policy and Community Facilities

- 8.2.1 Planning Policy Wales Edition 12 advises that a D1 (Non Residential Institution) is a complementary use to retail and commercial centres.
- 8.2.2 Policy SP19 states that retail and associated uses best location in a City Centre will be subject to an assessment of need if not within a defined centre, and application of the sequential test if not within the City Centre. PPW 12 is clear in promoting a hierarchical approach to the consideration of retail, leisure proposals and other uses associated with a town centre location. A place of worship/community centre is a use that would be consistent with this and is considered to be best located within a defined centre.
- 8.2.3 The site is not located within a City Centre or a District or Local Centre and no assessment of need or sequential test has been submitted.
- 8.2.4 Policy SP12 states that new community facilities, in sustainable locations will be encouraged. Proposals for new facilities should be located in sustainable locations, particularly those that attract a high number of visitors, such as community centres, leisure centres and theatres. Such facilities need to be accessible by a choice of transport modes and should be situated within or adjacent to the community that the facility is serving. The reuse of existing buildings is preferable to new buildings. Applications will also need to be considered against the other relevant NLDP policies.
- 8.2.4 The site is considered to be located in a sustainable location. Church Road is on a bus route and is also closely linked to Caerleon Road, which is one of the main links to the City Centre and also served by several nearby bus stops. The location is accessible to the surrounding residential area on foot, however it is not entirely clear exactly who the target audience of the place of worship would be. No further information has been submitted relating to the place of worship, however it would appear from the website that it forms part of an international network named 'Winners Chapel International'. Given the nature and use of the place of worship, it is considered likely that users would also travel from a wider catchment to attend service.
- 8.2.5 It is considered that the site is located within a sustainable location served by public transport links and includes the reuse of part of an existing building. Policy SP12 is complied with. Having had regard to Policy SP12 and the sustainable location of the site, in this instance despite the failure to address SP19, it is considered that on balance it would not be grounds to refuse planning permission on this basis.

8.3 Impact on Residential Amenity and Surrounding Area (Place of Worship):

- 8.3.1 Within some of the objections received from local residents, it has been claimed that the place of worship that is currently in operation has resulted in noise generation due to large gatherings of people attending service, music being played as part of the service and also the ad hoc timing of services taking place. Responses have also requested that if planning permission is approved that the hours of operation are controlled and a scheme of noise insulation is secured.
- 8.3.2 The surrounding area is predominantly residential but does have several commercial premises. Its character is considered to be mixed but with a large number of residential properties. Taking into consideration the street layout there are a number of residential properties within direct and/or close proximity to the site who could reasonably expect to be impacted if adequate control is not in place. During the site visit, it was evident that live music forms part of the service as there was a drum kit and keyboard set up in the prayer room along with microphones and sound control equipment. Material found online also shows live singing taking place during services. All of this would be indicative of a modern place of worship where impact upon nearby sensitive receptors is a key consideration. The application forms do not provide any operating hours for the use, however it could reasonably be expected for services to take place earlier in the morning or during the evening, so limitation of operating hours would need to be controlled by a planning condition if permission is forthcoming. Large windows serve the prayer room to the front

and rear and it could not be controlled how these are used, however the use of amplified music equipment outside of reasonable hours would also need to be controlled, as the use of the building outside of these hours without amplified music could be acceptable.

8.3.3 A scheme of sound insulation has been requested within a neighbour response, however this is not something that could reasonably be secured and controlled. Even in the event walls were sound proofed, opening a window would allow sound to escape. As mentioned, use of windows cannot be controlled, so the most effective way to impact amenity is via the control of hours and use of amplified music equipment as suggested above.

8.3.4 Between the ground floor commercial use and the first floor proposed residential use, a scheme of sound insulation would be necessary however as the relationship is changing to a mix of commercial and residential. This could be controlled through a planning condition if permission were forthcoming.

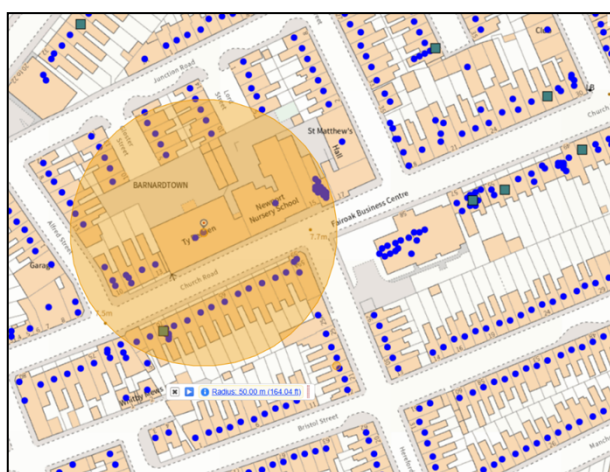
8.4 Concentration of HMOs and Impact on Character and Appearance and Amenity:

8.4.1 Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) states: 'within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation will only be permitted if:

- i) the scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems;
- ii) the proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock;
- iii) adequate noise insulation is provided;
- iv) adequate amenity for future occupiers.'

8.4.2 In support of Policy H8, the Council has adopted Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation, which provides further detail on how such applications are assessed. The SPG notes that clusters of HMOs can impact the composition of communities and detract from local visual amenity. To manage this, the SPG introduces thresholds beyond which HMOs are considered to negatively affect the character of an area. Specifically, the guidance sets a limit of 15% HMO concentration in defined areas and 10% in all other areas.

8.4.3 The application site falls within the 15% threshold area. A survey of housing stock within a 50m radius of the first floor address point identifies the full front elevation of 28no. residential properties, of which one (70 Church Road) is licensed as a HMO. This equates to a current concentration of 3.60%. The proposed development would introduce a second HMO within this radius, increasing the concentration to 7.15%, but still complying with the threshold set out in the adopted SPG.



Commented [JD1]: What is the group of dots on the property on the eastern periphery of the radius?

Commented [GH2R1]: The new flatted development on the former Church site.

Figure 1: 50m HMO Threshold Test (18/09/2025)

- 8.4.4 There is a reasonably high number of HMOs within Church Road, and objections from members of the public have highlighted this. However, these are located north east of the 50m radius and cannot be counted towards the threshold assessment. Planning applications must be determined in accordance with the adopted development plan and associated guidance unless material considerations indicate otherwise. In this instance, the proposal does not breach the threshold assessment and having undertaken a site visit it is accepted that whilst the appearance of some properties within the area are a little unkempt, which could be an indicator of an issue with social cohesion and visual amenity, there is no evidence that links this to them being HMOs. The only other HMO within the 50m radius is at No.70 and on review, it is not considered that the appearance or condition of this property is resulting in any adverse impact on surrounding amenity, or suggesting any contribution to an issue of social cohesion.
- 8.4.5 An issue has been raised with the proposed location of the HMO and its proximity neighbouring a nursery school. Residential uses are compatible with community uses and there is no evidence that a HMO would have a demonstrable adverse impact upon the nursery school operation.
- 8.4.6 Therefore, despite it being acknowledged that there are some issues within the wider area, the lack of correlation or evidence would not provide a robust reason to link this to the number of HMOs. The fact the threshold stated in the adopted SPG is not exceeded must be afforded substantial weight.
- 8.4.7 In terms of impacting the surrounding character of the local area through the concentration of HMOs, the scale and character of the proposed development and amenity of neighbouring properties the proposal is considered to comply with Policy GP2 and H8 of the NLDP 2011-2026 (adopted January 2015).
- 8.5 Residential Amenity of Future HMO Occupiers:**
- 8.5.1 Criterion iv) of Policy H8 ensures adequate amenity for future occupiers of the proposed HMO. It is important to ensure the first floor HMO proposed has adequate access and internal layout, sufficient bedroom sizes and layout that maximises the living standards for occupants which should include access to natural light, outlook and ventilation. Furthermore, HMOs should provide outdoor amenity spaces in which residents can relax, dry their clothes and store refuse and recycling bins. Shared amenity spaces will be acceptable so long as they can accommodate every resident of the properties that they serve.
- 8.5.2 In terms of access, there are two entrances proposed. Entrance Point 1 is at the rear of the building via the car park and would be shared with the ground floor commercial use i.e. place of worship. This entrance also has a lift that provides access to the first floor. Entrance Point 3 is directly accessed off Church Street and would be solely for the first floor HMO. Paragraph 5.4.4 of the SPG states *"In no circumstances may an HMO and a non-residential unit (e.g. a shop) share a single entrance"*. A shared communal entrance with a non residential use does not provide an acceptable level of residential amenity for the first floor occupiers. It is noted that a private entrance is provided from Church Road, however with car parking and provision of recycling and refuse storage all shown to the rear, it would be impractical for residents to rely solely on this. As such, the proposed layout in terms of accessibility is not acceptable in its current format.
- 8.5.3 No external amenity space is provided for the residents of the HMO to utilise on the submitted plans. As such, there is no designated areas that residents could access in order to dry clothes and utilise for recreational purposes and relaxation. It was informally

discussed during the site visit that an external area next to 'Entrance Point 2' could be utilised by residents. Even if this space was formally proposed, it is considered to be a narrow area of low quality space that would not easily be accessible by residents and is also still shown as being accessible from the ground floor use. This would not be a sufficient area of space of an acceptable quality to offer residents reasonable amenity. The proposed site plan also designates an area in the corner of the car park adjacent to the building for the storage of recycling and refuse receptacles for the entire building. Firstly, the exact extent of this area is not very clear, however it does not look spacious, and design requirements as per the Waste Storage and Collection SPG need an enclosure that is unlikely to be feasible here. Accessibility would also not be possible if vehicles are parked in parking space 15 and 16 as per the plan.

8.5.4 Secondly, Paragraph 3.9 of the Waste Storage and Collection SPG states the following "*In a mixed development, a strict separation of waste is required to ensure that commercial waste does not enter the domestic waste stream. Two refuse storage areas must be identified on site plans detailing this separation.*" The proposed refuse storage area is of poor quality, in a poor location and mixes commercial and residential storage.

8.5.5 Turning to the internal layout of the first floor, it is proposed to retain the majority of the existing layout to facilitate the change of use. Some internal alterations are proposed in order to provide each bedroom with an en-suite facility and an internal wall is to be removed to create a communal lounge and kitchen. At present, there are windows contained within the internal corridor walls that would allow views into bedrooms, but it is also proposed to block these up. The proposed bedrooms are spacious and benefit from high ceilings as well as large windows that provide outlook either to the front or rear and access to natural light. Each room is labelled as being a bedroom and sitting room, is very large and has an ensuite. A layout such as this is not conducive of a HMO and the layout does point to the use not being as a HMO. However, the application is silent in terms of any commentary on how the proposal is set to work and the Council is cautious whether the intention is in fact to use the first floor as a HMO based on this layout. However, taking the application on face value, in line with the HMO License Guidance each room would be adequate in size for two persons – which is the maximum permitted occupancy the Council's Housing Department would license for a HMO bedroom. The communal lounge and kitchen is approximately 36sqm in size. For up to 10 persons, a HMO License would require 10sqm kitchen and 20sqm living room and so if looking at an open plan kitchen and living space the proposal is in excess of these combined sizes. However, if licensed as two persons a room there would be 14 persons occupying the HMO. The HMO guidance advises that a single kitchen is not suitable for more than 10 persons regardless of its size. Only one kitchen is proposed, if planning permission is granted a condition would need to restrict the maximum occupants to 10.

8.5.6 It is not considered that the proposal offers residents a suitable level of residential amenity and is contrary to Policy GP2 and H8 of the NLDP 2011-2026 (adopted January 2015) and the Houses in Multiple Occupation SPG.

8.6 Highway Safety and Parking:

8.6.1 The rear parking area is accessed via a narrow gated access from Gloster Street, a small residential cul de sac off Junction Road, which is paved and has the feel of a 'shared space'. The residents of Gloster Street park at an angle, leaving a narrow central passageway to the site access, which is secured by gates that open out onto the highway. There is no visibility owing to the narrow width and height of the boundary wall and this is the key safety issue raised by the Council's Highways Officer. Highways advise that the entrance from Gloster Street should accommodate two way traffic as well as pedestrians, however it is approximately 2.70m wide with no pedestrian access. It is considered by the Highways Officer that the current access is unsuited to the proposed uses, cannot be considered safe and that its intensification would also increase conflicts on Gloster Street. They have objected to the application on highway safety grounds.

8.6.2 Turning to parking, a site plan has been submitted that shows 25no. parking spaces, with it being advised that parking spaces 6 to 12 (inclusive) are for the first floor HMO use with the remainder allocated to the ground floor place of worship. The parking layout shown on the

site plan includes spaces which may have accessibility issues when other vehicles are parked, however it is noted that this is the existing arrangement on site. On site it was apparent that spaces 16-20 are covered by a structure, which is likely to impede useability of some spaces, and this is also used as storage. However, clearance and availability of spaces is a matter that could be controlled under the planning permission, if forthcoming. It is noted that the red line on the site location plan has been drawn in a way that excludes spaces 16-20, however this looks to be a drawing error, as the parking spaces as viewed on the site visit are within the site's boundary.

- 8.6.3 A material consideration of the application when considering the acceptability of the vehicular access and the parking provision on site is the existing lawful use of the site as a fall back. The Highways Officer has alluded to this in their response, and it will be considered in more detail below.

Fallback Parking Demand

- 8.6.4 The most recent planning application 02/0459 for a change of use to offices and voluntary training centre was granted with a condition restricting the use of the site to B1. It is understood the use of the site was by the Gwent Association of Voluntary Organisations (GAVO), who were the last known user of the site prior to this application. In accordance with the Council's adopted Parking Standards, in Parking Zone 3, a B1 (Office) use of less than 1,000sqm would generate a parking demand as per the below table;

Development	Requirement	Floor Area (Sqm)	Total Spaces Required
Offices <1000sqm	1no. space per 35sqm	946sqm	27no. spaces

- 8.6.5 Having 25no. spaces shown on the parking layout is broadly accurate and in line with the parking demand as per the SPG. So the existing use of the site as B1 (Office) is considered to be appropriately served in parking terms.

Proposed Parking Demand

- 8.6.5 The proposed change of use is a place of worship at ground floor, with 7no. bedroom HMO at first floor. The proposed parking requirements are set out in the table below;

Development	Requirement	Floor Area (Sqm)/No. Bedrooms	Total Spaces Required
Place of Worship (Ground Floor)	1no. space per 10 seats or 1no. space per 8sqm of praying floor space	104sqm praying floor space	13no. spaces
HMO (First Floor)	1no. space per bedroom 1no. visitor space per 5no. bedrooms	7 bedrooms	8no. spaces
			21no. spaces

- 8.6.6 The Highways Officer has raised concern in relation to the detail submitted for the proposed ground floor use and the subsequent assessment of parking demand. For a place of worship the parking demand is based on the area of praying floor space, however in this example this area is only a small portion of the overall ground floor layout, with approximately 365sqm of floor space unaccounted for when assessing parking demand. This was also evident during a site visit, where there was communal use of rooms taking place in association with the ground floor use. This included a children's play space, kitchen/dining area and rooms allocated as office space, as shown on the ground floor layout plan. The proposal offers more than just a place of worship for its users, and provides an offer more akin to a mix of place of worship and community centre. From a

highways assessment this mix has the potential to result in a significantly different impact than a traditional place of worship.

- 8.6.7 The application has offered no substantive supporting information as to how the ground floor use operates, for example the regularity of services, days and times these take place, the typical number of attendees and also how the remaining floor space is used. It is understood from online advertisement that the place of worship is part of a wider and international network and offers multiple activities to members and this would suggest a wider or significant catchment. As outlined by the Highways Officer in their response, the lack of detail makes it very difficult to make an assessment of the required parking provision and associated daily trips.
- 8.6.8 The assessment of highways impact extends beyond the number of vehicles requiring access or parking at the site, and this is only one aspect of a broader evaluation. The Highways Officer has advised that the existing office use is likely to generate limited and predominantly 'tidal' vehicular movements, typically concentrated at the beginning and end of the working day. This pattern of use is likely to place less demand on the existing substandard access.
- 8.6.9 In contrast, the proposed mixed use development comprising a place of worship/community centre and 7no. bedroom HMO is expected to result in more frequent and dispersed vehicular movements throughout the day, including weekends and into the evening. These movements are more likely to coincide with periods when residents are at home, thereby increasing the intensity of use of the substandard access.
- 8.6.10 This intensification raises significant highway safety concerns, and the Highways Officer has objected to the proposal. No supporting information submitted to date has satisfactorily addressed or mitigated these concerns.
- 8.6.11 Additionally, the proposed use is anticipated to generate peak traffic volumes during weekend periods when residential parking demand is typically higher and expectations for quieter conditions are greater. This increases the potential for conflict between users and adversely affects both highway safety and residential amenity.
- 8.6.12 The proposal is contrary to Policy GP2 and GP4 of the NLDP 2011-2026 (adopted January 2015).

8.7 Green Infrastructure:

- 8.7.1 Chapter 6 'Distinctive and Natural Placemaking and Well-Being' of Planning Policy Wales (PPW) Edition 12 (updated February 2024) states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long term benefit. PPW 12 also advises that a Green Infrastructure Statement (GIS) should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. PPW 12 states that having worked iteratively, in line with Figure 12 through the stages of The Stepwise Approach, and providing a GIS that the step wise approach has been followed, a scheme of enhancements must be provided to ensure a net benefit for biodiversity.
- 8.7.2 No GIS has been submitted with the proposal, however given that the application is for a change of use and the proposal does not result in any impact on GI at the site, it is considered that if planning permission is forthcoming a suitably worded condition could be used to secure a scheme of proportionate biodiversity enhancement.
- 8.7.3 Subject to a condition, the scheme complies with Policy SP1 and GP5 of the NLDP 2011-2026 (adopted January 2015).

8.8 Flood Risk:

- 8.8.1 The site is located within Flood Zone 3 (Sea) and the TAN 15 Defended Zone (Sea), as per the Flood Maps for Planning (FMfP). The existing lawful use of the building is a 'less vulnerable' use in flood risk terms. The proposal would retain this less vulnerable use at ground floor and introduce a 'highly vulnerable' use i.e. residential at first floor.
- 8.8.2 In their response, NRW have advised that as the highly vulnerable element of the proposal is elevated from any flood risk, they do not object to the proposal. However, NRW have advised that it is for planning authorities to determine whether the risks and consequences of flooding are acceptable and whether the proposal has fully considered access requirements, including evacuation routes used in an emergency event.
- 8.8.3 The 2025 TAN15 confirms that a Flood Consequences Assessment is required for any development proposal located fully or partly in Flood Zone 2 and 3. The assessment will help the planning authority determine whether the risk and consequences of flooding are acceptable and can be appropriately managed over the lifetime of development. The assessment can also be used to establish whether appropriate avoidance or mitigation measures could be incorporated within the design of the development to ensure that over its lifetime, development minimises risk to life, damage to property and disruption to people living and working on the site, and does not increase flood risk elsewhere. The TAN also sets out the tolerable conditions (rate of water rise, speed of inundation etc) and an FCA should provide Authority's with details of how the development would comply/compare with these.
- 8.8.4 An FCA has been submitted, and the following section of this report will undertake the technical assessment, using the final comments received from NRW as guidance.

8.8.5 No Increase in Flooding Elsewhere

The FCA confirms that the proposed conversion does not involve any ground raising, extensions to the building footprint, or alterations to the existing layout. As such, there will be no impact on flood storage capacity or flow paths.

8.8.6 Occupiers' Awareness of Flood Risk

The FCA states that residents will be informed of the flood risk associated with the site and will be advised to register with the NRW Flood line service.

8.8.7 Escape and Evacuation Routes

While the first floor residential use is expected to remain flood free during extreme flood events, the ground floor commercial use and building access will be subject to flooding. The site is accessed directly from Church Road, which provides two pedestrian entrances. However, flood modelling indicates that Church Road could experience flood depths of up to 1.546m during the defended 1 in 1000-year (2115) event, exceeding tolerable access thresholds for highly vulnerable uses. Consequently, safe, dry access cannot be maintained during such events, and reliance on evacuation alone is not acceptable.

Paragraph 11.3 of TAN 15 requires that:

- Escape and evacuation routes are present; and
- Flood emergency plans and procedures are agreed and in place.

The area's flood defences comprise a flood wall currently rated as being in poor condition. The FCA notes that breach data is available and NRW advise this should be included. The revised TAN 15 provides explicit requirements for overtopping and breach scenarios, which should be considered as the 'design event' in accordance with paragraph 10.26 and Figure 5.

To comply with the revised TAN 15 and fully assess the risks, NRW recommends that a breach assessment is undertaken.

This test is not met.

8.8.8 Flood Emergency Plans and Procedures

The FCA advises that a flood warning and evacuation plan will be prepared, setting out the necessary precautions and actions to be taken in the event of a flood to mitigate potential impacts and damage.

8.8.9 Flood Resistant and Resilient Design

The building is an existing structure within a terrace, limiting the scope for additional flood resilience measures. However, due to the age and construction of the property, it is considered less susceptible to structural damage.

8.8.10 Flood-Free Design for 1% and 0.5% Events Plus Climate Change

For a 0.5% (1 in 200-year) annual probability tidal flood event, including climate change allowance to 2115, the predicted flood depth is 7.83m AOD. With a ground floor finished floor level (FFL) of 7.83m AOD, the development is predicted to remain flood-free.

However, the FCA applies a 90-year development lifetime, rather than the 100-year period required for highly vulnerable development. While the site is predicted to be flood-free in 2115, the additional 10-year period is not accounted for. NRW has confirmed that flood depths are likely to increase over this period, meaning the test is not met.

The proposal does not account for the required 100-year lifetime plus climate change allowance, and therefore fails this test.

8.8.11 Flood Depth and Velocity in Extreme Events

During a 0.1% (1 in 1000 year) annual probability tidal flood event, including climate change allowance to 2115, the predicted flood depth is 9.00m AOD. With a ground floor FFL of 7.83m AOD, the development would experience flooding to a depth of 1.17m, exceeding the tolerable limits set out in Figure 6 of TAN 15. The FCA does not assess potential flood velocities.

Again, the FCA uses a 90-year lifetime rather than the required 100 years. The predicted flood depth already exceeds tolerable limits, and this is likely to worsen over the additional 10-year period.

This test is not met.

8.8.12 Flood Assessment Conclusion

The FCA is based on a 90-year development lifetime, contrary to Section 10.28 of TAN 15, which requires a 100-year period for new dwellings.

Paragraph 10.17 of TAN 15 states: "On brownfield sites, redevelopment proposals should not result in over-intensification of use, nor should they diminish the area's capacity to absorb flood water or contribute to flooding elsewhere. All applications should explore opportunities to incorporate flood-resilient design where appropriate, and any proposal involving highly vulnerable development must comply with the tolerable conditions outlined in Section 11."

Despite the data provided, the FCA does not demonstrate compliance with the tolerable conditions in Section 11 of TAN 15.

Furthermore, Church Road is predicted to flood to a depth of 1.56m during the defended 1 in 1000-year (2115) event, exceeding tolerable access thresholds for highly vulnerable uses. Safe, dry access cannot be maintained, and reliance on evacuation is not sufficient. Paragraph 11.3 requires that escape and evacuation routes are present. This raises significant concerns regarding the ability of residents to safely evacuate and the ability of emergency services to access the site during a flood event.

The proposal fails to demonstrate compliance with TAN 15 and represents an unacceptable intensification of use from less vulnerable to highly vulnerable, contrary to Policy SP3 and TAN 15.

8.9 Other Matters:

- 8.9.1 During the public consultation, other matters have been raised that are not material planning considerations and linked to the proposal being considered within this application. This includes existing rubbish being stored and fires lit at the rear of the site and the impact of this on the neighbouring nursery. At the time of the site visit, there was no excessive rubbish contained at the rear of the site that would likely cause an issue, and no evidence of any recent fires. However, these matters would be best dealt with by Environmental Health who have their own regulatory powers under separate legislation to deal with statutory nuisances.

8.10 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:

In this case, the developer has provided information in relation to the viability of the planning obligations relevant to the scheme...(officers must explain what information received, what viability issues raised and our assessment of them, how has this affected the planning obligation agreed by officers)?

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	To provide a financial contribution	20% affordable housing contribution.	Not Agreed	No.

Development	towards off site affordable housing			
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HEADS OF TERMS AGREED BY APPLICANT

- 8.10.1 As the application is recommended for refusal, no agreement to Heads of Terms have been sought.

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 proposed development would result in an intensification of the use of the site that would result in an adverse impact on matters of flood risk, highway safety by reason of use of an existing substandard access, lack of outdoor amenity space for residents of the HMO

and insufficient refuse storage for the commercial and residential uses. Whilst there is merit in the re-use of a vacant/underused building, this does not outweigh the objections raised.

10.2 The proposal is contrary to Policy SP3, GP2, GP4, H8, T4 and W3

11. DECISION

REFUSED

01 The proposed development will have a significant adverse effect on interests of acknowledged importance, namely residential amenity, owing to the shared access between the commercial and residential uses and the lack of outdoor amenity space for occupants of the House in Multiple Occupation. No information has been submitted that mitigates this objection, contrary to Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the adopted Houses in Multiple Occupation SPG.

02 The proposed development will have a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity by reason of flood risk arising from an intensification of highly vulnerable residential accommodation on site. No information has been submitted that mitigates this objection, contrary to policy SP3 and GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and Technical Advice Note 15: Development, Flooding and Coastal Erosion. (March 2025).

03 The proposed development will have a significant adverse effect on interests of acknowledged importance, namely highway safety and neighbouring residential amenity arising from an intensification of use of the existing substandard vehicular access at more frequent and dispersed times when residents are likely to expect a quieter environment. No information has been submitted that mitigates this objection, contrary to policy GP2 and GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the Parking Standards SPG.

04 The proposed development fails to provide separate and adequate refuse and recycling storage for the proposed ground floor commercial use and first floor residential use. This is contrary to Policy SP1 and W3 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the adopted Waste Storage and Collection SPG.

05 The development will have a significant adverse impact upon interests of acknowledged importance, namely affordable housing. No signed legal agreement has been provided for the commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. This is contrary to Policy H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: KD1995 1 – Existing Ground Floor Plan and Site Plan; KD995 2 - Existing/Proposed First Floor Plan; Supporting Letter from Agent (23.09.2025); Flood Consequences Assessment (May 2025); Site Location Plan;

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP12, SP13, SP18, SP19, GP2, GP4, GP5, GP7, H8, T4, W3 were 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.