

Delegated Decision Report

Application No:	25/1089	Statutory Period Expires:	11th February 2026
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Site:	262 Corporation Road Newport NP19 0DZ		
Proposal:	PARTIAL DISCHARGE OF CONDITIONS 2 (MATERIALS), 3 (CEMP) AND 7 (BIODIVERSITY ENHANCEMENTS) OF 23/1010 CONVERSION OF THE FIRST FLOOR FROM RETAIL INTO 4NO. 2-BEDROOM FLATS AND ASSOCIATED ALTERATIONS		
Applicant:	S M K Husan		
Type:	Discharge Conditions	Ward:	Victoria
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is within the defined settlement boundary as shown on the proposals map that accompany the Newport City Council Local Development Plan. The application site is a two-storey end of terrace property, and the area is characterised by a mix of commercial and residential properties. The host site is also defined within Corporation Road District Centre.

3. DESCRIPTION OF DEVELOPMENT

3.1 This application seeks the partial discharge for conditions 2 (materials), condition 3 (CEMP), and condition 07 (biodiversity enhancements) of application 23/1010, conversion of the first floor from retail into 4no. 2-bedroom flats and associated alterations.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
23/1010	CONVERSION OF THE FIRST FLOOR FROM RETAIL INTO 4NO. 2-BEDROOM FLATS AND ASSOCIATED ALTERATIONS	GC	23.05.2024
23/0624	CONVERSION OF THE FIRST FLOOR FROM RETAIL INTO 4NO. 2 BEDROOM 3 PERSON FLATS, EXTERNAL ALTERATIONS AND MINOR GROUND FLOOR INTERNAL ALTERATIONS	R	05/10/2023

5. PUBLIC REPRESENTATIONS

None.

6. CONSULTATIONS

6.1 Environmental Health:

I refer to the above application passed to the Environmental Protection Team for comment.

Have no objection to the partial discharge of condition 3 (Construction Environmental Management Plan)

6.2 Highways:

The CEMP suggests that it is a “live” document and subject to change however an approved document cannot be changed without reverting to planning. An amended CEMP should acknowledge this. The document does not address the issues around parking and deliveries /collections. Unlawful footway parking occurs and should be expressly prevented. Loading is allowed on double yellows (Waiting restrictions) but must be programmed to avoid multiple vehicles or it will impact highway safety. Safe and considerate parking opportunities should be identified within the CEMP and supported by an assessment of the types, numbers and frequencies of vehicles anticipated based on a programme for demolition/construction, which is to be included.

6.3 Senior Scientific Officer: No comments received.

6.4 Ecology Officer: No comments received.

6. ASSESSMENT

6.1.1 This application seeks consent to partially discharge condition 2 (Materials), Condition 3 (CEMP), and Condition 07 (biodiversity enhancements) of planning permission 23/1010 for the proposed conversion of the first floor from retail into 4no. 2-bedroom flats and associated alterations at 262 Corporation Road.

6.2 Firstly when assessing **condition 2** of 23/1010, the condition states;

6.2.1 *02 Prior to the commencement of development, details/samples of materials and finishes to be used on the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.*

Reason: To ensure that the development is completed in a manner compatible with its surroundings.

6.2.2 The applicant has submitted details of the proposed materials for the roof and rear dormers. The dormers are to be constructed in white smooth shiplap cladding. It is considered that the use of white cladding in contrast with the black stone slate roof would appear unsympathetic within this context, particularly given the scale of the development.

6.2.3 In addition, no details have been provided regarding the materials for the rooflights or proposed windows. As such, the requirements of the condition have not been satisfied, and Condition 02 cannot be partially discharged.

6.3 Secondly, when assessing **condition 03** of 23/1010, this states;

6.3.1 *03 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the*

Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, lighting, air quality, vibration, dust** and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle (HGV) access to the site. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.*

- 6.3.2 The Construction Environmental Management Plan (CEMP) has been reviewed by Environmental Health, who have confirmed that they have no objections to the partial discharge of the condition. The submitted document includes details relating to noise limitation, dust suppression, vibration minimisation, waste disposal, and a construction phase plan.
- 6.3.3 However, upon review, it is noted that the submitted CEMP is described as a “live” document that may be amended. The Highways Officer has advised that an approved CEMP cannot be altered without further approval from the Local Planning Authority. An amended CEMP should therefore explicitly acknowledge this requirement.
- 6.3.4 From a highways perspective, the CEMP does not adequately address parking arrangements or delivery and collection procedures. The absence of such information raises concerns regarding potential detrimental impacts on residential amenity and the likelihood of unlawful footway parking, which must be expressly prohibited. While loading is permitted on double yellow lines (waiting restrictions), it must be carefully programmed to prevent multiple vehicles arriving simultaneously, as this could compromise highway safety.
- 6.3.5 The CEMP should identify safe and considerate parking opportunities, supported by an assessment of the expected types, numbers, and frequencies of vehicles based on the demolition and construction programme, which must be included. Although the CEMP states that separate routes have been established for vehicles/plant and pedestrians, these routes are shown only on the site plan referred to within the document. No site plan has been submitted as part of the current application. Furthermore, no information has been provided regarding Heavy Goods Vehicle (HGV) routes to ensure avoidance of Air Quality Management Areas (AQMAs).
- 6.3.6 In light of the above, it is considered that the applicant has not met all the requirements of Condition 03. Therefore, this condition cannot be partially discharged.

6.4 Finally, when assessing **Condition 07** of 23/1010, this states:

- 6.4.1 *07 Prior to the commencement of development, a scheme of Biodiversity Enhancement Measure(s) and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Measure(s) shall thereafter*

be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and policies SP9 and GP5 of the Newport Local Development Plan 2011-2026.

- 6.4.2 The applicant has submitted a plan proposing biodiversity enhancements, including the installation of a Schwegler sparrow terrace box and a bat box on the side elevation of the property. Given the scale of the development and the site constraints, the proposed biodiversity measures are considered proportionate and are sufficient to meet the requirements of Policy GP5 and Policy 9 of Future Wales. The Ecology Officer was consulted on the application but has not provided any comments. The Local Planning Authority will therefore proceed on the basis that there are no objections to the enhancements in principle. However, the condition requests an implementation timetable for the enhancement scheme, and this has not been submitted by the applicant. Therefore, the requirements of the condition have not been met in full and condition 07 cannot be discharged.

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 Overall, it is considered that the application submitted provides insufficient/inadequate information for the partial discharge of condition 02, 03, and 07. Therefore, the application is refused.

11. DECISION

REFUSED

01 The information supplied to partially discharge conditions 02, 03 and 07 is inadequate and/or unacceptable. The information does not meet the requirements of the respective conditions and, in the case of condition 02 (materials), includes details that are harmful to visual amenity.

NOTE TO APPLICANT

01 This decision relates to plan Nos: R956 - 41 - Proposed Dormer Materials; R956 - 40 - Proposed Biodiversity Enhancement.; R956 - 00- Site Location Plan.; Construction Phase Plan; Contract Risk Assessment; R956 - Green Infrastructure Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No Policies 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.