

Delegated Decision Report

Application No:	25/0175	Statutory Period Expires:	20th November 2025
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Site:	34 First Floor Commercial Street Newport NP20 1RL		
Proposal:	PARTIAL DISCHARGE OF CONDITIONS 2 (CEMP), 3 (SOUND INSULATION), 4 (GLAZING AND VENTILATION), 5 (WASTE), 7 (ECOLOGICAL ENHANCEMENT) AND 8 (MATERIALS) OF 24/0010 PROPOSED CONVERSION OF FIRST, SECOND AND THIRD FLOORS, LOFT CONVERSION AND EXTENSION OF ROOF SPACE TO FORM 16 NO. FLATS		
Applicant:	S Sahin		
Type:	Discharge Conditions	Ward:	Stow Hill
Decision:	PART APPROVED/PART REFUSED		

1. BACKGROUND

- 1.1 The previous application 24/0010 allowed for the conversion of the upper floors of 34 Commercial Street to provide 16no. flats. The permission was granted subject to the attachment of conditions; the current application seeks to discharge conditions 02, 03, 04, 05, 07 and 08.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located within the city centre forming a corner plot and retains period design features to the external elevations.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 Partial discharge of conditions 02 (CEMP), 03 (Sound), 04 (Glazing and ventilation), 05 (Waste), 7 (Ecological Enhancement) and 08 (Materials).

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0010	PROPOSED CONVERSION OF FIRST, SECOND AND THIRD FLOORS, LOFT CONVERSION AND EXTENSION OF ROOF SPACE TO FORM 16 NO. FLATS	Granted with conditions	23.05.2024

5. PLANNING POLICY

- 5.1 Historic Environment (Wales) Act 2023

- 5.2 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

- 5.3 PLANNING POLICY WALES (EDITION 12) 2024

- 5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP3 – Flood Risk
- SP9 – Conservation of the Natural, Historic and Built Environment

- SP13 – Planning Obligations
- SP18 – Urban Regeneration
- GP1 - Climate Change
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- CE6 – Archaeology
- CE7 – Conservation Areas
- H2 – Housing Standards
- H4 – Affordable Housing
- H5 - Affordable Housing Exemptions
- H8 – Self Contained Accommodation and Houses in Multiple Occupation
- EM3 – Alternative Uses of Employment Land
- T4 - Parking
- R2 – Primary Shopping Frontage
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Sustainable Travel
- Planning Obligations
- Archaeology and Archaeologically Sensitive Areas
- Wildlife and Development
- Flat Conversions
- Waste Storage and Collection
- Parking Standards

6. CONSULTATION RESPONSES

6.1 Ecology Officer: No response.

6.2 Environmental Health Officer: No response.

6.3 Senior Scientific Officer: No comments.

6.4 Waste Manager: We would anticipate the property be serviced with a city centre bag collection for both residual waste and recycling

Bags for collections are chargeable.

6.5 Highways Officer:
Highway recommendation:
Condition 2: No discharge.
Condition 5: No discharge.

Highway Comments:

The CEMP lacks sufficient useful site-specific information and states that delivery times can be ignored. This serves no purpose and is not sufficient to discharge the condition. We would refer the applicant to our previous comments.

No additional information appears to have been provided for condition 5 therefore we refer the applicant to our previous comments.

6.6 Principal Heritage Officer:

Condition 02

No development shall take place until a site specific Demolition and Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable

means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison*
 - Arrangements for liaison with the Newport City Council Noise & Neighbourhood Team*
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within permitted hours*
 - Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.*
 - Procedures for emergency deviation of the agreed working hours.*
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.*
 - Measures to mitigate demolition dust and material causing a nuisance to local residents, for example sheeting of loads and wheel washing apparatus*
- Reason: To protect the amenities of occupiers of other premises in the vicinity in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).*

No comments.

Condition 03

Prior to commencement of development, a scheme of sound insulation works to the floor/ceiling/party wall structures between each flat and between adjacent properties including the ground floor commercial unit shall be submitted and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed detail and retained for the duration of the use.

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

No comments.

Condition 04

Prior to commencement of development, details of the glazing and ventilation which includes acoustically insulated trickle vents shall be submitted and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed details and retained for the duration of the use.

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

Trickle Vents

As existing, the timber windows to principal elevations are very ornate, with particular interest attributable to the curved-plan sashes which terminate the projecting bays, the ornate flared heads to the stiles of the larger bay windows, the segmental and semi-circular heads to the sashes of the first floor, and the 'eared' upper sashes to the second floor (which mirror the form of the stone surrounds). These windows make a very positive contribution to the character and appearance of the building - and the conservation area.

The supplied Condition 04 Discharge Report states that:

“The existing building retains original timber-framed windows on both the front and side elevations. These external window frames and glazing will remain completely unaltered externally. No changes will be visible from outside the building, ensuring full compliance with the approved heritage and conservation requirements.

To improve acoustic and thermal performance while preserving the building’s original appearance, a secondary [uPVC] glazing system will be installed internally, set approximately 100 mm behind the existing timber windows.”

However, it goes on to state that: *“Acoustic trickle vents (Titon SF Xtra Sound Attenuator 4000EA) will be installed within the existing timber window frames, positioned at the head of each habitable room window.”*

This is contrary to the previous statement that *“external window frames and glazing will remain completely unaltered externally”*. In my view, the proposed would be very unsightly (see below) and would result in unacceptable harm to the special interest of the historic building (and therefore the Town Centre Conservation Area). In addition, they would be impossible to fit to the existing and highly characterful windows of the building's principal elevations, due to the fine visible margins of the existing timber sash windows beyond the masonry surrounds – and the segmental/semi-circular heads of many of the existing windows.

I am unclear as to what drawings the *“ALL ELEVATIONS – WINDOW & VENTILATION CLARIFICATION”* document (dated 05/06/2025) refers and, as to whether any trickle vents are proposed to the existing timber windows to front elevation as part of this document. Irrespective of this, it is considered that all documentation, including drawings, will need to omit any trickle-vents to the existing timber windows of the principal elevations. This document also proposed to replace existing timber casements and fanlights to the principal elevation in uPVC. I am unclear which windows these are, but it is likely to result in harm to special character. The document also proposes: *“Side elevation windows (Codes A–D) are mixed-condition timber casements set within deep brick reveals. All will be exchanged for white slim-line UPVC units, reproducing cill heights and mullion dimensions.”* Considering that the existing windows to the side elevation also comprise of segmental and semi-circular heads to the sashes of the first and second floors, and the 'eared' upper sashes to the third floor (which mirror the form of the stone surrounds), they contribute positively towards the character of the building and the conservation area and their loss to crude uPVC installations is also not supported.

Please note that Drawing BC-S4 RV-4 A210 varies between that supplied within the 'Window Details' pack and that appended to the Condition 04 Discharge Report. The former appears to show alteration to the windows of the first-floor front elevation and annotation proposes to follow *“...a contemporary classical approach, incorporating white slim-line UPVC windows in a symmetrical layout, with frameless Juliet balconies and acoustic glazing. While respecting the original proportions and simplicity of the facade, modern materials and techniques are adopted to meet current performance standards.”* This appears to have been superseded by that appended to the Condition 04 Discharge Report (contrary to the drawing revisions) and should not form part of any DOC approval.

To the courtyard elevations, it is now proposed to install sliding sash uPVC windows. Details for new have been provided in drawing BC-S4 RV-4 A213. However, it does not make explicitly clear within this drawing that the proposed material is uPVC. Whilst we might accept such windows to those areas which are unseen from the public realm of the conservation area, this is also variation from information approved under full application 25/0175.

Regarding building regulations, the below should be duly considered.

According to Approved Document F:

“Exemptions

0.4 Certain types of building are exempt from the Part F requirements of the Building Regulations. These are outlined in paragraphs A7 to A13 of the Manual to the Building Regulations.

Historic and traditional buildings

0.5 Work to the following types of dwellings may not need to comply fully with the ventilation standards in this approved document.

- a. Those listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- b. Those in a conservation area designated in accordance with section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- c. Other historic buildings with a vapour-permeable construction that both absorbs moisture and readily allows moisture to evaporate. These include those built with wattle and daub, cob or stone and constructions using lime render or mortar.

0.6 Work to a building in paragraph 0.5 should comply with the ventilation standards in this approved document where reasonably practicable. The work should not result in either of the following outcomes.

- a. Unacceptably affect the significance of the listed building, conservation area or scheduled monument.
- b. Increase the risk of long-term deterioration of the building fabric or fittings.”

According to Approved Document E:

“0.7

In the case of some historic buildings undergoing a material change of use, it may not be practical to improve the sound insulation to the standards set out in Tables 1a and 1b. The need to conserve the special characteristics of such historic buildings needs to be recognised¹, and in such work, the aim should be to improve sound insulation to the extent that it is practically possible, always provided that the work does not prejudice the character of the historic building, or increase the risk of long-term deterioration to the building fabric or fittings. In arriving at an appropriate balance between historic building conservation and improving sound insulation it would be appropriate to take into account the advice of the local planning authority’s conservation officer. In such cases it will be reasonable to improve the sound insulation as much as is practical, and to affix a notice showing the sound insulation value(s) obtained by testing in accordance with Regulation 41 or 20(1) and (5), in a conspicuous place inside the building.”

According to Approved Document L:

“Exemptions for listed buildings, buildings in conservation areas and scheduled monuments

0.8 Work to the following types of dwellings does not need to comply fully with the energy efficiency requirements where to do so would unacceptably alter the dwelling’s character or appearance.

- a. Those listed in accordance with section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- b. Those in a conservation area designated in accordance with section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- c. Those included in the schedule of monuments maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979.

0.9 Work to a dwelling in paragraph 0.8 must comply with the energy efficiency requirements where this would not unacceptably alter the dwelling’s character or appearance. The work should comply with standards in this approved document to the extent that it is reasonably practicable.”

Historic England’s “Energy Efficiency and Historic Buildings Secondary Glazing for Windows (2016)” is a document endorsed by Cadw. On p.6, it states that:

“If secondary glazing is the preferred solution, then the outer windows are best left without draught-proofing so that there is a degree of ventilation to the air space between the outer windows and the secondary glazing to prevent the build-up of condensation.”

A comprehensive revisit is required to the proposed approach (and to align all documents), to ensure no harm is propose to the character and appearance of the

conservation area. In my view, all timber windows to front and side elevations should be retained and externally visible trickle vents omitted.

Condition 05

Notwithstanding the submitted details regarding waste, a detailed waste management plan, including details of the chargeable daily bag collection, shall be submitted to and agreed in writing prior to the first beneficial occupation of the residential units hereby approved. The waste strategy shall be operated at all times for the duration of the use.

REASON: To ensure waste arising from the development is managed in a suitable manner in accordance with Policy W3 of the Newport Local Development Plan 2011 –2026 (Adopted January 2015).

No Comments.

Condition 07

Prior to the first occupation of the first residential unit, a scheme of ecological enhancement shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be undertaken in accordance with the agreed details and timescales.

Reason: To provide biodiversity enhancements in accordance with Policy GP5 of the Newport Local Development Plan 2011–2026 (Adopted January 2015).

It is stated within the supplied Discharge Pack (ref. no. 24/0010) that:
“Bat/bird nesting boxes installed where required.”

It is stated within the supplied Discharge Pack (ref. no.24/0010) that: *“Bat/bird nesting boxes installed where required.”*

These are shown to the rear elevation within page 22 of the DISCHARGE PACK DATE: 13/02/2025 REFERENCE NO.: 24/0010.

I have no issue with this as they will be unseen from principal CA public realm locations.

Condition 08

Prior to the commencement of development, details of all materials to be used on the external surfaces of the extensions hereby approved shall be submitted to the Local Planning Authority. The development shall be undertaken in accordance with the agreed details.

Reason: In the interests of character and appearance in accordance with Policies GP6 and CE7 of the Newport Local Development Plan 2011–2026 (Adopted January 2015).

Regarding proposed materials, it is stated within the supplied Discharge Pack (ref. no. 24/0010) that:

“The following materials have been selected to match or complement the existing structure, ensuring continuity in design, character, and sustainability. The materials meet relevant British Standards (BS) and UK Building Regulations regarding durability, fire resistance, and energy efficiency.

Walls

Material: Brickwork

Colour/Finish: Buff (yellow/brown)

Manufacturer: In Touch with Bricks (Selco)

Material Type: Clay

Finish: Creased & Sanded

Compliance: Matches existing brickwork for visual consistency and compliance with LDP Policy GP6.

Roof

Material: Welsh Slate

Colour/Finish: Blue/Grey

Manufacturer: Greys Reproduction Welsh Blue/Grey Slate

Compliance: Ensures compatibility with existing roofing materials, in line with conservation requirements (Policy CE7).

Windows and Doors

Material: Timber (white) / Aluminium & Glass

Colour/Finish: To match existing

Compliance:

Windows: No replacements required. Existing windows will be retained to maintain architectural consistency.

Doors: Upgraded for enhanced security and compliance with BS 6375 (Performance of Windows and Doors).

Visual Representation of Proposed Materials

To provide a clear reference, photographic evidence of the proposed materials has been included in this submission. These images depict how the materials will integrate with the existing architectural elements, ensuring seamless visual and functional adaptation.”

I cannot see that photographic evidence or samples for the proposed materials have been provided.

The above statement regarding windows (*No replacements required. Existing windows will be retained to maintain architectural consistency*) does not correspond with the approach now proposed (as per my comments in response to Condition 4).

7. PUBLIC REPRESENTATIONS

7.1 The application was not advertised.

8. ASSESSMENT

8.1 **Condition 02 – CEMP**

8.1.1 The Highways Officer has raised objection to the level of detail provided within the submitted CEMP. The information supplied is generic and not sufficient to discharge details as secured by the condition requirements.

8.2 **Condition 03 – Sound Insulation**

8.2.1 The submitted information confirms that the sound insulation would achieve the relevant standards as required by the Building Regulations 2010 – Approved Document E1. This is considered acceptable and ensures that future occupants would not be exposed to unacceptable noise levels.

8.3 **Condition 04 – Glazing and Ventilation**

8.3.1 The Principal Heritage Officer notes that significant positive contribution of the existing curved ornate windows at first floor.

8.3.2 The submitted details are contrary to each other as one statement outlines that the timber windows are to be retained and unaltered, however the next statement confirms that trickle vents are to be installed on the timber windows. The installation of trickle vents on the timber windows are considered to have an adverse impact upon the special historic interest of the building and the wider conservation area.

8.3.3 Furthermore, the details provided for the courtyard windows are not explicitly clear what the materials are to be formed of.

8.3.4 As such, the submitted details are not acceptable as the information contained is inaccurate and harmful to the Town Centre Conservation Area contrary to Policy SP9 and the Historic Environment (Wales) Act 2023.

8.4 **Condition 05 – Waste**

8.4.1 The submitted details seeks to have a dedicated communal storage area at ground level. The arrangement of the floor plans show that the site only has a stairwell access onto Commercial Street; as such there is no opportunity to provide a communal ground floor storage area, nor would the Local Planning Authority agree to a ground floor storage area being located within the public realm. As such, the waste storage methodology is flawed and therefore unacceptable.

8.5 **Condition 07 – Ecological Enhancement**

- 8.5.1 Two birds boxes are proposed to be installed on the northern elevation of the building and would not be visible from the wider conservation area. No objection has been received from the Ecology Officer, therefore the details are considered acceptable.

8.6 **Condition 08 – Materials**

- 8.6.1 The submitted details are generic comments, and no details have been provided of the specific manufacturer or model type. Given the historic character of the building and its location within a conservation area, it is considered that the specific details are justifiably required to demonstrate the proposal accords with the duty to preserve or enhance as set out within the Historic Environment (Wales) Act 2023. The application is refused as far as it relates to the materials.

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 application is part refused and part approved as per the details contained in this report and indicated below.

**11. DECISION
PART APPROVED/PART REFUSED**

01 In so far as the application relates to CONDITION 02 (CEMP), the application is refused for the following reason:

The development would have a significant adverse impact upon the interests of acknowledge importance, namely highway safety as the information supplied is generic and not site specific contrary to Policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 In so far as the application relates to CONDITION 03 (SOUND INSULTATION), the application is approved.

03 In so far as the application relates to CONDITION 04 (GLAZING AND VENTILATION), the application is refused for the following reason:

The submitted details are inconsistent and insufficient and would result in harm on the wider character of the conservation area contrary to the statutory duty under the Historic Environment (Wales) Act 2023 to preserve or enhance and Policy SP9 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 In so far as the application relates to CONDITION 05 (WASTE), the application is refused for the following reason:

The submitted details are inconsistent with the previously approved ground floor plan and therefore the details submitted are not feasible resulting in an adverse impact on the wider setting of the conservation area contrary to the Historic Environment (Wales) Act 2023, Policy SP9 and Policy W3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

05 In so far as the application relates to CONDITION 07 (ECOLOGICAL ENHANCEMENT), the application is approved.

06 In so far as the application relates to CONDITION 08 (MATERIALS), the application is refused for the following reason:

The development would have a significant adverse impact upon interests of acknowledged importance, namely the statutory duty to preserve or enhance the conservation as per the Historic Environment (Wales) Act 2023 as insufficient details have been provided regarding the specific materials to be used on the external elevations contrary to the Historic Environment (Wales) Act 2023 and Policies SP9 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Discharge Pack (Received: 23.10.2025)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9, GP2, GP4, GP5, GP6 and W3 were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.