

Delegated Decision Report

Application No:	26/0465	Statutory Period Expires:	11 th September 2026
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Site:	198 Tregwilym Road Rogerstone Newport NP10 9EL		
Proposal:	INTENSIFICATION OF USE OF CHILDREN'S NURSERY INCREASING NUMBER OF CHILDREN BEING CARED FOR FROM 53 TO 71		
Applicant:	J Roberts-Jones		
Type:	Full	Ward:	Rogerstone West
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 The previous application 24/0552 was refused for 1no. reason relating to the failure to provide sufficient levels of parking as the area of land in question was not under control of the applicant at the time. The previous reason for refusal is included in full below:

The proposed development fails to provide sufficient levels of parking to serve the proposed increase in the number of daycare provision as the land falls outside the control of the applicant and to attach a condition to require the laying out of parking on land outside the control of the applicant would not accord with the six tests for the attachment of conditions as set out in The Use of Planning Conditions for Development Management (Circular ref: WGC 016/2014). The proposed development is therefore contrary to the requirements of Policy GP4 of the Newport City Council Local Development Plan

- 1.2 The resubmission seeks to address the previous reason for refusal as a long term lease has now been signed with the landowner for a period of 10 years. The site is currently used as a private nursery providing childcare. A number of previous planning applications have been submitted on this site with some of them having been allowed at appeal.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located in an urban location adjacent the main highway of Tregwilym Road. The site is served by an access road which is under the ownership of The Council. The existing building features an outbuilding forward of the principal elevation which once served as the garage for the dwelling. The only use of the site is as a private nursery. The existing building is comprised of a main two storey building which has been extensively enlarged. To the south west of the site lies the Rogerstone Pentecostal Church, to the north east lies a rear access lane with the A467 beyond it, and to the east and west lies a number of residential properties.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The description of development seeks to increase the number of children being cared for at the facility from 53 to 71 and amendments are proposed to the parking area layout.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0552	INTENSIFICATION OF USE OF CHILDREN'S NURSERY INCREASING NUMBER OF CHILDREN BEING CARED FOR FROM 53 TO 71 AND AMENDMENTS TO PARKING AREA LAYOUT	Refused	06.11.2025
20/0338	INTENSIFICATION OF USE OF CHILDREN'S NURSERY INCREASING NUMBER OF CHILDREN BEING CARED FOR FROM 42NO. TO 53NO.	Appeal Allowed	14.02.2023
18/0622	INTENSIFICATION OF USE OF CHILDREN'S NURSERY INCREASING NUMBER OF	Refused	19.09.2018

	CHILDREN BEING CARED FOR FROM 42 TO 59		
17/0954	INTENSIFICATION OF USE OF CHILDREN'S NURSERY INCREASING NUMBER OF CHILDREN BEING CARED FOR FROM 42 TO 59 (RESUBMISSION FOLLOWING REFUSAL OF 16/582)	Refused	23.11.2017
16/0582	INTENSIFICATION OF USE OF CHILDREN'S NURSERY INCREASING NUMBER OF CHILDREN BEING CARED FOR FROM 42 TO 59	Refused	19.12.2016
15/0582	LAWFUL DEVELOPMENT CERTIFICATE (EXISTING) FOR THE USE OF PROPERTY AS A DAY NURSERY WITHOUT COMPLYING WITH CONDITION 01 OF PLANNING PERMISSION 95/0022/F TO THE EXTENT THAT THE LAWFUL HOURS OF OPERATION ARE 7.30AM TO 6PM EVERY DAY EXCEPT SATURDAYS, SUNDAYS AND BANK HOLIDAYS	Issued	25.06.2015
95/0022	INCREASE IN NUMBER OF CHILDREN FROM 36 - 42 TO ALLOW FOR A GROUP OF SIX BABIES	Granted with conditions	27.03.1996
93/1113	ADDITIONAL GROUP OF SIX BABIES ONLY (AMENDMENT TO PLANNING PERMISSION 93/0528/VC) INCREASE FROM 30 TO 36 CHILDREN	Refused	04.01.1993
93/0528	VARIATION OF CONDITION INCREASING THE PERMITTED NUMBER OF CHILDREN UNDER FIVE YEARS BY SEVENTEEN FROM THIRTY TO FORTY SEVEN IN TOTAL	Refused	12.08.1993
93/0367	DISCHARGE OF CONDITION 3 OF INSPECTORS DECISION LETTER DATES 8 MAY 1993 PURSUANT TO PLANNING APPLICATION 92/1027/F	Granted	21.07.1993
92/1027	CHANGE OF USE OF REMAINDER OF DOMESTIC DWELLING TO AFTER SCHOOL AND HOLIDAY CARE FOR OVER 5 YEAR OLDS (ADDITIONAL 32 CHILDREN) AND AN INCREASE FROM 25 TO 28 FOR EXISTING NURSERY	Part Allowed/Part Dismissed	08.04.1993
92/0678	CHANGE OF USE OF GARAGE TO KITCHEN	Granted with conditions	25.08.1992
91/0485	EXTENSION OF EXISTING ROOM AND INSTALLATION OF SATELLITE DISH	Refused	05.07.1991
91/0791	EXTENSION OF EXISTING ROOM- RESUBMISSION FOLLOWING REFUSAL OF 91/0485/F	Refused	06.09.1991
91/0485	EXTENSION OF EXISTING ROOM AND INSTALLATION OF SATELLITE DISH	Refused	05.07.1991
91/0336	CHANGE OF USE OF PART OF GARAGE TO PLAY AREA. REMOVAL OF CONDITION ON PREVIOUS APPLICATION NO. 90/0659/F	Granted with conditions	07.06.1991
90/0659	CHANGE OF USE OF GARAGE TO NURSERY UNIT	Refused	10.08.1990
89/0698	SINGLE STOREY EXTENSION TO NURSERY TO PROVIDE ADDITIONAL ACCOMMODATION (RESUBMISSION FOLLOWING REFUSAL 89/0490/F)	Granted with conditions	05.01.1990
89/0490	TWO STOREY EXTENSION TO NURSERY TO PROVIDE ADDITIONAL	Refused	06.10.1989

	ACCOMMODATION		
89/0129	USE OF HOUSE AS A DAY NURSERY	Granted with conditions	11.08.1989

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

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP12 – Community Facilities
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- T4 – Parking

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Wildlife and Development
- Parking Standards

6. CONSULTATION RESPONSES

6.1 Environmental Health Officer: I confirm I have no objections to the proposed development since the same building will be used and will not involve construction.

6.2 Waste Manager: No response.

6.3 Highways Officer: Further information requested.

The application is not clear on what is existing/proposed in terms of cycle store provision; however, this could be addressed via condition.

It is proposed to provide 17 spaces, which would be acceptable, however it is not clear how these would be marked out. The submission includes a photo showing that spaces are not demarcated. This results in less efficient use and the number of spaces may never actually be achieved.

The key issue leading to the previous refusal was having control of the parking. There is reference to a 10-year lease, but it is unclear if this has been secured. If it has, this would address the issue for the next ten years.

Ideally the parking should be within the developer's control in perpetuity, but Highways would not object formally.

Reference is made to public parking 100m away. Notwithstanding the 20mph speed limit this offers little comfort. Firstly, it appears to be linked to residential development and cannot be relied upon for the future. Secondly the link between this and the development is poor. There are parked cars obstructing visibility off/for pedestrians crossing combined with

incomplete/poor footways and offline crossing facilities, which we observed cars obstructing).

Furthermore, no evidence of its use has been provided. It is simply stated that it is under-utilised during the day. The peak demand for the nursery is unlikely to coincide with the car parks quiet times.

In summary further information is requested to enable an informed response.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 6th July 2026 and a Site Notice was put up on the 10th July 2026.

7.1 NEIGHBOURS: 1no. representation and 6no. objections received (summarised):

- Oversubscribed and inconsiderate parking
- Access lane being blocked by users of the nursery.
- Significant traffic during pick up/drop off times.
- Noise and disturbance from nursery operations.
- Staff taking breaks in idling vehicles resulting in increase air pollution.
- Staff parking occupies much of the available parking in the area.
- No objection to increase in child numbers in principle but better management of parking and access arrangements required.
- Further expansion would exacerbate problems in the area.

7.2 COUNCILLORS:

7.2.1 Councillor Forsey: No response.

7.2.2 Councillor Reynolds: No response.

7.3 Rogerstone Community Council: No response.

8. ASSESSMENT

8.1 ***Implications of previously allowed appeal 20/0338 (CAS-01814-Z2M0Z7)***

8.1.1 The Inspector previously allowed the above referenced appeal to allow for the application site to provide care to a total of 53no. children. The application form originally submitted with the application and provided to the Inspector certified that the applicant owns all the land to which the development relates thereby signing Certificate A. As can be seen in *Figure 1*, the site location plan edged red differs from the proposed layout plan which also shows the proposed parking to be laid out. Also, as shown in *Figure 2*, this sets out the Councils land ownership, it is noted that this includes the area proposed for car parking which the applicant has claimed they have control over. The Council was not served notice under the requirements of Certificate B.

8.1.2 In the Inspectors consideration of the appeal, they took the view that the increase in childcare provision to 53no. children could only be acceptable if the car parking spaces as shown on drawing *Drop-Off parking spaces (Drawing ref: 1087-004 Rev B)* are laid out prior to the increase in childcare numbers. The below condition was attached to the Inspectors decision:

5) The increased number of children permitted by this permission shall not take place until the car parking spaces has been laid out and marked in accordance with drawing (Drop-Off parking spaces 1087-004 Rev B) and the spaces shall be retained thereafter for use by the nursery staff and visitors.

REASON: In the interests of highway safety in accordance with Policy GP4 of the Newport Local Development Plan.

8.1.3 There is a query regarding the validity of the previous application due to the incorrect certificate and redline boundary forming part of the submission. However, notwithstanding the validity of the previous application and subsequent inspectors decision, that leaves the question of how the applicant can lawfully implement the consent despite not having control

over all the land to which the application relates without being in breach of the aforementioned condition.



Figure 1: Site Location Plan and Proposed Layout Plan allowed at appeal (20/0338 - CAS-01814-Z2M0Z7)



Figure 2: Land ownership by Newport City Council highlighted orange.

- 8.1.4 The requirements of the Inspectors condition are clear in dictating that the increase in number of childcare provision can only take place when the parking is laid out, retained, and reserved to be used only by those employed by the nursery and nursery visitors. As the applicant did not have control over the land to which this condition relates, it is considered that applicant simply has a consent in which they could not lawfully implement.
- 8.1.5 The consequence of this on the current application is that if the site has been used in breach of the previous Inspectors condition, then the time frame for enforcement action is 10 years. Therefore, the Council are still within the timeframe to commence any enforcement action should they wish to do so.
- 8.1.6 With regard to the current application, the agent has signed Certificate B and they claim to have served notice on Newport City Council. Therefore, the current application is valid and

its merits can be considered further. The Local Planning Authority raise no concern relating to the signing of Cert B or the extent of the red line boundary as shown on the site location plan submitted with this application.

- 8.1.7 A previous application 95/0022 allowed for the site to provide childcare for up to 42no. children. Given that the previous consent 20/0338 - CAS-01814-Z2M0Z7 has not been lawfully implemented as they had no control over the land to provide the additional parking/drop off area, it is the view of the Local Planning Authority that the consideration of the current application is for the increase in the childcare provision from 42no. to 71no. children.
- 8.1.8 It is noted that a lease agreement has been entered into with Newport City Council for a period of 10 years relating to land as outlined within the red edge drawing as contained within the lease agreement (below). The proposed site plan shows that this area shall provide 10no. car parking spaces, in addition to the 7no. proposed at the application site frontage.



8.2 **Principle of Development:**

- 8.2.1 The application site is located within a settlement boundary where there is a presumption in favour of development and the efficient use of land is encouraged, therefore the principle of development is acceptable subject to other material considerations. The proposal accords with Policy SP1.

8.3 **Community Facilities**

- 8.3.1 Policy SP12 has a presumption in favour for the provision of day nurseries, and where development affects an existing community facility it should be designed to retain or enhance essential facilities. Accordingly, no conflict with the requirements of this policy have been identified.

8.4 **Impact on Amenity**

- 8.4.1 The use of the site as day care nursery is already an established lawful use as given through the previous consent 95/0022. The proposed increase in the number of children using the facility will increase from 42no. to 71no. children. The proposed increase in the number of children is considered to not result in any unacceptable adverse impact regarding daylight, sunlight, overshadowing or overbearing of neighbouring properties as no built development is required to facilitate this increase in numbers. No objection has been received from the Environmental Health Officer regarding potential noise levels and the hours of operation are not proposed to be altered. Whilst it is acknowledged that the development would likely result in an increase in movements to/from site which would impact upon the amenity/living conditions of neighbouring occupiers, the extent of the increase is not considered to be of an unacceptable level that would warrant the refusal of this application. Therefore, it is considered that the proposal would not result in an adverse impact on the residential amenity of any nearby residential properties in accordance with Policy GP2.

8.5 **Impact on the Highway and Parking**

- 8.5.1 On the previous appeal decision CAS-01814-Z2M0Z7 the Inspector held that the increase in traffic movements at the junction with Tregwilym Road were acceptable given that persons entering the highway from the application site would exercise more caution due to the topography, low traffic speed and the presence of other obstructions on the highway. Furthermore, the Highways Officer has raised no objection to the increased use of the junction with the main highway. Therefore, the increased use of the site is considered acceptable in terms of the safe and efficient use of the highway network in accordance with Policy GP4.
- 8.5.2 Turning to parking, on the previous appeal decision CAS-01814-Z2M0Z7 the Inspector held that the increase in the number of childcare places was only acceptable through the laying out and retention of land to be used as parking for visitors and staff of the nursery. As per previous sections within this report, it has been established that the applicant now has control over the land required for a period of 10 years. The proposed intensifications acceptability is reliant upon the area being made available for parking as set out within the Inspectors assessment. Therefore, it is considered essential to the acceptability of the scheme that the consent is linked to the length of the lease. A condition is therefore attached to ensure that the intensified use shall only occur while the lease agreement is in place.
- 8.5.3 It is noted that the proposal seeks to provide 17no. car parking spaces to serve the increased daycare provision for 71no. children. The Highways Officer has raised no objection to the number of spaces proposed but queries how these are to be demarked. Negotiations have been undertaken with the agent and agreement has been reached for the installation of pavements to delineate the parking spaces. A condition shall be attached to the recommendation for the submission of a detailed parking plan, materials and the increase in childcare places shall not increase until the completion of the parking plan. In light of the above, it is considered that the proposal has sufficiently overcome the previous reason for refusal and accords with Policy T4.
- 8.5.4 With regard to bicycle storage provision, the proposal has a long stay bicycle storage demand of 1 space per 4 staff plus 1 space per 10 students, and a short term requirement of 1 space per 10 students. The application confirms the total number of staff being 20no. Therefore, the total bicycle parking requirement is 19no. spaces (12no. long stay secure, 7no. short stay).
- 8.5.5 Although cycle storage is indicated on the proposed block plan, it is unlikely that the scale of the area indicated would sufficiently store the required amount of bicycle storage as set out above. It is considered that there is sufficient space within the site and therefore a condition is attached for the submission of cycle storage details. The proposed intensification shall not occur until the agreed scheme is completed.
- ## 8.6 **Biodiversity**
- 8.6.1 Planning Policy Wales (Ed. 12) sets out that *planning authorities must follow the step-wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimised, mitigated and as a last resort compensated for.*
- 8.6.2 This guidance sets out the requirement for a Green Infrastructure statement to demonstrate that the step-wise approach has been followed and the scheme of mitigation and enhancement having informed by the step-wise approach. A Green Infrastructure statement has not been included with the submission.
- 8.6.3 Planning Policy Wales (Ed. 12) sets out within paragraph 6.4.12 *'Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.'*

- 8.6.4 The above extract from Planning Policy Wales (Ed.12) is clear in its guidance that where biodiversity enhancements are not proposed as part of the application, significant weight will be given to its absence. However, in this case given the constraints of the site and the scope of the proposal, it is considered that there are limited opportunities to achieve a biodiversity net gain, however details of a bird or bat box to be installed on the existing building is secured by condition as a proportionate enhancement.

8.7 Other Matters

- 8.7.1 Concerns have been raised by residents regarding the use of the lane which serves the rear of properties sited along Tregwilym Road. The scope of the application cannot ensure that users of the nursery park in a manner to ensure this lane remains free flowing; however, the proposed site plan does not include any form of obstruction to restrict the use of the lane serving the Tregwilym Road properties.

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 proposal has sufficiently addressed the previous reason for refusal through the completion of a 10 year lease agreement and rearrangement of the existing site to form a total of 17no. parking spaces serving the increased childcare provision.

**11. DECISION
GRANTED WITH CONDITIONS**

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

- Parking Provision (Received: 19.06.2026)
- Lease (Received: 19.06.2026)

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 commencement of the increased number of childcare provision a detailed car parking scheme including the method and materials for demarcation shall be submitted to and approved in writing by the Local Planning Authority. The increase in childcare provision places shall only commence following the completed implementation of the approved details and shall be retained for the duration of the use and shall be limited to visitors only with no staff parking permitted within these spaces.

REASON: In the interest of residential amenity and highway safety in accordance with Policies GP2 and GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 The hours of operation shall be limited to 0730 – 1730 hours Monday to Friday (excluding Bank Holidays) and the total number of childcare places shall be limited to 71no. children per day. No form of childcare provision shall take place outside of the above operating hours, nor any additional childcare places within any period.

REASON: In the interest of residential amenity and highway safety in accordance with Policies GP2 and GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 Prior to the commencement of the increased number of childcare provision places, details shall be submitted and approved in writing by the Local Planning Authority of a scheme of biodiversity enhancement. The approved details shall be installed prior to increase in childcare provision and retained for the duration of the use.

REASON: To provide a biodiversity net gain in accordance with Planning Policy Wales (Ed.12) and Policy GP5 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

05 The provision of childcare places for up to 71no. children shall only occur while the owner/operator has lawful control via a lease agreement or sole ownership of the parking area as shown within the approved drawings:

- Parking Provision (Received: 19.06.2026)
- Lease (Received: 19.06.2026)
- Site Location Plan (Received: 19.06.2026)

REASON: In the interest of highway safety in accordance with Policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

06 Prior to the commencement of the increased number of childcare provision places, details shall be submitted and approved in writing by the Local Planning Authority of a scheme of bicycle storage. The approved details shall be installed prior to increase in childcare provision and retained for the duration of the use.

REASON: To provide a suitable form of bicycle storage and promote the use of active travel in accordance with Policy GP4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and Planning Policy Wales (Ed.12).

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP12, GP2, GP4, GP5, GP6, T4 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.