

Delegated Decision Report

Application No:	25/0974	Statutory Period Expires:	25th August 2026
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Site:	414-416 Chepstow Road Newport NP19 8JH		
Proposal:	S73 APPLICATION TO EXTEND THE TIME PERIOD FOR THE COMMENCEMENT OF DEVELOPMENT IN RELATION TO 20/0464 PROPOSED CHANGE OF USE OF PART OF GROUND FLOOR RETAIL SHOP TO ONE BED FLAT (RESUBMISSION)		
Applicant:	P Gray		
Type:	Renewals and Variation of Conditions	Ward:	Alway
Decision:	GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT		

1. BACKGROUND

- 1.1 Planning permission was granted in December 2020 for the change of use of part of a ground floor shop into a one bed flat. This S.73 application seeks to vary the standard commencement of development time condition for a further five years.

2. SITE LOCATION AND CONTEXT

- 2.1 The property is a prominent unit with Chepstow Road to the front and Warwick Road running to the side. The building is currently in commercial use as a furniture store. To the front the property is two storeys in height reducing to single storey to the rear where there are roller doors for and a small area of off-street parking for deliveries. To the rear the building is off set from the pavement with the site partially enclosed by a low boundary wall.
- 2.2 The property is located within the Beechwood District Centre.
- 2.3 A Certificate of lawfulness application was recently granted in respect of one half of the first floor of the building for conversion to a flat.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks consent for the change of use of part of ground floor to a one bed flat and associated external alterations. The ground floor of the property is a furniture store, and the upstairs is currently used as a display area and store.
- 3.2 The proposed layout of the flat would comprise a kitchen/lounge, bedroom and a bathroom. The flat would be accessed via a new entrance door in the side elevation of the property. It is also proposed to make alterations to the windows in this elevation of the building at ground floor removing the display windows and replacing with smaller openings.

4. RELEVANT SITE HISTORY

05/1499	ERECTION OF SINGLE STOREY REAR EXTENSION AND NEW FENCING AND GATES TO REAR PARKING AREA	REFUSED
06/0099	ERECTION OF SINGLE STOREY REAR EXTENSION AND SECURITY FENCING (RESUBMISSION)	GRANTED WITH CONDITIONS
19/0913	CHANGE OF USE OF FIRST FLOOR TO 2NO. BEDROOM FLAT AND ASSOCIATED EXTERNAL ALTERATIONS	GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT
19/1263	PROPOSED CHANGE OF USE OF PART OF GROUND FLOOR RETAIL SHOP TO ONE BED FLAT	REFUSED

20/0464	PROPOSED CHANGE OF USE OF PART OF GROUND FLOOR RETAIL SHOP TO ONE BED FLAT (RESUBMISSION)	GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT
25/1029	CERTIFICATE OF LAWFULNESS FOR PROPOSED CONVERSION OF SPACE OVER AN A1 SHOP INTO A SINGLE FLAT	GRANTED

5. PLANNING POLICY

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.

Policy SP3 Flood Risk ensures development is directed away from flood risk areas.

Policy SP13 Planning Obligations enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

Policy H4 Affordable Housing sets out the affordable housing targets for the four submarket

areas within Newport. For new housing sites of fewer than 10 dwellings within the settlement boundary, and fewer than 3 dwellings within the village boundaries, a commuted sum will be sought.

Policy R7 Non-Retail Uses in District Centres states that use classes A2 and A3 and leisure/community uses will be permitted in District Centres providing they would not prejudice the viability of the centre's retailing role; adequate parking is in place or provided; and there would be no unacceptable effect on the local residential amenities or general character.

Policy SP13 Planning Obligations enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

PARKING

FLAT CONVERSIONS

WASTE STORAGE AND COLLECTION

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service. We therefore do not have any comment to make on the proposed development.

6.2 Local Highways Authority:

Highway recommendation:

No objection.

Highway Comments:

There have been no relevant highway policy changes since approval.

6.3 Environmental Health: No response.

6.4 SAB Drainage: Having reviewed the submitted information, a SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant to contact the SAB team for further discussions.

6.5 Flood Risk officer: The FCA has been reviewed in support of the proposed change of use and residential development at 414–418 Chepstow Road, Newport.

The application site lies within Flood Zone 1 as defined by the Natural Resources Wales (NRW) Flood Map for Planning and is therefore within the lowest category of flood risk in respect of fluvial, tidal and surface water flooding. Although areas of the adjacent public highway are identified within surface water Flood Zones 2 and 3, the submitted FCA confirms that the application site itself remains flood free for all modelled events, including allowance for climate change.

The proposed development includes residential accommodation and is classified as Highly Vulnerable Development in accordance with TAN15. Given the site's location within Flood Zone 1, the principle of residential development is acceptable in flood risk terms and no justification test is required. The FCA appropriately assesses the proposal against the TAN15 Consequences Test and tolerable conditions criteria.

Detailed flood modelling using the NRW National Flood Hazard Maps demonstrates that:

- There is no internal flooding of the site during any fluvial, tidal or surface water flood event, including the 1 in 1,000 year event.
- Flooding associated with surface water is confined to sections of Chepstow Road and Warwick Road and does not encroach onto the site.
- Predicted flood depths and velocities affecting external areas fall within the 'Very Low Hazard' category as defined by the TAN15 Flood Hazard Matrix.
- Safe access, egress and emergency refuge can be achieved during extreme events.

The FCA further confirms that risks from other potential sources of flooding, including groundwater, sewer and reservoir failure, are considered to be very low, with no recorded history of flooding affecting the site.

After reviewing the submitted FCA and the requirements of Planning Policy Wales and Technical Advice Note 15, it is considered that the proposed development:

- Will not be subject to unacceptable flood risk over its lifetime;

- Will not increase flood risk elsewhere;
 - Can provide safe access, egress and refuge during extreme flood events; and
 - Fully complies with TAN15 Sections 11.6 and 11.9.
- It is therefore considered that flood risk does not present an objection to the proposal.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 20/11/2025.

7.1 NEIGHBOURS: No response received.

8. ASSESSMENT

8.1 Principle of Development:

The property is located within the Beechwood District Centre and as the proposals would result in the loss of retail floorspace policy R7 of the NLDP is relevant to the proposals. This policy protects retail uses in district centres and permits non-retail uses only where it is considered that such uses would not prejudice the viability of the centre. The applicant advises that due to changes in shopping trends there is a reduced requirement for display space and the unit is too large for purpose. The unit is one of the largest within the district centre and the primary function of the building would be retained for retail use with all of the retail frontage along Chepstow Road remaining.

8.2 Beechwood District Centre is considered to be relatively vibrant with low rates of vacancy and a good mixture of uses. On balance, when considering the size of the existing building, the justification put forward by the applicant and that the existing retail frontage along Chepstow Road would be retained it is considered that the retail integrity of the centre would not be prejudiced and the change of use is acceptable in this regard.

8.3 Visual Amenity/ Character and Appearance;

The proposed external changes; namely the removal of the shop display windows and replacement with smaller windows would not affect the character of the building or the area and do not give rise to any visual amenity concerns. It is proposed to erect steel railings above the existing wall at the side of the building. The railings will ensure that the area behind it serving the flat is semi-enclosed while retaining a suitable standard of amenity to the street scene.

8.4 Residential Amenity:

The internal floorspace of the flat would comply with the Council's Flat Conversion SPG in terms of the level of floor space at approximately 47m². The bedroom and lounge/diner would be served by windows having an adequate outlook with a small, intervening enclosed area between the flat windows and the pavement. There is only a low boundary wall to the side and concerns were previously raised regarding the inadequate level of privacy that this would afford occupants. In order to overcome this, it is proposed to install steel railings above the existing wall to a height of 1.8m. Whilst this would not provide a great degree of screening, it is considered that it would help increase the perceived feeling of privacy and also security for the future occupants of the flat. The bathroom would not have a window but as it is not a habitable room this is not uncommon and is considered to be acceptable.

8.5 The occupants of the flat would have access to the small courtyard area between the frontage of the unit and the wall/railings. This area would not be particularly private given the openness of the proposed means of enclosure. However, it is suitable for bin/recycling storage and cycle storage could also be provided here. Furthermore, it was previously noted that the property is within very close proximity to Beechwood Park, which is considered to help mitigate concerns relating to the limited size of the external space serving the flat in this instance.

8.6 Soundscape:

The presence of residential uses within district centres are common, albeit they are often at first floor level and there is no objection in principle to the proposed mix of uses. The Public Protection Manager has previously requested that a condition relating to noise insulation is imposed in the interests of the amenity of the future occupiers of the flat. However, whilst Chepstow Road is a busy thoroughfare the flat would not have a frontage on Chepstow Road with the existing retail shop providing an intervening buffer between the flat and this road. The flat would front Warwick Road but this is a side road and is likely to have lower traffic noise levels than Chepstow Road. Given this it is not considered that a condition relating to road traffic noise is justified in this instance.

8.7 **Movement:**

The proposals do not include any off-street parking provision. The Council's Highways officer previous comments in response to the application for the conversion of part of the first floor to a two bedroom flat advised that no objection was offered as the parking provision required for the flat was less than that required for the affected A1 use on the basis of floor space. Furthermore, the property is located in the district centre with a regular bus service and is highly sustainable. Given the sustainable location of the flat and the loss of approximately 47m² of retail floorspace which generates a parking demand of 2no parking spaces in accordance with the Council's Parking Standards, the proposals would not result in an increased parking demand.

8.8 No cycle parking provision is shown and it is considered that a condition requiring this is warranted.

8.9 **Flood Risk:**

The application site lies within Flood Zone 1 as defined by the Natural Resources Wales (NRW) Flood Map for Planning and is therefore within the lowest category of flood risk in respect of fluvial and tidal flooding.

8.10 The site is vulnerable to surface water flooding, notably the external areas to the front and side of the building. A Flood Consequence Assessment has been submitted which confirms that although areas of the adjacent public highway are identified within surface water Flood Zones 2 and 3, the submitted FCA confirms that the application site itself remains flood free for all modelled events, including allowance for climate change. The Council's Flood Risk officer has assessed the FCA and confirms the following:

- There is no internal flooding of the site during any fluvial, tidal or surface water flood event, including the 1 in 1,000 year event.
- Flooding associated with surface water is confined to sections of Chepstow Road and Warwick Road and does not encroach onto the site.
- Predicted flood depths and velocities affecting external areas fall within the 'Very Low Hazard' category as defined by the TAN15 Flood Hazard Matrix.
- Safe access, egress and emergency refuge can be achieved during extreme events. The FCA further confirms that risks from other potential sources of flooding, including groundwater, sewer and reservoir failure, are considered to be very low, with no recorded history of flooding affecting the site.

8.11 The officer concludes that after reviewing the submitted FCA and the requirements of Planning Policy Wales and Technical Advice Note 15, it is considered that the proposed development:

- Will not be subject to unacceptable flood risk over its lifetime;
- Will not increase flood risk elsewhere;
- Can provide safe access, egress and refuge during extreme flood events; and
- Fully complies with TAN15 Sections 11.6 and 11.9.

8.12 In view of the above, no objection is offered and the proposals are considered to be acceptable with regard to flood risk.

8.13 **Biodiversity:**

The proposals do not include biodiversity enhancement measures in line with the aspirations of PPW. However, such measures that are proportionate to the scale of the proposals can be secured by condition.

8.14 **Waste:**

As noted above, the area directly to the front of the unit would be suitable for bin/recycling storage and the proposals are considered to be acceptable in this regard.

8.15 **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.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration, Investment and Housing	Commuted contribution of £470 for affordable housing provision based on a 20% target	N/A	Full Heads of Terms	No

8.16 Heads of Terms Agreed by Applicant

The applicant has agreed in full to the Heads of Terms.

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 It is not considered that the change of use of part of the retail shop would prejudice the retail function of the district centre. The proposals would not result in an increased parking demand.

10.2 The unit would provide a good standard of amenity for future occupants. There are no fundamental policy changes since the previous grant of planning permission that would justify a contrary decision as part of this section 73.

10.3 The application is granted subject to the following conditions and Section 106 Legal Agreement.

11. DECISION

GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT

01 The development shall be implemented in accordance with the following plans and documents: 15A, 16, 17.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

Pre –occupation conditions

02 Prior to the first occupation of the approved flat, all of the external alterations hereby approved as shown on drawings 15A, 16 and 17 shall be completed in full and shall be retained thus in perpetuity.

Reason: In the interests of the amenity of the future occupants of the unit and to ensure the alterations are carried out in full in accordance with Policy GP2 of the NLDP.

03 Prior to the first beneficial occupation of the unit hereby approved full details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented as approved and then maintained thereafter in that state.

Reason: To provide residents a choice of means of travel and to promote sustainable travel.

04 Prior to the first beneficial use of the building as a residential unit as hereby approved, biodiversity enhancement shall be provided in accordance with details that shall have first been submitted for approval and written approval received. Thereafter the approved

biodiversity enhancement measures shall be retained for lifetime of development.

Reason: To ensure there is adequate biodiversity enhancement in accordance with Policy GP5 of NLDP.

05 The external areas associated with the development shown for bin storage as hereby approved shall be kept free of obstruction and available for bin storage at all times in accordance with the approved plans.

Reason: To ensure there is adequate parking and bin storage in accordance with Policy W3 of the NLDP.

NOTE TO APPLICANT

01 This decision relates to plan Nos: 5, 11, 15A, 16, 17.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, GP6 and R7 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.