

Delegated Decision Report

Application No:	25/0725	Statutory Period Expires:	7th May 2026
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Site:	<i>Land And Buildings Encompassing 114 To 116 Alexandra Road Newport South Wales</i>		
Proposal:	<i>RENOVATION OF GROUND FLOOR COMMERCIAL UNIT (USE CLASS A3) AND 2. NO FIRST FLOOR 1 BEDROOM FLATS AND ASSOCIATED WORKS.</i>		
Applicant:	<i>A Jones</i>		
Type:	Full	Ward:	Pillgwenlly
Decision:	GRANTED WITH CONDITIONS SUBJECT TO S106 LEGAL AGREEMENT		

1. BACKGROUND

- 1.1 The application as originally submitted included a ground floor flat. However, given that the site is located within Flood Zone 3, concerns were raised in relation to the proposed ground floor accommodation. In response, revised plans were submitted which removed the ground floor flat. The assessment of the proposal is therefore based on the amended plans.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises a two-storey red brick building occupying a prominent corner plot at the junction of Alexandra Road and Watch House Parade, within the Pillgwenlly ward. The ground floor commercial unit has been used as an A3 use, while the first floor appears to have been in residential use, although it has been vacant for some time. The site is previously developed land that is located within the urban boundary and the surrounding area is characterised by a mix of residential, commercial, and industrial uses, with the Newport Docks located to the south of the site. The property lies within the Waterloo Conservation Area, directly opposite the Grade II listed Waterloo Hotel, and within the setting of the Grade I listed Newport Transporter Bridge. The application site is also located within Flood Zone 3 as per the Flood Maps for Planning (FMfP).

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks planning permission for the refurbishment of the existing ground floor A3 commercial unit and the change of use of the first floor to provide a 1no. bedroom flat and a studio flat. Externally, the building would be repaired and generally made good, and the windows would be replaced owing to the requirement for acoustic glazing.

4. RELEVANT SITE HISTORY

- 4.1 None.

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

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.

4.1.35 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations and public transport interchanges, consideration must also be given to where people will leave their bike at home. Guidance on cycle parking is contained within the Active Travel Act Guidance. Planning authorities may alternatively wish to adopt locally specific minimum cycle parking standards and guidance.

4.1.38 Planning authorities must ensure the layout, density and mix of uses of new development support the use of public transport and maximises accessibility potential. In particular, higher densities and mixed-use development should be encouraged in areas highly accessible by public transport.

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed.

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Recognising that development needs to take place and some biodiversity may be impacted, the planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well-being.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems.

5.3 HISTORIC ENVIRONMENT WALES ACT (2023)

5.4 TECHNICAL ADVICE NOTES

5.4.1 The following Technical Advice Notes are relevant to the determination of this application: Technical Advice Note (TAN) 5: Nature Conservation and Planning, Technical Advice Note (TAN) 11: Noise, Technical Advice Note (TAN): Development, Flooding and Coastal Erosion, Technical Advice Note (TAN) 18: transport, Technical Advice Note (TAN) 21: Waste, Technical Advice Note (TAN) 24: The Historic Environment

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

5.5.1 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1 (Sustainability), SP2 (Health), SP3 (Flood Risk), SP9 (Conservation of the Natural, Historic and Built Environment), SP13 (Planning Obligations), SP18 (Urban Regeneration), GP1 (Climate Change), GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural Environment), GP6 (Quality of Design), GP7 (Environmental Protection and Public Health), H2 (Housing Standards), H4 (Affordable Housing), H8 (Self Contained Accommodation and Houses in Multiple Occupation), T4 (Parking), CE7 (Conservation Areas) and W3 (Provision for Waste Management Facilities in Development) are relevant to the determination of this application.

5.5 SUPPLEMENTARY PLANNING GUIDANCE

5.5.1 The Council's Supplementary Planning Guidance on Flat Conversions (Adopted October 2021), New Dwellings (Adopted 2020), Sustainable Travel (Adopted July 2020), Waste Storage and Collection (Adopted January 2020), Parking Standards (Adopted August 2015) and Planning Obligations (Updated December 2021) are also relevant to the determination of this application.

6. CONSULTATION RESPONSES

6.1 **Ecology Officer:** No response received

6.2 **Public Right of Way Officer:** No objection

6.3 **Housing Development Officer:** No objection

6.4 **Planning Contributions Manager:**

1. Introduction

Based upon a development of 2 x 1 bed flats, the following S106 planning obligations are required to mitigate the impact of the development.

2. Affordable Housing

Commuted sum payments for affordable housing will normally be sought on developments of 1-2 dwellings anywhere within Newport. The site lies within the Housing Target Area of Newport West. Newport West requires the delivery of 30% affordable housing on new development. The equivalent commuted sum generated is £1,716

This sum will be paid upon occupation of the first dwelling and index linked to the RPI.

Sum to be committed to be spent or spent within 5 years of receipt of last payment

3. Fees

Administration Fee

In accordance with the Planning Obligations SPG (2020), a £300 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.

Legal Fee

Planning Obligations can be contained in Unilateral Undertakings or s.106 Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas s.106 Agreements are usually drafted by the Council's in-house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the s.106 Agreement with prior agreement). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing the s.106 Agreement and Unilateral Undertakings, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed. There is a minimum contribution to legal costs of £700, although more time-consuming and complex documents would require an increased contribution to legal costs.

6.5 **Environmental Health Officer:**

Initial Response:

I have no objections to the proposal; however I suggest the following conditions should be attached to any permission granted;

Waste storage and Recycling

Prior to first beneficial use, a scheme for the provision of waste storage and recycling shall

be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected

Noise Insulation

Prior to first occupation, a scheme of sound insulation works to the floor/ceiling/party wall structures between the properties shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.

Development/Construction Hours

To protect the amenity of existing residents, I would recommend that there is no arrival, departure, loading or unloading of vehicles, development and/or construction (including land raising and demolition if required) occurs outside the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. There shall be no development on Sundays or Bank Holidays.

Construction Environmental Management Plan

No development shall take place until a site specific Demolition and Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Newport City Council Noise & Neighbourhood Team
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within permitted hours
- Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Measures to mitigate demolition dust and material causing a nuisance to local residents, for example sheeting of loads and wheel washing apparatus

Reason: To protect the amenities of occupiers of other premises in the vicinity

No Environmental Health response received for reconsultation on receipt of Noise Assessment

6.6 **Waste Manager:** No comments received

6.7 **Newport Access Group:** No comments received

6.8 **Highways:** Objection on cycle parking policy grounds.

The flats make little or no difference in terms of parking requirements when the reduction in existing uses is considered.

We note the refuse store which is useful however we would expect commercial and residential waste to be separate and would seek comfort that there is a suitable waste management plan conditioned to ensure that all bins are returned promptly to the store.

There is a cycle store annotated but the allocated space is not practical in terms of size or security. In addition, the vertical racks (when accessible) are not inclusive. They do not accommodate all cycle types and cannot be used by all user types. They are therefore not supported as a stand-alone solution. For the avoidance of doubt, the key issue is there isn't

enough space to use them, with lack of security a second issue. In effect there will be no meaningful provision.

6.9 **Natural Resources Wales:**

We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 Sea.

Further to our previous response (Ref: CAS-289828-C5S2, dated: 30th October 2025), it is noted that the updated plans now show proposed flats to be located on the first floor only, which is defined as highly vulnerable development in Technical Advice Note 15: Development, flooding and coastal erosion (TAN15), dated 2025.

As the highly vulnerable element of the scheme is located above ground level, we are satisfied it is elevated from any flood risk. A less vulnerable use is being maintained on the ground floor.

As per our previous response (Ref: CAS-289828-C5S2, dated: 30th October 2025), we provide the following technical feedback with regards to the submitted Flood Consequence Assessment (FCA) undertaken by Flume Consulting Engineers, dated September 2025, Version 1.

Technical Advice

Our advice to you is that the FCA demonstrates that the risks and consequences of flooding could be managed to an acceptable level, provided the above FCA (and finished floor levels set out within this document) are included as an approved document on the decision notice if planning permission is granted. Further details are provided below.

The submitted FCA states that all habitable and sleeping accommodation will be set at finished floor levels at or above 9.485 mAOD.

Detailed flood risk assessment tables within the FCA state that the flood level for the 0.5% (1 in 200 year) plus climate change allowance is 9.470 mAOD (this event is incorrectly labelled as the 0.1% (1 in 1000 year) event plus climate change allowance within the FCA). This is below the proposed finished floor level of 9.485 mAOD and therefore compliant with Figure 5 of TAN 15 (2025).

The FCA has used an hydraulic tidal model updated by NRW in 2025 for the River Usk, which runs defended and undefended scenarios as part of the model. Despite the site being located outside the TAN 15 Defended Zone, the flood defences influencing the River Usk model may impact upon the hydrology of the area. As a precautionary approach, we have reviewed the defended scenario detailed within the FCA; this scenario shows higher flooding than the undefended scenario, potentially due to the nature of tidal flooding which results in tidal surges.

Further to the above, during the defended 0.1% (1 in 1000 year) event plus climate change allowance, the site flood level is 9.817 mAOD. This equates to a flood depth of 0.906m. This is above the tolerable limits of Figure 6 in TAN 15 (2025). Under this scenario, the site falls within the 'Danger for Most' classification, with a hazard score of 1.576. This is a matter for your authority to consider and to determine whether the risks and consequences of flooding are acceptable.

Therefore you should be satisfied that the proposal has fully considered access requirements, including evacuation routes used in an emergency flood event.

Given the source of flooding and the scale of the level change on site, we are satisfied that there will be no impact with regards to flood risk elsewhere.

6.10 **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.

7. PUBLIC REPRESENTATIONS

7.1 In accordance with the publicity requirements set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 Neighbour and Ward member notification letters were sent on 16.03.2026. A Site Notice was put up on 10.10.2025. 66no. neighbours were consulted. No representations were received.

7.2 COUNCILLORS: Cllr Adan and Cllr Jenkins were consulted. No representations were received.

8. ASSESSMENT

8.1 Principle of Development

8.1.1 The application site is located within a settlement boundary as shown on the proposals maps that accompany the Newport Local Development Plan 2011 – 2026 (Adopted January 2015), where there is a presumption in favour of development and the efficient use of land is encouraged. The property is located within an area having a mixed commercial/residential character and is a sustainable location, therefore the proposed use is considered to be compatible with the surrounding uses. It is understood that the commercial unit has an established A3 use, and the proposal seeks to refurbish the existing unit rather than introduce a change of use. Accordingly, there is no objection in principle to the conversion of the first floor to residential use subject to other material planning considerations. It is considered proposal would positively contribute toward the provision of residential opportunities within the urban area. Therefore, the proposal is in accordance with Policy SP1 and SP18.

8.2 Character/Appearance/Historic Environment

8.2.1 In terms of the residential use of the first floor as 2no. units, this is consistent with the use of other upper floors within the local area, and such use would not result in any impact on the character of the area. The ground floor will continue to operate as an A3 use. This use has been established on site for a considerable period and is considered appropriate for this location as the area comprises of mixed commercial/residential uses. Only minor external alterations are proposed. The impacts of the use on the residential accommodation above, along with any necessary planning conditions, are considered in Section 8.3.

8.2.2 The application proposes minimal external alterations. The only change involves the replacement of windows to incorporate acoustic glazing. Detailed specifications have not yet been submitted. The Principal Heritage Officer has requested these details, noting that the site lies within the Waterloo Conservation Area and is adjacent to a number of listed buildings. While this is acknowledged, given the minor nature of the works and the prevalence of similar alterations to nearby buildings, it is considered that the necessary details can be secured by condition. The replacement windows will need to reflect the design, detail and appearance of the existing windows being replaced and on this basis it is not anticipated that these changes would result in harm to the character or appearance of the area, and the proposal would preserve the character of the Waterloo Conservation Area.

- 8.2.3 In accordance with the Historic Environment (Wales) Act 2023, it is considered that the proposal would preserve the character and appearance of the Waterloo CA, thereby satisfying the statutory duty to preserve or enhance the conservation area. To conclude, the proposed development is considered to be acceptable in the context of its surroundings and would not prejudice the character and appearance of the building or wider area.

8.3 Residential Amenity

- 8.3.1 The Supplementary Planning Guidance on Flat Conversions sets out space standards for converted flats (32sqm for studio flats and 45sqm for 1 bedroom flats).

	Flat type			
Beds/bedrooms	<i>Studio</i>	<i>Converted</i>	<i>New</i>	
			<i>Common Access²</i>	<i>Walk Up³</i>
1	32	45	46	50
2	n/a	58	59	65
3	n/a	74	84	90
4	n/a	86	93	99

- 8.3.2 The proposed one-bedroom flat would have an internal floor area of approximately 43 sqm, while the studio flat would measure 34 sqm. The studio flat exceeds the minimum space standards set out in the SPG. Although there is a minor shortfall in the floor area of the one-bedroom flat, this is considered negligible. Both the bedroom and the kitchen/living areas benefit from good levels of natural light, which creates a perceived sense of open space and provide good outlook and ventilation. Overall, the flats are considered to be of acceptable size and no harm has been identified as a result of the shortfall.
- 8.3.4 The SPG also outlines the requirements for outdoor amenity space. The physical constraints of the site do not allow for amenity space, and no private amenity space has been proposed within the design. The Flat Conversions SPG sets out in section 5.5.1, outdoor amenity space should be made available wherever the opportunity exists. In this case, the opportunity does not exist as an urban conversion scheme, it is not unusual to have limited or nil potential for outdoor amenity space for future residents and greater weight is attributed to the regeneration benefits of the scheme. Other factors can and should be considered such as access to facilities, public open space, scheme density and overall quality of accommodation and general scheme merits. While it is not ideal for the property to have no outdoor space, given that there would likely be only two occupants, on balance this is acceptable. Additionally, the location is close to local facilities with Mendalgief Community Park and Pill Playing Fields being located approximately 400m north. The Commercial Road District Centre is also located within walking distance to the north of the site offering local amenities. Taking these factors into account, the lack of private outdoor space is unlikely to have a significant negative impact and would be unreasonable to refuse the application on this basis in this particular instance.
- 8.3.5 Given the site's proximity to the A48 and the location of the flats above a commercial use, a noise impact assessment has been undertaken. The assessment advises upgrading of existing glazing is required to meet noise requirements for habitable rooms and confirms that noise levels would only exceed acceptable thresholds when windows are open. It is not anticipated that residents would typically leave windows open for prolonged periods of times and would perhaps only be expected to open intermittently, such as during cooking or periods of hot weather. A degree of noise disturbance is therefore reasonably anticipated in this mixed commercial and residential area, which already contains other residential properties- and given the surrounding context, this should not come as a surprise to future occupants upon inhabiting the property. To conclude that this level of impact is unacceptable would

effectively sterilise the site from residential use and potentially result in the further inoccupancy and degradation of a prominently sited building within the Conservation Area. While the noise levels are not preferable, it is considered that, on balance, the regeneration benefits of the proposal outweigh any potential and infrequent noise impact arising from windows being open. Upgrading of the acoustic glazing is proposed to mitigate potential noise issues and final details will need to be secured via an appropriately worded planning condition.

8.3.6 It is acknowledged that the relationship between the upper floors and the commercial unit has changed. Given the introduction of a more sensitive residential use above, it is considered necessary to control the hours of operation of the commercial unit. Accordingly, a condition will be imposed restricting opening hours to 7am–9pm Monday to Friday and 8am–9pm on Saturdays and Sundays. This would safeguard the residential amenity of the flats above the A3 commercial use. There is also potential for odour impacts associated with the A3 use. In order to ensure residential amenity is maintained, a condition regarding fume extraction and any potential future fume extraction will be attached to any permission granted.

8.3.7 It is considered that adequate residential amenity for neighbouring and future occupiers would be provided as a result of the development. The proposal accords with policies H8 and GP2.

8.4 **Highways**

8.4.1 The Parking Standards SPG states that 3no. parking places are required for the flat conversion (2 per flat and a visitor space) in Parking Zone 3. The A3 use at ground floor would remain, and as such there would not be an intensification in parking for this use. There is no on site parking, however, the site is set within a highly sustainable location and is well served by local amenities and access to public transport. This has been given significant weight in the assessment of this application and accords with the policy and guidance within both Planning Policy Wales 12 and Future Wales: The National Plan 2040 which advocate for lower levels of parking in sustainable locations. The shortfall in parking would not be a reason to withhold consent. The Highways Officer has offered no objection to the scheme in relation to parking.

8.5.2 The highways officer has raised an objection due to the provision of the dedicated cycle storage being impractical. However, the application site is located in a sustainable area, close to local facilities and bus routes, that could be accessed on foot. Given the site constraints, there is very limited space available for additional storage and this would further reduce living space that contributes to future occupiers amenity. Nevertheless, the applicant has provided some cycle storage provision and whilst it is not in strict accordance with provision desired as per the SPG and would weigh against the development, in this instance it would not be a robust reason to withhold planning permission. A condition will be attached to the grant of planning consent to secure the delivery of the cycle parking as proposed and its retention for the lifetime of the residential use. On balance, the proposal is considered acceptable from a highway safety and sustainability perspective.

8.5 **Biodiversity**

8.5.1 Policy 9 of Future Wales 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. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. PPW 12 requires development to provide a net-benefit for biodiversity informed by a Green Infrastructure Statement that uses the DECCA principles and step-wise approach as detailed within Chapter 6. In this case, a Green Infrastructure Statement has been submitted detailing that a swift box will be affixed to the principal elevation of the property, which is considered proportionate to the scale of development. A condition will be added to secure this.

8.6.3 The proposal does not involve works to the roof, however a bat survey has been undertaken. The bat survey concluded that there was a moderate potential for roosting bats, although no bats were observed during the survey. The Council's Ecologist was consulted however offered no comments on the proposals. Notwithstanding this, a precautionary approach will be taken, and if during the course of development the presence and/or evidence of protected

species are detected all works must stop and suitable professional advice from a qualified Ecologist should be sought. A suitably worded informative will be added to any consent issued.

8.6 Flooding

8.6.1 Technical Advice Note 15 sets out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone 3), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas.

8.6.2 The key points of TAN15 are:

- The Council is expected to consult Natural Resources Wales (NRW) when considering development in Zone 3. Where a planning authority is minded to go against the advice of NRW it should inform NRW prior to granting consent allowing sufficient time for representations to be made;
- Residential development is defined as 'highly vulnerable development' which is 'development where the ability of occupants to decide on whether they wish to accept the risks to life and property associated with flooding, or be able to manage the consequences of such a risk, is limited'.
- The TAN states 'it would certainly not be sensible for people to live in areas subject to flooding where timely flood warnings cannot be provided and where safe access/egress cannot be achieved'.
- There should be minimal risk to life, disruption and damage to property.

8.6.3 The Flood Map for Planning (FMfP) represents the most up to date data with regard to flood risk. The site is located within Flood Zone 3 (Sea) as per the Flood Maps for Planning (FMfP). The proposed first floor would be considered as highly vulnerable development. It is the Local Planning Authority's responsibility to ensure that the proposed development meets the tests contained within TAN15.

8.6.4 Section 10.23 of TAN 15 refers to redevelopment proposals and that they must be consistent with the acceptability considerations outlined in section 11. In all circumstances, there are requirements that must be in place for any development that is permitted to be located in flood risk areas. In all circumstances, developers and planning authorities should ensure the following conditions are met, which are outlined in section 11.4:

- No increase in flooding elsewhere
- Occupiers aware of flood risk
- Escape/evacuation routes present
- Flood emergency plans and procedures agreed and in place
- Flood resistant and resilient design
- Acceptable consequences for type of use

8.6.5 Section 11.5 of TAN15 states that the Flood Consequences Assessment should establish if suitable avoidance and mitigation measures can be incorporated, in a manner compatible with the placemaking aims of Planning Policy Wales, within the site design to ensure that development is safe and there is:

- minimal risk to life;
- minimal disruption to people living and working in the area;
- minimal potential damage to property;
- minimal impact of the proposed development on flood risk generally; and
- minimal disruption to the sustainable management of natural resources.

8.6.6 It is noted that the access and egress would be at ground floor level, which is predicted to flood to a maximum depth of 0.06m. However, the proposed residential units would be

located at first-floor level and would therefore be situated above predicted flood levels, ensuring that both occupants and their possessions remain safe and dry. Given that the flood risk is tidal in nature, it is anticipated that occupants would have advance warning of extreme tidal events, allowing for appropriate preparation and the use of the development as a planned, time limited refuge. The Flood Consequences Assessment includes a site-specific Flood Response and Evacuation Plan, supported by the monitoring of flood alerts. The FCA also confirms that dry ground can be reached within approximately 130m of the site, providing external refuge or emergency service access. Overall, it is considered that the potential consequences of a flood event, together with access and egress arrangements, can be managed to an acceptable level, and the tests set out in TAN15 have been met. The site's location within Flood Zone 3 would not be a justification to withhold planning consent in this case due to the individual constraints of the site and parameters of the proposed development.

8.7 **Waste**

8.7.1 The Waste Storage and Collection SPG states, flats should hold external bin storage. Due to the location of the application site within the Waterloo Conservation Area, the storage of bins on Alexandra Road would not be appropriate. The waste storage would be internal at ground floor. The Waste Manager has not provided comments on the scheme, however this arrangement is deemed appropriate and no objection is raised to its location.

8.8 **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?
<i>Regeneration and Economic Development</i>	To provide a contribution toward off site affordable housing	A sum of £1716 toward off site affordable housing	Agreed	No

The applicant has agreed to the Heads of Terms, however no legal agreement has been signed to date.

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 development is considered to be acceptable. There would be no external works and subsequently minimal impact on the Town Centre Conservation Area. No harm has been identified to the amenity of neighbouring or future occupiers as a result of the proposal. The application site is located within a highly sustainable location and no highways implications arise from the proposed development. The proposals do not conflict with the aims of the aforementioned policies.

11. **DECISION**

GRANTED WITH CONDITIONS SUBJECT TO S106 WITH DELEGATED POWERS AND DISCRETION TO REFUSE IN THE EVENT THAT THE AGREEMENT IS NOT SIGNED WITHIN THREE MONTHS OF THE COUNCIL'S RESOLUTION TO GRANT PLANNING PERMISSION

01 The development shall be implemented in accordance with the following plans and documents: R829-02C A0 Proposed Plans and Elevations, R829-05A A4 Proposed Block Plan, Site Location Plan, Bat Survey, Flood Consequences Assessment, Green Infrastructure Statement, R829 Design Statement Planning, 25-453 8 114-116 Alexandra Road Newport - Noise Assessment.

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 their installation, details of the windows to be installed shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed details prior to the first occupation of the accommodation hereby approved and retained for the duration of the use.

Reason: To safeguard the special interest of the listed building pursuant to Sections 96 and 97 of the Historic Environment (Wales) Act 2023 and Policies SP9 and CE7 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015) and in the interest of residential amenity, in accordance with policy GP2.

03 Prior to the first beneficial use of the development hereby approved, the biodiversity enhancement scheme as detailed in the Green Infrastructure Statement shall be implemented and retained as such for the lifetime of the development.

Reason: In the interest of protected species, in accordance with Policy 9 of Future Wales and Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

04 Prior to the first beneficial occupation of either flat hereby approved, the associated cycle storage as detailed in R829-02C A0 Proposed Plans and Elevations 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, in accordance with Policy GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

05 Prior to the first beneficial occupation of either flat hereby approved, the associated refuse storage as detailed in R829-02C A0 Proposed Plans and Elevations shall be fully implemented as approved and then maintained thereafter in that state.

Reason: To ensure adequate bin storage is provided for the site in the interest of visual and residential amenity, in accordance with policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

06 The hours of operation of the ground floor commercial unit shall be restricted to 07:00 to 21:00 Monday to Sundays and on Bank and Public Holidays. Outside of these hours the premises shall be vacated and closed to the public.

Reason: In the interests of the amenities of occupiers of adjoining properties in accordance with policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

07 If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed in writing by the Local Planning Authority, and the extraction system shall be provided with de-greasing and de-odorising filters. Details of the above 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. The equipment shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP4, GP5, GP6, GP7, CE6, CE7, H8, SP18, 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.

03 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

04 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.

05 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.

06 Bats often roost in houses and other buildings and trees, and work on these buildings/trees may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/trees in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

- a. If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.
- b. Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.
- c. Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result.
- d. NRW can be contacted at: Natural Resources Wales, Rivers House, St Mellons Business Park, St Mellons, Cardiff CF3 0EY, 0300 065 3000
- e. Bat Conservation Trust can be contacted at: Bat Conservation Trust, Studio 15 Cloisters House, Cloisters Business Centre, 8 Battersea Park Road, London, SW8 4BG, 0845 1300 228

07 Please refer to the guidance on resilient design for areas at risk of flooding within Chapter 13 of Technical Advice Note 15 - Development, flooding and coastal erosion and incorporate where feasible.