

Delegated Decision Report

Application No:	25/0111	Statutory Period Expires:	21st May 2025
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Site:	6 Market Street Newport NP20 1FU		
Proposal:	CHANGE OF USE OF THE BUILDING TO INCLUDE A KITCHEN AND CAFE OPERATING FROM THE PREMISES (A3 USE)		
Applicant:	A Boksh		
Type:	Full	Ward:	Stow Hill
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located within the city centre and forms part of the Grade II listed market arcades.

3. DESCRIPTION OF DEVELOPMENT

3.1 Change of use of building to A3 use to provide a restaurant/café.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
20/0879	LISTED BUILDING CONSENT FOR THE INTERNAL ALTERATIONS TO A GRADE II LISTED BUILDING	Granted	05.08.2021
19/1072	DISCHARGE OF CONDITION 02 AND 03 (ARCHAEOLOGY AND HISTORIC BUILDING RECORDING) OF PLANNING PERMISSION 17/1205	Approved	06.01.2022
17/1206	LISTED BUILDING CONSENT FOR NEW SHOPFRONTS TO ARCADE UNITS 2, 4, 6, 12, 14-16; ALTERATIONS OF SHOPFRONTS TO 11, 12/13 HIGH STREET AND UNITS 1, 3, 5, 7-11, 13 AND 17. CHANGE OF USE OF GROUND FLOOR ARCADE UNITS 1-14 & 16 TO A1/A2/B1/D1, FIRST FLOOR UNITS 2-6 & 8-16 TO A1/A2/B1/D1, SECOND FLOOR UNIT 16 TO A1/A2/B1/D1. NEW SECURITY GATES TO PRINCIPAL ARCADE ENTRANCES; REFURBISHMENT OF ARCADE LIGHTING, GLAZING CANOPY, CHIMNEYS, WINDOWS, PAVING AND UPPER FLOOR FACADES OF UNIT 16 AND 11 HIGH STREET; REPLACEMENT DOORS, WORKS TO ROOF STRUCTURES, RE-SLATING OF ROOFS, REINSTATEMENT OF CHIMNEY AND FIRST FLOOR GLAZED TILES, INSTALLATION OF ACCESSIBLE W/C, REFURBISHMENT OF INTERNAL FINISHES AND OTHER ASSOCIATED WORKS	Granted with Conditions	15.06.2018
17/1205	NEW SHOPFRONTS TO ARCADE UNITS 2, 4, 6, 12, 14-16; ALTERATIONS OF SHOPFRONTS TO 11, 12/13 HIGH STREET AND UNITS 1, 3, 5, 7-11, 13 AND 17. CHANGE OF USE OF GROUND FLOOR	Granted with Conditions	29.03.2018

	ARCADE UNITS 1-14 & 16 TO A1/A2/B1/D1, FIRST FLOOR UNITS 2-6 & 8-16 TO A1/A2/B1/D1, SECOND FLOOR UNIT 16 TO A1/A2/B1/D1. NEW SECURITY GATES TO PRINCIPAL ARCADE ENTRANCES; REFURBISHMENT OF ARCADE LIGHTING, GLAZING CANOPY, CHIMNEYS, WINDOWS, PAVING AND UPPER FLOOR FACADES OF UNIT 16 AND 11 HIGH STREET; REPLACEMENT DOORS, WORKS TO ROOF STRUCTURES, RE-SLATING OF ROOFS, REINSTATEMENT OF CHIMNEY AND FIRST FLOOR GLAZED TILES, INSTALLATION OF ACCESSIBLE W/C, REFURBISHMENT OF INTERNAL FINISHES AND OTHER ASSOCIATED WORKS		
15/0986	LISTED BUILDING CONSENT FOR SHOPFRONT ALTERATION AND REPLACEMENT WINDOWS (RESUBMISSION FOLLOWING REFUSAL OF APPLICATION 15/0183)	Granted with Conditions	11.02.2016
15/0984	ALTERATION TO SHOPFRONT AND REPLACEMENT OF WINDOWS (RESUBMISSION FOLLOWING REFUSAL OF APPLICATION 15/0182)	Granted with conditions	18.01.2016
15/0183	LISTED BUILDING CONSENT FOR RETENTION AND COMPLETION OF SHOPFRONT	Refused	23.04.2015
15/0182	RETENTION AND COMPLETION OF SHOPFRONT	Refused	23.04.2015

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

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP18 – Urban Regeneration
- GP2 – General Amenity
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- T4 – Parking

- R1 – City Centre Schemes
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

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

6. CONSULTATION RESPONSES

6.1 Principal Heritage Officer:

Following confirmation from the agent, please supersede my previous comments with the below.

Re: CHANGE OF USE OF THE BUILDING TO INCLUDE A KITCHEN AND CAFE OPERATING FROM THE PREMISES (A3 USE)

My predecessor's heritage comments regarding 25/0111 are copied below:

'The applicant will need to submit a Listed Building Consent application for these works as they relate to number 17 Market Arcade also.

The listing description notes 17 as being included: [Listed Buildings - Full Report - HeritageBill Cadw Assets - Reports](#)

I have mentioned on previous enforcement cases that if there is an internal link between 17 and 6 Market Street, the latter would also fall under the listing as it would be considered as one building. A Heritage Impact Assessment would be required as part of the LBC.

Furthermore, the plans need to be more specific and detailed, particularly for any external works. They currently show all casement windows on the front elevation, when in fact those on number 17 are traditional sash and were installed as part of Market Arcade's refurbishment. We would want to see the existing retained.'

This application encompasses two formerly separate but now interconnected buildings: Unit 17 of Market Arcade and No.6 Market Street (see plan below).

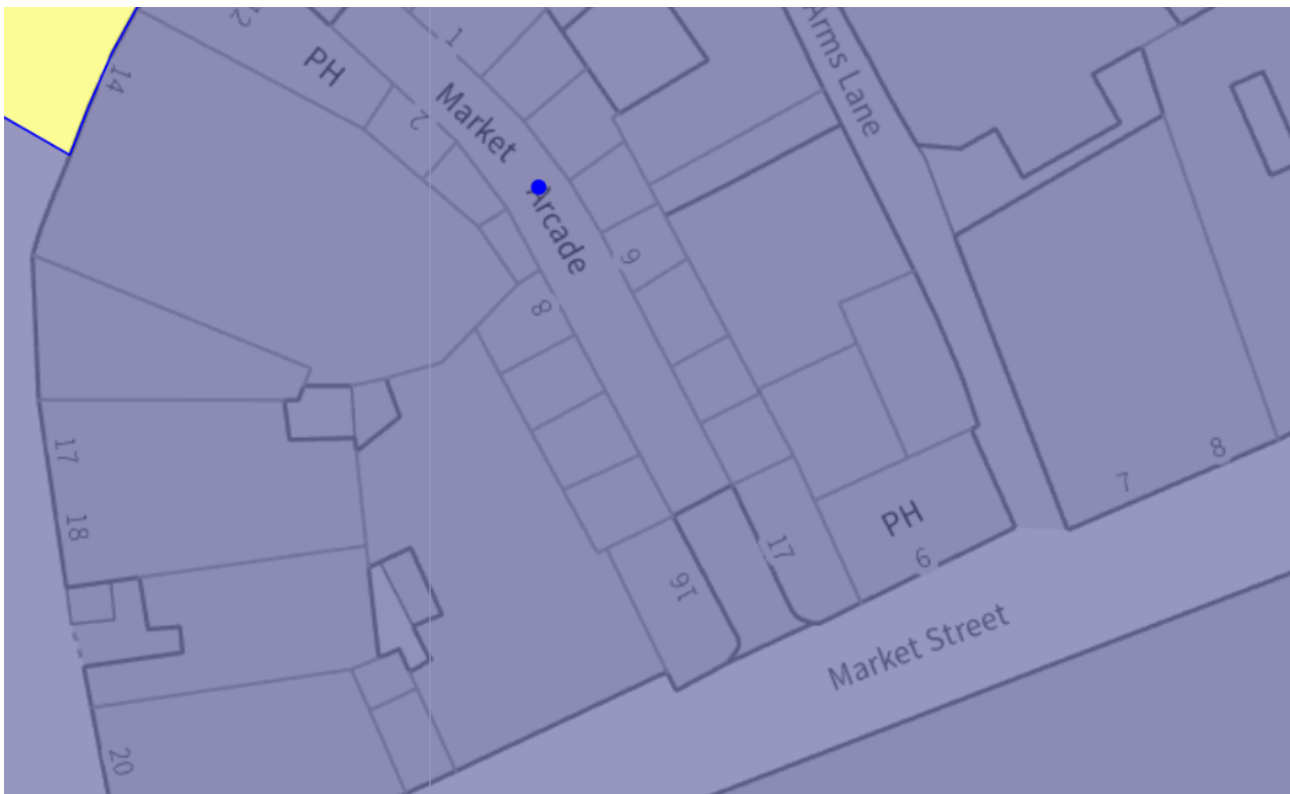
Market Arcade is Listed at Grade II.

As far as I am concerned, the intention was to list the Market Arcade buildings only (which included Unit 17 of Market Arcade - but not No.6 Market Street).

Though the (now closed) public house to 6 Market Street might technically be part of the listed building by virtue of its interconnection with unit 17 of Market Arcade, site inspection reveals nothing of special interest/significance to the interior and, therefore, it is considered that an LBC application is not required for any of the proposed interior changes to this portion of the whole, as the works would not be considered to impact upon the special interest of Grade II Listed Market Arcade.

Similarly, considering the modern interiors to the portion of the application consisting of Unit 17 of Market Arcade, the proposed installation of free-standing storage units/counters to this area would not be considered to impact upon the special interest of the Grade II Listed asset and, again, no LBC would be required in this instance.

In addition, the agent has confirmed that no external works are proposed (via email dated 08/07/2025) and, therefore, there will be no resultant impact upon the character or appearance of the Town Centre Conservation Area.



- 6.2 Drainage Manager: 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 visit <https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.newport.gov.uk%2Fen%2FPlanning-Housing%2FPlanning%2FSustainable-drainage-systems.aspx&data=05%7C02%7CJacob.Cooke%40newport.gov.uk%7C40f71a2eadfe4feb26408dd8639e00a%7C2c4d0079c52c4bb3b3cad8eaf1b6b7d5%7C0%7C0%7C638814305326082246%7CUnknown%7CTWFPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOilwLjAuMDAwMCIsIAiOiJXaW4zMilskFOLjoiTWFPbClldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=UOZZ5RYMeDj3Rhcmi2C0OodUki1o%2BKI%2BEzuleg3AVQU%3D&reserved=0> for further information, or contact the SAB team sab@newport.gov.uk for further discussions.
- 6.3 Environmental Health Officer: No objection to hours of operation, and conditions recommended for plant and equipment noise, fume extraction and maintenance, and waste management plan.
- 6.4 Senior Scientific Officer: No response.
- 6.5 Waste Manager: We anticipate a requirement for trade waste and recycling. NCC trade waste services would be happy to quote for services ahead of opening. From April 2024 Workplace Recycling Regulations will apply to all non-domestic premises. For more information see <https://www.gov.wales/workplace-recycling>
Workplace recycling | GOV.WALES
From 6 April 2024, it will become law for all businesses, charities and public sector organisations to sort their waste for recycling.
- 6.6 Gwent Police: No objection.
- 6.7 Glamorgan Gwent Archaeological Trust: No objection.
- 6.8 Highways Officer: No objection subject to conditions.

Highway Comments:

The location is central and within parking zone 1. The parking standard therefore only requires a space for service vehicles. No servicing area has been identified, but the area is controlled and enforced, so there are no concerns.

There are no details of cycle parking for staff or customers. Parking for staff should be secured by way of condition as a minimum.

There are therefore no highway related objections, subject to the following condition.

Suggested Conditions:

Except for site clearance and remediation no development shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

- 6.9 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.

Advisory Notes

The approved use should investigate an adequate grease trap to be fitted, in accordance with environmental health regulations, and maintained thereafter so as to prevent grease entering the public sewerage system.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on the 27th March 2025 and a Site Notice was put up on the 4th April 2025.

7.1 NEIGHBOURS: No response.

7.2 COUNCILLORS: No response.

8. ASSESSMENT

8.1 Main Issues:

8.1.1 The main issues with the scheme relate to the impact upon the listed building and urban regeneration. Other material considerations shall follow this assessment.

8.2 Impact on the Listed Building

8.2.1 The Historic Environment (Wales) Act 2023 sets out in Section 88 that authorisation for works to a listed buildings applies when the works proposed would affect the character as a building of special architectural or historic interest.

8.2.2 No external works are proposed to the building. Internal works are limited to plaster boarding and painting Units 9, 11 and 15. The scale and type of work proposed would not affect the character of the buildings special interest and would therefore not require Listed Building Consent.

8.2.3 The proposed use of the building as A3 would represent a less intensive use than the previous night club. It is considered that the proposed preserves the historic significance of the building in accordance with the Historic Environment (Wales) Act 2023.

8.2.4 The proposal seeks to use an existing extraction system for the kitchen area. Therefore, no further ducting or routing through the building would be required. As such, no historic fabric would be impacted by the A3 use.

8.2.5 The proposal includes the use of frosted vinyls to windows associated with the Market Arcade units which allow for signage and active frontages which is considered preserve the historic value of the Market Arcade.

8.3 City Centre and Urban Regeneration

8.3.1 The proposal would be beneficial in the Councils aims to regenerate the city centre and would accord with the general thrust of Policy SP8 and R1.

8.4 Impact on Amenity

8.4.1 The proposal does not contain any extensions or additional doors or windows. Therefore, the proposal would not result in any additional overlooking, overshadowing, or levels of daylight and sunlight entering neighbouring properties.

8.4.2 No objections have been received from the Environmental Health Officer or the Senior Scientific Officer; it is considered that the proposal is acceptable in terms of noise impact when considering the existing use as a night club.

8.4.3 The proposed hours of operation are from 0700 – 0330 hours Monday to Friday, Sundays and Bank Holidays, and 0700 – 0400 on Saturdays. The application form provides justification for the opening hours to cater for the daytime and evening events. It is considered that the hours of operation are commensurate with the hours of existing

operation which would be late into the evening and early hours of the morning. In this instance, the hours of operation are acceptable.

8.5 Impact on Biodiversity

8.5.1 The proposal is not supported with a Green Infrastructure Statement or a scheme of biodiversity enhancement as required by Planning Policy Wales (Ed. 12). Taking into account the sites location within the city centre and the physical constraints of the site, this limits the amount and type of biodiversity enhancement possible. Furthermore, the presence of the existing roof terrace is likely to impact the suitability of seeking to install any bird or bat boxes. Therefore, in this instance it is considered that the site cannot provide a biodiversity enhancement.

8.6 Parking

8.6.1 The site is located within Parking Zone 1, the Parking SPG sets out the requirement for 1no. operational commercial vehicle space and nil non-operational parking spaces. Due to the physical constraints of the site, no outdoor space is available to provide an operational space. The Highways Officer raises no concern regarding the absence of this space as the area is suitably controlled by parking enforcement.

8.6.2 It is noted the request for a scheme of cycle storage to serve members of staff. The proposed layout includes a number of areas which could provide adequate secure cycle storage in order to promote active travel. Therefore, a condition is attached for the submission of secure cycle storage details.

8.7 Waste and Recycling

8.7.1 The waste arising from the site would require a waste contract with a suitable licenced provider. The floor plan indicates that waste storage could be facilitated within the building. It is noted that neighbouring businesses use Carpenters Lane for the storage of waste and recycling given the physical constraints of the area. Therefore, it is considered necessary to attach a condition for a waste management strategy to outline how waste will be managed. Subject to condition, the proposal is considered to be in accordance with Policy W3.

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 change of use is considered to accord with the relevant local development plan policies and is hereby granted.

11. DECISION GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents:

- Boundary Plan (Received: 27.03.2025)
- Proposed Floor Plan (Received: 25.03.2025)
- Toilet Access (Received: 12.02.2025)
- Market Arcade Elevations (Received: 08.09.2025)
- Waste Management Strategy and correspondence (Received: 09.07.2025)

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 Prior to the first use of the unit, a scheme for the provision of cycle parking shall be submitted and approved in writing by the Local Planning Authority. The use shall commence in accordance with the agreed details and retained for the duration of the use.
REASON: To ensure adequate provision of secure cycle parking to encourage active transport in accordance with Policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 The hours of operation shall be restricted to 0700 – 0330 hours Monday to Friday, Sundays and Bank Holidays and 0700 – 0400 on Saturdays.

Reason: In the interests of the amenities of occupiers of adjoining properties on accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142:2014+A1:2019, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant, measured at the nearest noise sensitive property.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

05 Fumes from the food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing and de-odorising filters. Details of the extraction equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the

Local Planning Authority prior to its installation, and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

06 The extraction equipment shall be regularly maintained in order to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning authority.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

07 Prior to first beneficial use a waste management plan, detailing the means of disposal of all waste generated by the business, shall be submitted to and approved in writing by the local planning authority. The approved plan shall be implemented prior to first beneficial use and shall be retained for the duration of the use.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Policy GP2 and W3 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 SP1, SP9, SP18, GP2, GP5, GP6, GP7, T4, R1 and 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.