

Delegated Decision Report

Application No:	25/0864	Statutory Period Expires:	26th November 2025
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Site:	100 Somerton Road Newport South Wales NP19 0JX		
Proposal:	PROPOSED CHANGE OF USE FROM HAIRDRESSING SALON (A1) TO CHILDREN'S DAY NURSERY (D1)		
Applicant:	T Newberry		
Type:	Full	Ward:	Liswerry
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located on a corner plot on Somerton Road, at the junction with Kittyhawk Drive. Somerton Road is a busy throughfare with public transport links into the city centre. The level of parking provision serving the property is unclear as whilst the supporting information refers to parking to the side of the site, and there is an area of hard standing here, this area would appear to be outside of the red line boundary. There are vehicular gates to the side of the property with access to the site gained from Kittyhawk Drive and aerial photos show vehicles parked within the site but this is not referenced by the applicant in the supporting information.

2.2 The site is occupied by a two storey, end of terrace property. It is adjoined to the east by a residential property; 102 Somerton Road. The site was previously used as a post office and shop with residential accommodation above. More recently the property has been used as a hair salon.

2.3 The character of the area is predominantly residential with a scattering of commercial uses on Somerton Road and a greater number of commercial uses on Cromwell Road to the north-west. It is not within a defined centre.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposed floor plans show childcare is to be provided over both the ground and first floor with provision for ages three plus on the ground floor and under threes on the first floor. The plans also show toilet facilities and a food preparation area although it is stated that main meals are not prepared on site and local caterers will deliver the food. The business will operate from 07.30 until 17.00.

3.2 No external alterations are proposed to the building.

4. RELEVANT SITE HISTORY

00/0260	RETENTION OF EXTERNAL ROLLER SHUTTERS	REFUSED
00/0741	INSTALLATION OF ROLLER SHUTTERS TO WINDOWS AND DOORWAY (RESUBMISSION)	GRANTED WITH CONDITIONS
01/1105	RETENTION OF ROLLER SHUTTER	GRANTED
18/0527	CHANGE OF USE OF FIRST FLOOR RESIDENTIAL TO BEAUTY THERAPIST	GRANTED WITH CONDITIONS
21/0814	PROPOSED CHANGE OF USE OF THE GROUND FLOOR FROM HAIRDRESSERS (A1) TO COFFEE SHOP (A3) AND CHANGE OF USE OF THE FIRST FLOOR FROM A BEAUTY SALON (SUI GENERIS) TO MIXED USE HAIRDRESSERS (A1) AND BEAUTY SALON (SUI GENERIS)	GRANTED WITH CONDITIONS

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 8 - Flooding

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
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

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

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

Flood Risk

The planning application proposes highly vulnerable development (childcare establishment). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 (Rivers and Sea) and the TAN 15 Defended Zone.

We refer you to Section 10 of Technical Advice Note (TAN) 15: Development, flooding and coastal erosion (2025) for advice on how you should consider this application in line with current planning policy.

We are unable to give you technical advice on the acceptability of flooding consequences as no Flood Consequences Assessment (FCA) has been submitted. The advice in paragraph 10.24 of TAN 15 is clear '*In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused.*' Therefore, in accordance with paragraph 15.4, we advise you to use your powers to request further information.

TAN 15 advises the FCA should be proportionate to the nature and scale of the proposal. Developers should refer to all relevant sections of the TAN to determine the scope of the FCA that is required for this proposal. Further guidance is also available on our website.

Furthermore, should you be minded to go against our advice, you should inform us at the earliest opportunity prior to granting consent and allow sufficient time for us to make further representations.

Please note, if an FCA is not submitted or any subsequent FCA fails to demonstrate the

consequences of flooding can be acceptably managed over the lifetime of the development, then we are likely to object to the application.

Other Matters

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

6.2 Local Highways Authority:

Highway recommendation:

Further information requested.

Highway Comments:

We are unclear about the numbers of staff or children. This information is needed to assess the likely parking/drop-off demand.

Only two parking spaces are available off road, but there is lawful parking available on street both on Somerton Rd and Kitty Hawk Drive. The latter is not wide enough to allow parking on both sides, so parking/drop-off is limited. This may lead to stopping on the corners. Whilst this is unlawful, the nature of the demand means it is likely to occur along with footway parking.

Cycle parking is referenced but no details are provided. This would have to be dedicated secure provision for staff not just any shed.

6.3 Environmental Health: No response.

6.4 Waste Manager: No response.

6.5 Dwr Cymru – Welsh Water: Dwr Cymru Welsh Water has no objection to this application for the proposed change of use.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 20/10/2025, Site Notice was put up on 24/10/2025.

7.1 NEIGHBOURS: 1no response received with comments summarised below:

- We would like further reassurance from Welsh Water following their disappointing response. No consideration was taken for the multiple flooding incidences this year due to the manhole in the garden of 102 linked to issues with Welsh Waters pumping station. There is also a cracked pipe under the road in front of 102 which they have refused to repair. The most recent incident was 14th September. Reassurance regarding access to the manhole from the nursery and Welsh water would also be appreciated, to ensure further flooding can be avoided.
- What actions do national highways plan to take in order to ensure the safety of families using the nursery and residents. Somerton road is extremely fast and busy despite the speed limit. Residents park on one side of the road already, when cars are parked outside of 100-106, congestion increases as only one car can pass through at once. Along Kitty Hawk drive residents also have to park, due to issues on Somerton Road. 6 cars can park along the road- concerns around staff and drop offs between the hours of 7am-5pm.
- Due to proximity to residential area, what measures will be taken by the nursery to reduce noise and ensure privacy. Two of our windows overlook the garden, as well as our gardens being separated by fencing. The top floor of the nursery also overlooks our garden. Our daughter is home educated, concerns around her learning being disrupted.

8. ASSESSMENT

8.1 Principle of Development:

Located within the urban boundary there is a presumption in favour of development in principle. The immediate area has a predominantly residential character and so residential amenity is a key consideration. The site is not within a District Centre and the proposal is for a change of use to D1 which is a use best located within a centre. However, given the current A1 use is also a use best located in-centre according to PPW, the proposals do not

prejudice centres-first policies.

- 8.2 The site is within a flood risk area and the proposals represent a change from low vulnerability to highly vulnerable development and this is another key consideration.

8.3 **Visual Amenity/ Character and Appearance;**

The proposals do not include any external alterations to the building and so would not result in an adverse impact to the visual amenity of the building or wider area.

8.4 **Residential Amenity:**

As noted above, the immediate area has a predominantly residential character and the building directly adjoins no.102 Somerton Road appears to be a residential dwelling. Whilst the building has a lawful commercial use having been used as a shop and a hairdressers, and neighbouring residents will therefore be used to a degree of noise and disturbance/comings and goings associated with a commercial premises, it is considered that the use of the building as a children's nursery has potential to result in a significantly greater degree of noise and disturbance as a result of children playing and being cared for /entertained and during drop off and pick up times with a high volume of people going to and from the property. The number of children to be cared for at the facility has not been confirmed and given the size of the building it is self-limiting. Nonetheless the floor plans show both floors in use for childcare. The building has a large curtilage which extends to the rear of the garden serving no.102 and it is anticipated that the outside area would be utilised for learning and play when the weather allows with associated noise and disturbance uncontained by the building envelope. A neighbouring resident has raised concerns regarding windows their windows overlooking the rear of the application site and windows in the rear of the application building overlooking their garden. However, these are existing windows. Any overlooking from these windows is considered to be no different in terms of neighbouring impact as a result of the change of use, than the existing situation.

- 8.5 Given the close proximity of the building to neighbouring residential dwellings and in particularly no. 102 Somerton Road, the proposals are considered to result in an adverse impact to neighbouring amenity with no information to mitigate this objection.

8.6 **Movement:**

As noted above, the vehicular spaces to the side of the site would appear to be outside the red line boundary and not shown to be in the ownership or control of the applicant. Given the limited parking availability, it is likely that customers travelling by car to the former shop and hairdressers would have parked on street. Neither the number of staff nor children has been confirmed with this application although it is stated that staff ratios are - 1 adult to 8 children for 3 years old plus and 1 adult to 4 children for under 3-year-olds. The floor plans appear to show four distinct areas (two for age 3 plus downstairs and two for age under 3 upstairs) and so it is reasonable to assume that there would be at least four staff members. Having regard to the sustainable nature of the site within close proximity of bus stops it is nonetheless anticipated that there would be an increased parking demand as a result of the proposals. Unlike the former uses, there is also likely to be a high demand for parking at opening times and closing times (proposed hours are 7.30am to 5pm Monday to Friday) and in the absence of sufficient parking provision it is likely that parents will park along Kitty Hawk Drive which has unrestricted parking. As noted by the Council's Highways officer, Kitty Hawk Drive is not wide enough to allow parking on both sides, so parking/drop-off is limited and may lead to stopping on the corners. Given the age of children attending parents will need to park in order to accompany their child into the setting and to collect them (rather than waiting in the car). Whilst it is accepted that some parents and children may walk to the facility, again due to the age of the children it is anticipated that they would walk only short distances and therefore the majority of users would arrive by car. In addition, it is stated that local caterers will deliver food to the nursery and it is not prepared on site. No details of how this servicing arrangement would be carried out has been provided and there are concerns regarding potential conflict between servicing arrangements and the use of the outside space by young children.

8.7 It is considered that the proposed nursery would be served by an inadequate level of parking provision, resulting in parking on footways in Kitty Hawk Drive, to the detriment of highway and pedestrian safety and the amenity of neighbouring residents.

8.8 Whilst cycle parking is referenced, no details are provided. Given the availability of outside space, such details could be required by condition if planning permission were forthcoming.

8.8 **Drainage/ Flooding:**

The planning application proposes highly vulnerable development, change of use to a children's nursery, as specified by TAN15 with reliance on ground floor accommodation to serve the use. NRW Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 2 and 3 – Rivers and Sea Defended. NRW object in the absence of an FCA.

8.9 The recently emerged replacement TAN15 confirms that a Flood Consequences Assessment is required for any development proposal located fully or partly in Flood Zones 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. The application is not accompanied by an FCA to enable the LPA to make such an assessment. It is therefore contrary to Planning Policy Wales and TAN15 (2025).

8.10 The proposal fails to comply with the aims of TAN15 and Policy SP3 of the NLDP 2011-2026 (adopted January 2015) and Planning Policy Wales 12.

8.11 **Biodiversity:**

The proposals do not include biodiversity enhancement, contrary to Policy 9 of Future Wales which 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. However, it is considered that such details could be required by condition if planning permission were forthcoming.

8.12 **Waste:**

Given the large curtilage that the property benefits from it is considered that there is sufficient space to accommodate waste and recycling and a management plan could be secured by condition if planning permission were forthcoming.

8.13 **Other Matter:**

Comments have been received from a neighbouring resident regarding incidents of flooding arising from Dwr Cymru – Welsh Water infrastructure issues. The comments relate to existing issues and the proposed change of use is not considered to exacerbate this. Dwr Cymru – Welsh Water have confirmed no objections are offered to the application.

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 By reason the proximity of the building and its curtilage to the adjoining dwelling and the nature of the intended use being a noise generator with scope to significantly increase both indoor and outdoor noise at the premises, the proposals would result in an adverse impact to neighbouring amenity, particularly to that of the occupiers of the adjoining property no.102 Somerton Road. No information has been provided to mitigate this objection.

10.2 The proposals will result in an increased parking demand and a significant intensification of parking demand during drop off and pick up times, which cannot be accommodated on site. This is likely to result in parking on the footway along Kitty Hawk Drive, to the detriment of highway and pedestrian safety and neighbouring amenity.

10.3 The proposal will have a significant adverse effect on interests of acknowledged importance, by reason of the introduction of a highly vulnerable use in a flood risk area including the ground floor. No Flood Consequences Assessment is provided and no information mitigates flood risk and general safety objections. This is contrary to Policy SP3 of the NLDP 2011-2026 (adopted January 2015), Planning Policy Wales and TAN15.

10.4 The application is refused.

11. **DECISION**

REFUSED

01 By reason of its location, use and proximity to neighbouring residential dwellings, the development will result in increased noise and disturbance to the significant detriment of residential amenity. No information has been submitted that would mitigate this objection. This is contrary to policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

02 The proposal will have a significant adverse effect on interests of acknowledged importance, namely safety, by introducing a highly vulnerable use in a flood risk area. No information has been submitted that mitigates this objection, contrary to policy SP3 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), Planning Policy Wales edition 12, Policy 8 of Future Wales and Technical Advice Note 15: Development, Flooding and Coastal Erosion (March 2025).

03 The proposal will result in an increased demand for parking that cannot be accommodated on site to the detriment of highway and pedestrian safety and neighbouring amenity. This is contrary to policies GP2 and GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and the adopted Parking SPG.

NOTE TO APPLICANT

01 This decision relates to plan Nos: KD2028/1, Site location plan, Design Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, GP5, GP6, T4 and 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.