

Delegated Decision Report

Application No:	25/1022	Statutory Period Expires:	13th March 2026
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Site:	<i>Land And Buildings Encompassing 90 To 91 Commercial Street Newport South Wales</i>		
Proposal:	<i>CHANGE OF USE TO A CHILDREN'S NURSERY</i>		
Applicant:	<i>L J Courtney</i>		
Type:	Full	Ward:	Stow Hill
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 The previous consent 14/0974 allowed for the renovation of the shop fronts, these works have been undertaken and result in a positive impact upon the wider character and appearance of the area.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located within the city centre adjacent the main highway of Commercial Street. The unit forms the ground floor section of 90 and 91 Commercial Street. To the rear lies a small off street parking area and courtyard accessible from the Kingsway.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposal seeks to change the use of 90 & 91 Commercial Street (A1 to D1) to be used in conjunction with the existing nursery at 89 Commercial Street to offer up to 20no. Flying Start childcare places.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
15/0901	CHANGE OF USE FROM A1 (RETAIL) TO D1 (CHILDREN'S NURSERY)	Granted with conditions	13.11.2015
14/0974	RENOVATION/REFURBISHMENT OF FRONT FACADE, INCLUDING THE REPLACEMENT OF UPPER WINDOWS, INSTALLATION OF REPLACEMENT SHOPFRONT AND ALTERATION TO ENTRANCE TO UPPER FLOOR FLATS.	Granted with conditions	10.11.2014
14/0973	RENOVATION/REFURBISHMENT OF FRONT FACADE, INCLUDING THE REPLACEMENT OF UPPER WINDOWS, INSTALLATION OF REPLACEMENT SHOPFRONT AND ALTERATION TO ENTRANCE TO UPPER FLOOR FLATS.	Granted with conditions	10.11.2014
14/0972	RENOVATION/REFURBISHMENT OF FRONT FACADE, INCLUDING THE REPLACEMENT OF UPPER WINDOWS, INSTALLATION OF REPLACEMENT SHOPFRONT AND ALTERATION TO ENTRANCE TO UPPER FLOOR FLATS	Granted with conditions	10.11.2014
00/1283	CHANGE OF USE FROM RETAIL (A1) TO SOLARIUM/SUN-BED CENTRE (SUI GENERIS)	Granted with conditions	16.02.2001

5. PLANNING POLICY

- 5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP12 – Community Facilities
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- CE6 – Archaeology
- T4 – Parking
- R1 – City Centre Schemes
- W3 - Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Waste Storage and Collection
- Archaeology and Archaeologically Sensitive Areas
- Wildlife and Development
- Parking Standards

6. CONSULTATION RESPONSES

6.1 Principal Heritage Officer: am struggling to discern from the poor-quality reproduction of updated information as to whether any external alterations are proposed.

In lieu of this, I would just highlight that the existing frontage is part of a long and unified elevation of high quality, the material details for which should be retained for the sake of amenity value and their contribution to local character.

6.2 Drainage Manager: No response received.

6.3 Environmental Health Officer: I confirm I have no objections to the proposal; however the following condition should be attached to any permission granted;

Waste Storage and Recycling

There is a lack of information regarding the waste storage and recycling facilities that will be provided to serve the future development. Therefore, either additional information is required or the following condition is recommended;

Prior to first beneficial use, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected

6.4 Head of Children's Services: No response received.

6.5 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.

6.6 Newport Access Group: No response received.

6.7 Heneb:

Thank you for notifying us of this application; consequently, we have reviewed the detailed information contained on your website and can confirm that archaeological mitigation is not required. We have reviewed the area against the information in the regional Historic Environment Record (HER) which shows as follows:

The proposed works are within the Archaeologically Sensitive Area of Newport. A review of the 1st – 4th Edition (1884, 1901, 1921, 1937) historic Ordnance Survey maps show the footprint of the property. The proposal includes a change of use. The works are of small scale, and with our understanding of the historic environment, it is unlikely that significant archaeological features will be encountered or that existing features will be disturbed. Therefore, the potential impact is considered low.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

6.8 Highways Officer: No objection subject to conditions.

Highway Comments:

The proposed use is no more onerous in terms of servicing than the extant consent and is not required to have non-operational parking within zone 1.

It appears that the application is retrospective and there is vehicular access at the rear. This is used for parking which is not supported as the access is gated and has no pedestrian visibility. However, given no demonstrable intensification or increased parking demand, Highways do not raise any formal objection.

There are no details of cycle parking so this should be secured (for employee use) by way of condition

In summary there are no objections subject to providing staff cycle parking.

Suggested conditions:

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 within three months of the date of this planning approval 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.

6.9 Dwr Cymru/Welsh Water: 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 Neighbour notification letters were sent on the 5th February 2026 and a Site Notice was put up on the 13th February 2026. No comments received.

8. ASSESSMENT

8.1 Principle of Development:

- 8.1.1 The application site is located within the city centre, and is therefore inherently sustainable and accords with the Town Centre First approach as set out within Future Wales – The National Plan 2040 and Policy SP1 of the Newport Local Development Plan.

8.2 Heritage and Design Impacts

- 8.2.1 The application site is not located within a Conservation Area, nor is it a Listed Building, however it is within close proximity to the Grade II Listed St Pauls Church (listing ref: 3013) and development within the context of the Listed Building needs to be assessed as to ensure there would be no unacceptable impact upon the setting of the listed asset as not adversely affect its setting. Accordingly, the Principal Heritage Officer was consulted due to the location of the site adjacent to the Listed Building and given the period features of the building and restored shopfronts.

- 8.2.2 No alterations are proposed to the shopfronts and the Principal Heritage Officer has raised no objection to the proposed change of use. Therefore, it is considered that the scheme has no adverse impact upon the character and appearance of the building or surrounding area nor is it considered to prejudice the setting of the Listed Building no conflict with the requirements of TAN24, The Historic Environment (Wales) Act 2023 or PPW12 have been identified.

8.3 Community Facilities

- 8.3.1 Policy SP12 has general support for the provision of day nurseries in sustainable locations; furthermore, the scheme retains and expands the existing community facilities to the benefit of the overall location population through the provision of additional childcare places.

8.4 **Impact on Amenity**

- 8.4.1 The proposal does not include any built development or alteration of any existing windows. Therefore, the scheme would not impact existing levels of overshadowing, daylight or sunlight received by neighbouring properties.
- 8.4.2 Residential dwellings are located to the first and second floors of the building, no objections or concerns have been raised by the Environmental Health Officer with regard to noise levels from the proposed use. Internal noise levels are controlled by the Building Regulations 2010 Approved Document E between commercial and residential units. As such, it is considered that this element is suitably controlled via separate legislation and shall not be repeated here as that would not meet the six tests for the attachment of conditions.
- 8.4.3 The hours of operation are proposed to be Monday to Friday 0745 – 1800 hours, and at no time on Saturdays, Sundays or Bank Holidays. The proposed hours of operation are considered reasonable in terms of residential amenity and the needs of the proposed use within this city centre setting.
- 8.4.4 With regard to the number of children attending the site, minimum space standards are prescribed by the National Minimum Standards for Regulated Childcare for children under 12 and are enforced by Care Inspectorate Wales (CIW). As these regulatory controls ensure appropriate space and capacity are maintained, it is not considered necessary or reasonable to impose a planning condition on child numbers, as this would duplicate existing statutory requirements and would not meet the six tests for conditions.

8.5 **Impact on Highways and Parking**

- 8.5.1 The proposal does not involve any alterations to the adjacent highway or existing parking arrangements. On street parking is located directly outside the commercial units and limited to 1 hour between Monday to Saturday 0800 – 1800 hours. Limited off street parking is located at the rear of the application site to accommodate approximately two vehicles. Given the sites sustainable location and the aims of national policy to reduced reliance on private vehicles, it is considered that the parking arrangements are acceptable and the Highways Officer has raised no objection on parking grounds.
- 8.5.2 A scheme of bicycle storage serving the needs of staff is secured by way of condition further encouraging the use of active modes of transport. Subject to condition, the proposal accords with Policies GP4 and T4.

8.6 **Ecology**

- 8.6.1 This application seeks consent for the change of use of an existing building only and therefore will not impact upon biodiversity interests within the area. The application site is very limited in terms of opportunities to provide any significant biodiversity enhancements as the use relates only to the ground floor and the outdoor space available is modest and urban in character. In this instance, given that the development will not prejudice biodiversity interests it is considered that the scheme is acceptable without the inclusion of a biodiversity enhancement.

8.7 **Archaeology**

- 8.7.1 The proposal does not involve any below ground excavations; Henneb have also raised no objection to the scheme and it would not require an archaeological watching brief or other mitigation. Any below ground deposits which may be presented, are not impacted by the scheme is therefore considered acceptable.

8.8 **City Centre Schemes**

- 8.8.1 The proposal is considered to accord with the *enhancement* requirement of Policy R1 as the scheme seeks to bring into use a currently vacant unit thereby positively contributing toward the vitality of the city centre.

8.9 **Waste**

8.9.1 The proposal would utilise the existing commercial waste management arrangements as the use is an extension of the existing business. The bin storage remains located to the rear courtyard and is acceptable in terms of Policy W3. In light of the current arrangement for waste storage and management it is not considered that the condition as suggested by The Council's Environmental Health Officer is necessary and therefore will not be attached to any grant of planning permission.

8.10 **Drainage/Water**

8.10.1 The application site is in an area served by mains water supply and sewers, accordingly DCWW have been consulted on this application and raise no objection confirming that there is sufficient capacity within the existing networks to accommodate the development. DCWW have suggested a condition be attached to the grant of planning consent in relation to surface water drainage, this condition will not be attached as the development relates to a change of use only and no physical development is proposed and as the provision of surface water drainage is controlled via other legislation separate to the Town and Country Planning Act and therefore it is not considered that the condition would meet the tests in respect of being proportionate or necessary.

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 consider to enhance the area through the reuse of an existing commercial unit and provide for an essential childcare facility within the city centre serving the needs of the local community. The proposal is acceptable and accords with national and local policies.

**11. DECISION
GRANTED WITH CONDITIONS**

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

- Site Location Plan (Received: 19.01.2026)
- Ground Floor Plan Proposed (Received: 19.01.2026)
- Ground Floor Plan Proposed (Received: 16.12.2025)

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 Within 3 months of the date of this decision a scheme of secure bicycle storage shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented within 1 month of the date of the condition being discharged and maintained for the lifetime of the development.

REASON: In the interests of active travel in accordance with Policy SP1 and T4 of the Newport Local Development Plan 2011 – 2025 (Adopted January 2015).

03 The hours of operation shall be limited to Monday to Friday 0745 – 1800 hours, and at no times on Saturdays, Sundays or Bank Holidays.

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

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, SP12, GP2, GP4, GP5, GP6, CE6, T4, R1 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.