

Delegated Decision Report

Application No:	25/0368	Statutory Expires:	Period	11th June 2025
Site:	First, Second And Third Floors 17 - 18 Upper Dock Street Newport South Wales NP20 1DH			
Proposal:	NMA APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF 20/0777 CHANGE OF USE OF UPPER FLOORS FROM OFFICES TO 6 NO.FLATS. AMENDMENTS INCLUDE INTERNAL ALTERATIONS TO LAYOUT			
Applicant:	Mahmood			
Type:	Non-Material Amendment	Ward:	Stow Hill	
Decision:	REFUSED			

1. BACKGROUND

Full planning permission has been granted under application 20/0777 for the 'CHANGE OF USE OF UPPER FLOORS FROM OFFICES TO 6 NO.FLATS'. This application was approved on 25th August 2022.

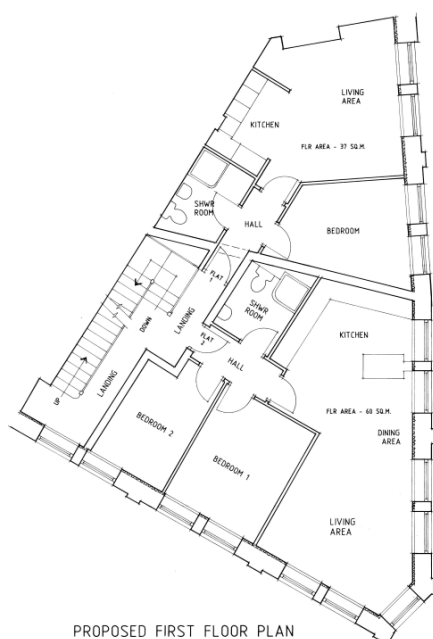
2. SITE LOCATION AND CONTEXT

2.1 The property is a four storey building, prominently located within Newport City Centre at the junction of Upper Dock Street and Skinner Street, adjoining the Windsor Castle Public House. Sitting on a corner plot, it has a chamfered corner and a dual frontage onto both Upper Dock Street and Skinner Street. Its upper floors are well detailed with corbels to the eaves and brickwork arches and quoin surrounds to the numerous windows. The 2018 City Centre Conservation Area Appraisal highlights this building as making a positive contribution and proposes to extend the Conservation Area boundary to include this building, in recognition of this and its architectural character.

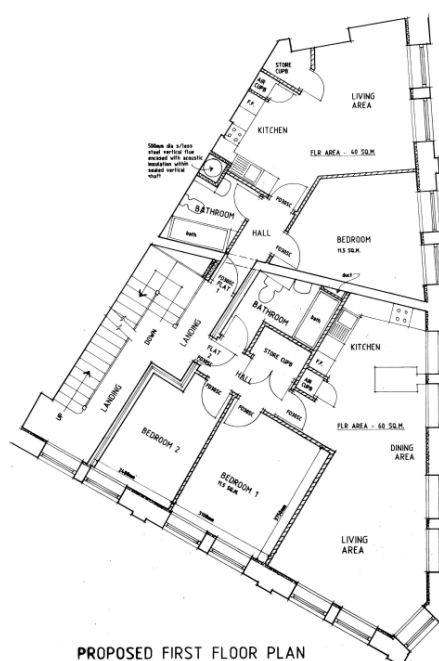
2.2 The Proposals Map contained within the Newport Local Development Plan (2011 – 2026) (LDP) identifies the site as being located within the Town Centre Archaeologically Sensitive Area, whilst there are no constraints showing on the LDP Constraints Map. The site is identified by Natural Resource Wales Flood Map for Planning (FMfP) as being located within Flood Zone 3 (Rivers and Sea).

3. DESCRIPTION OF DEVELOPMENT

3.1 The Non-Material amendments sought are summarised as follows (the as approved drawings are shown on the left and the amendments sought are shown on the right):

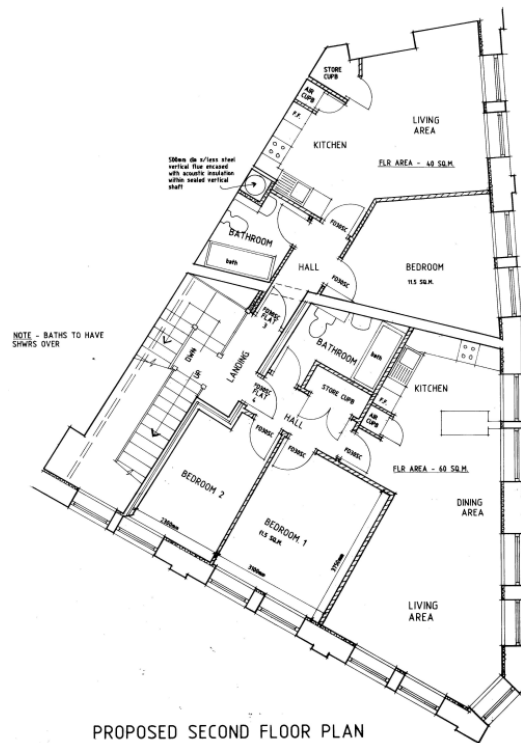
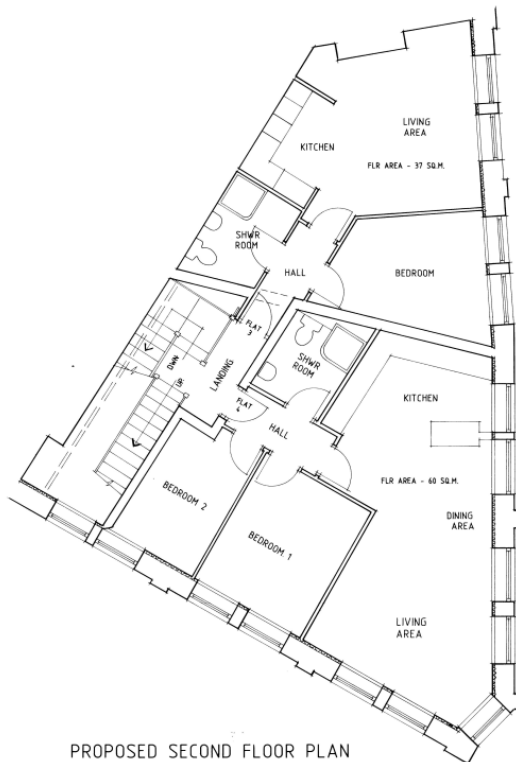


PROPOSED FIRST FLOOR PLAN

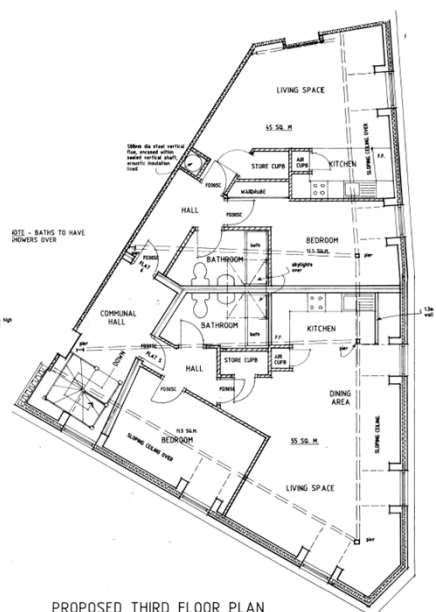
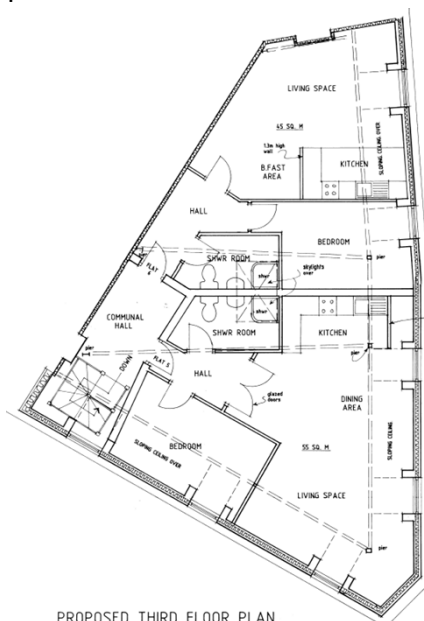


PROPOSED FIRST FLOOR PLAN

- Flat 1 – A store cupboard and an airing cupboard have been added, the shower room has been replaced with a bathroom, the internal partitions have marginally changed and flue approved under Application 20/0411 has been added.
- Flat 2 – A store cupboard and an airing cupboard have been added, the shower room has been replaced with a bathroom.



- Flat 3 – A store cupboard and an airing cupboard have been added, the shower room has been replaced with a bathroom, the internal partitions have marginally changed and flue approved under Application 20/0411 has been added.
- Flat 4 – A store cupboard and an airing cupboard have been added, the shower room has been replaced with a bathroom.



- Flat 5 – A store cupboard and an airing cupboard have been added, the shower room has been replaced with a bathroom, the internal partitions have marginally changed and flue approved under Application 20/0411 has been added.
- Flat 6 – A store cupboard and an airing cupboard have been added, the shower room has been replaced with a bathroom.
- In addition to the above, design details of the airing cupboard have been provided, and a detailed vertical section through the roof of the proposed flue has been provided.

4. RELEVANT SITE HISTORY

Application Number:	Proposal:	Decision:	Decision Date:
20/0777	CHANGE OF USE OF UPPER FLOORS FROM OFFICES TO 6 NO.FLATS	Granted with Conditions	25.08.2022
22/0547	PARTIAL DISCHARGE OF CONDITION 3 (ROOF DETAILS), 4 (EAVES AND FASCIA DETAILS) AND 5 (DORMER WINDOWS) RELATING TO PLANNING PERMISSION 18/1174 FOR THE ERECTION OF NEW ROOF AND WINDOWS TO CREATE THIRD FLOOR OFFICE SPACE	Approved	04.08.2022
20/0411	CHANGE OF USE FROM RETAIL (A1) TO RESTAURANT/TAKE AWAY (A3)	Granted with Conditions	12.08.2021
18/1174	ERECTION OF NEW ROOF AND WINDOWS TO CREATE THIRD FLOOR OFFICE SPACE	Granted with Conditions	
08/0072	RETENTION OF AN AUTOMATED TELLER MACHINE	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 Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (July 2014).

5.4 Newport Local Development Plan (2011-2026)

Policies SP1, SP3, SP9, SP13, SP18, GP2, GP4, GP5, GP6, GP7, CE6, CE7, H2, H4, H8, EM3, T4 and W3.

- 5.5 Supplementary Planning Guidance
5.5.1 The Flat Conversions Supplementary Planning Guidance (adopted October 2021) is also relevant.

6. CONSULTATION RESPONSES

- 6.1 None.

7. PUBLIC REPRESENTATIONS

- 7.1 None.

8. ASSESSMENT

- 8.1 In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change. As stipulated in *Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission*, when assessing and determining whether or not a proposed change would qualify as a non-material amendment, the following tests are applied as a starting point:

- Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?
- Would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- Would the interests of any third party or body be disadvantaged in planning terms?
- Would the proposed change conflict with national or development plan policies?

- 8.2 The proposed amended scheme would still reflect the description of the development with the general rearrangement of the floorplans considered minor when taken alone. There are also no changes to the external elevations of the building proposed as part of this application.

- 8.3 Notwithstanding the above, it is noted that the floor plans now show the inclusion of a flue, surrounded by acoustic insulation. This flue was approved under Planning Application 20/0411 as part of the change of use of the ground floor of the building from retail (A1) to a restaurant/takeaway (A3). It is therefore apparent that the flue would be installed in order to extract fumes from the A3 use. The Local Planning Authority does not however have details of whether the flue would result in noise within the flats themselves and if so what those noise levels would be. Neither are there details of the acoustic installation and whether or not this would be appropriate.

- 8.3 Given the above considerations, the changes proposed have the potential to impact upon the residential amenities of future occupiers of the flats due to the inclusion of the flue within the flats which was given planning permission when the upper floors of the building were in an office use. As such, they are regarded as material changes, and their acceptability in planning terms would need to be further scrutinised via the submission of a planning 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 The proposed amendments are not considered to comply with the tests as set out within this report and are therefore considered to represent material amendments to the previously approved scheme.

11. DECISION

REFUSED, FOR THE FOLLOWING REASON:

1. The proposed amendments to the scheme have the potential to have a different impact upon residential amenity when compared to original approved development scheme. As such, they are considered material changes.

NOTE TO APPLICANT

01 This decision relates to the following plans: Location Plan, KD1762 2B Proposed 1st & 2nd Floors and KD1762 4B Proposed 3rd Floor.

02 The development plan for Newport is the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

02 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.