

# Delegated Decision Report

|                        |                |                                  |                            |
|------------------------|----------------|----------------------------------|----------------------------|
| <b>Application No:</b> | <b>26/0487</b> | <b>Statutory Period Expires:</b> | <b>12th September 2026</b> |
|------------------------|----------------|----------------------------------|----------------------------|

|                   |                                                                                                                                                                                                                          |              |                  |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------|
| <b>Site:</b>      | <b>15 Baneswell Road Newport South Wales NP20 4BP</b>                                                                                                                                                                    |              |                  |
| <b>Proposal:</b>  | <b>CHANGE OF USE OF UPPER FLOORS TO RESIDENTIAL</b>                                                                                                                                                                      |              |                  |
| <b>Applicant:</b> | <b>Ahmed &amp; Qaiser</b>                                                                                                                                                                                                |              |                  |
| <b>Type:</b>      | <b>Full</b>                                                                                                                                                                                                              | <b>Ward:</b> | <b>Stow Hill</b> |
| <b>Decision:</b>  | <b>GRANTED WITH CONDITIONS SUBJECT TO S106 WITH DELEGATED POWERS AND DISCRETION TO REFUSE IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN THREE MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION</b> |              |                  |

## 1. BACKGROUND

1.1 None.

## 2. SITE LOCATION AND CONTEXT

2.1 The site concerns a two storey mid-terrace property which is currently vacant. Aerial footage shows that the unit was used as office space. The application site is located approximately 70m away from the Town Centre Conservation Area and forms part of the same terrace as the Queens Hotel, a Grade II listed building. The property is within the Town Centre Shopping Area and is located within an Archaeologically Sensitive Area. The area is generally characterised by both commercial and residential properties.

## 3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks consent for the use of the upper floors of 15 Baneswell Road to residential. The ground floor will retain its current lawful use, which appears to be an A2 use. No external alterations are proposed as part of this application.

## 4. RELEVANT SITE HISTORY

4.1 None.

## 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 6 – Town Centre First

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 33 - National Growth Area – Cardiff, Newport and the Valleys

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.

4.1.35 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations and public transport interchanges, consideration must also be given to where people will leave their bike at home. Guidance on cycle parking is contained within the Active Travel Act Guidance. Planning authorities may alternatively wish to adopt locally specific minimum cycle parking standards and guidance.

4.1.38 Planning authorities must ensure the layout, density and mix of uses of new development support the use of public transport and maximises accessibility potential. In particular, higher densities and mixed-use development should be encouraged in areas highly accessible by public transport.

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed.

4.3.1 Retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development.

4.3.2 Retail and commercial centres should be identified in development plans and include established city, town, district, local, village and neighbourhood centres, which provide a range of shopping, commercial and leisure opportunities as well as places of employment, education, civic identity and social interaction. Opportunities to live in these centres, combined with their good public transport links, make them the most sustainable places.

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Recognising that development needs to take place and some biodiversity may be impacted, the planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well-being.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems.

### 5.3 HISTORIC ENVIRONMENT WALES ACT (2023)

### 5.4 TECHNICAL ADVICE NOTES

5.4.1 Technical Advice Note (TAN) 4: Retail and Commercial Development, Technical Advice Note (TAN) 5: Nature Conservation and Planning, Technical Advice Note (TAN) 11: Noise, , Technical Advice Note (TAN) 18: transport, Technical Advice Note, (TAN) 21: Waste, Technical advice note (TAN) 23: economic development and Technical Advice Note (TAN) 24: The Historic Environment

### 5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

5.5.1 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies CE6 (Archaeology), CE7 (Conservation Areas), GP2

(General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP6 (Quality of Design), H8 (Self Contained Accommodation and Houses in Multiple Occupation), SP1 (Sustainability), SP2 (Health), SP9 (Conservation of the Natural, Historic and Built Environment), SP13 (Planning Obligations), SP18 (Urban Regeneration), T4 (Parking), CE7 (Conservation Areas) and W3 (Provision for Waste Management Facilities in Development) are relevant to the determination of this application.

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

5.5.1 The Council's Supplementary Planning Guidance on Flat Conversions (Adopted October 2021), New Dwellings (Adopted 2020), Sustainable Travel (Adopted July 2020), Waste Storage and Collection (Adopted January 2020), Parking Standards (Adopted August 2015) and Planning Obligations (Updated December 2021) are also relevant to the determination of this application.

## 6. CONSULTATION RESPONSES

6.1 **Waste Manager:** No response received

6.2 **Newport Access Group:** No response received.

6.3 **Highways:** Not policy compliant. The application refers to cycle and bin storage, but the plans show a shared hallway. This would not be practical or secure and would not encourage cycle use.  
Highways would recommend space is made for a dedicated cycle store.

6.4 **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.

6.5 **Planning Contributions Manager:**

### 1. Introduction

Based upon a development of 1 x 1 bed apartment, 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 West. Newport West requires the delivery of 30% affordable housing on new development. The equivalent commuted sum generated is £858

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

Sum to be committed to be spent or spent within 5 years of receipt of last payment

### **3. Fees**

#### **Administration Fee**

In accordance with the Planning Obligations SPG (2025), a £300 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**

- 7.1 NEIGHBOURS: Neighbour notification letters were sent on 24.07.2026 and a Site Notice was put up on 31.07.2026. 5no. neighbours were consulted. No representations were received.

### **8. ASSESSMENT**

#### **8.1 Principle of Development**

- 8.1.1 The application site is located within a settlement boundary as shown on the proposals maps that accompany the Newport Local Development Plan 2011 – 2026 (Adopted January 2015), where there is a presumption in favour of development and the efficient use of land is encouraged. The property is located within an area having a mixed commercial/residential character therefore the proposed use is considered to be compatible with the surrounding uses. It is considered proposal would positively contribute toward the provision of residential opportunities within the urban area. Therefore, the proposal is in accordance with Policy SP18.

#### **8.2 Character and Appearance.**

- 8.2.1 The application site is located outside of, but 70m from the boundary of the Town Centre Conservation Area and is within relative close proximity of a number of Listed Buildings. There are no external changes proposed as a part of the application. As such, the proposals would not result in harm to the character and appearance of the area and would preserve and enhance the nearby Town Centre Conservation Area, Listed Buildings or other non-statutory heritage assets within the vicinity. The Principal Heritage Officer offers no objection to the proposals. The proposals accord with policies GP6 and CE7.

#### **8.3 Residential Amenity**

- 8.3.1 Whilst the unit is currently vacant, its last known use was as a care provider's office, which is an A2 use. Although no planning permission or Lawful Development Certificate has been submitted to formally confirm the lawful use of the premises, the Local Planning Authority has assessed the proposal on the basis that the ground floor use is A2, consistent with its previous occupation. There is no planning history imposing restrictions on hours of operation, and it is noted that an unrestricted A2, or A1 use could lawfully operate from the premises. In either case, such uses would typically be associated with daytime and normal business hours rather than anti-social hours. As such, the relationship between the commercial ground floor unit and the proposed first-floor residential accommodation is considered acceptable, with no significant adverse impacts anticipated in terms of noise or disturbance.

8.3.4 The Supplementary Planning Guidance on Flat Conversions sets out space standards for converted flats (45sqm for 1 bedroom flats).

| Beds/bedrooms | Flat type     |                  |                                  |                            |
|---------------|---------------|------------------|----------------------------------|----------------------------|
|               | <i>Studio</i> | <i>Converted</i> | <i>New</i>                       |                            |
|               |               |                  | <i>Common Access<sup>2</sup></i> | <i>Walk Up<sup>3</sup></i> |
| 1             | 32            | 45               | 46                               | 50                         |
| 2             | n/a           | 58               | 59                               | 65                         |
| 3             | n/a           | 74               | 84                               | 90                         |
| 4             | n/a           | 86               | 93                               | 99                         |

8.3.5 The proposed flat would have an internal floor area of approximately 44.8sqm, falling marginally below the minimum space standard by 0.2sqm. While the proposal does not fully meet the requirements, the shortfall is minimal and is considered to be outweighed by the benefits of bringing the space back into active use. The accommodation would benefit from adequate natural light, and the windows are considered to provide a satisfactory level of outlook for future occupiers. On balance, the proposal is considered acceptable.

8.3.7 The SPG also outlines the requirements for outdoor amenity space. The physical constraints of the site do not allow for amenity space, and no private amenity space has been proposed within the design. The Flat Conversions SPG sets out in section 5.5.1, outdoor amenity space should be made available wherever the opportunity exists. In this case, the opportunity does not exist. It is noted that Clifton Park is situated approximately 400m away from the application site. As an urban conversion scheme, it is not unusual to have limited or nil potential for outdoor amenity space for future residents. Other factors can and should be considered such as access to facilities, public open space, scheme density and overall quality of accommodation and general scheme merits. While it is not ideal for the property to have no outdoor space, given that there would likely be only one or two occupants, on balance this is acceptable. Additionally, the location is close to local facilities and the city centre, providing easy access to outdoor areas and amenities. Taking these factors into account, the lack of private outdoor space is unlikely to have a significant negative impact and would be unreasonable to refuse the application on this basis.

#### 8.4 Highways

8.4.1 The application site is located within Parking Zone 2 according to the Parking Standards SPG. In terms of the ground floor use, the office space would be retained as such, the parking demand would not change. For the first floor flat, a space is required per bedroom with the an additional visitor space per 5 units, generating a parking demand of 2 spaces. There is no on site parking, however, the site is set within a highly sustainable location and is well served by local amenities and access to public transport. This has been given significant weight in the assessment of this application and accords with the policy and guidance within both Planning Policy Wales 12 and Future Wales: The National Plan 2040 which advocate for lower levels of parking in sustainable locations. The shortfall in parking would not be a reason to withhold consent.

8.4.2 The highways officer has raised concerns regarding the cycle storage being impractical. The application site is located in a sustainable area, close to local facilities and bus routes, that could be accessed on foot. Given the site constraints, there is very limited space available for additional storage and this would further reduce living space that contributes to future occupiers amenity. In this instance it would not be a robust reason to withhold planning permission. On balance, the proposal is considered acceptable from a highway safety and sustainability perspective.

## 8.5 Biodiversity

- 8.5.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. In line with Chapter 6 of PPW 12, consideration has been given to the requirement for a Green Infrastructure Statement to accompany the application. A Green Infrastructure Statement has been provided in support of the proposal and details that a bird box will be placed on the principal elevation of the property. This is considered to be proportionate with the scale of development and will be secured via condition.

## 8.6 Archaeology

- 8.6.1 The application site is within an Archaeological Sensitive Area, however as the proposal is limited to the use of the land and does not include any groundworks/physical alterations it is considered that any archaeological interest would be uninterrupted as a result of the development. Henneb have been consulted on this application and raise no objection to the proposal and seek no conditions or mitigation to be attached to any associated planning consent.

## 8.7 Waste

- 8.7.1 The Waste Storage and Collection SPG states, flats should hold external bin storage. Given the constraints of the site, the bin storage is located internally. The ground floor use would not generate anymore waste than existing. The Waste Manager has not provided comments on the scheme, however this arrangement is deemed appropriate and no objection is raised to its location.

## 8.8 Section 106 Planning Obligation matters

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.

| <b>Service Area that requires planning obligation</b> | <b>Purpose of planning obligation</b>                        | <b>Planning obligation initially sought by Planning Authority</b> | <b>Summary Heads of Terms agreed by applicant(s)</b> | <b>Viability Issues?</b> |
|-------------------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------|--------------------------|
| <i>Regeneration and Economic Development</i>          | To provide a contribution toward off site affordable housing | A sum of £858 toward off site affordable housing                  | Agreed                                               | No                       |

The applicant has agreed to the Heads of Terms, however no legal agreement has been signed to date.

## 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 use is considered to be compatible with the surrounding uses and acceptable in this location. There would be no external works and subsequently minimal impact on the Town Centre Conservation Area. No harm has been identified to the amenity of neighbouring or future occupiers as a result of the proposal. The application site is located within a highly sustainable location and no highways implications arise from the proposed development.

11. **DECISION**

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

01 The development shall be implemented in accordance with the following plans and documents: KD2072 1A Extg and Proposed, Site Location Plan, Green Infrastructure Statement, Design Access Statement

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 biodiversity enhancement scheme as detailed in Green Infrastructure Statement (Received 02/07/2026) shall be implemented prior to the first beneficial use of the

development hereby approved and retained as such for the lifetime of the development.  
Reason: In the interest of protected species, in accordance with Policy 9 of Future Wales and Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

*NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, GP7, CE6, CE7,H8, SP18, 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.