

Delegated Decision Report

Application No:	26/0345	Statutory Period Expires:	26th June 2026
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Site:	6 Alexandra Road Newport South Wales NP20 2GY		
Proposal:	PROPOSED CHANGE OF USE FROM MIXED RETAIL/RESIDENTIAL TO 6 BEDROOM HMO (PART RETROSPECTIVE)		
Applicant:	A Orlicka		
Type:	Full	Ward:	Pillgwenlly
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located within an urban area forming part of a row of three storey terraced properties. It is evident from the principle elevation that the ground floor of properties along Alexandra Road once formed a row of commercial units, however only several now remain. The original frontage of 2, 8 – 22 Alexandra Road can be read with original window openings and brick detailing remaining. The application site frontage has been altered which has resulted in a loss of the period features. A solid roller shutter covers most of the ground floor front elevation and has been attached without the benefit of planning consent; pedestrian access is gained into the property from a door to the right front elevation. At the rear lies a small, enclosed courtyard largely shaded due to the height of existing built development. Alexandra Road has unrestricted parking directly outside the application site. The site lies within the undefended Flood Zone 3 (Sea).

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposal seeks the retrospective consent for the use of the building as a 6no. bedroom House of Multiple Occupation. At the time of the site visit on the 1st July 2026, all rooms are now tenanted and rooms have been occupied for approximately one month prior to the site visit as confirmed by the applicant. The retrospective element relates to the use and the internal works partially completed. The site does not currently have an HMO licence, however the applicant confirmed during the site visit that one has been applied for.

4. RELEVANT SITE HISTORY

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

5.3 Technical Advice Note 15: Development, flooding and coastal erosion

5.4 Historic Environment (Wales) Act 2023

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – Sustainability
SP3 – Flood Risk
SP9 – Conservation of the Natural, Historic and Built Environment
SP13 – Planning Contributions
GP2 – General Amenity
GP4 – Highways and Accessibility
GP5 – Natural Environment
GP6 – Quality of Design
H8 - Self Contained Accommodation and Houses in Multiple Occupation
T4 – Parking
W3 – Provision for Waste Management Facilities in Development

5.6 SUPPLEMENTARY PLANNING GUIDANCE

- Waste Storage and Collection
- Wildlife and Development
- Parking Standards
- Housing in Multiple Occupation

5.7 Consideration has also been given to Welsh Governments' Housing Health and Safety Rating System (<https://www.gov.wales/sites/default/files/publications/2019-04/health-and-safety-rating-system-operational-guidance.pdf>)

6. CONSULTATION RESPONSES

6.1 Principal Heritage Officer: The property in question is located some 50 metres to the south-west of the Grade II Listed former Public Conveniences building (Cadw ref: 18177).

This asset is prominently placed on the easternmost edge of Courtybella Gardens, overlooking the wide road intersection of Commercial Road, Mill Parade and Church Street, affording wide views of its principal elevation from the east, where it sits against a backdrop of mature trees.

Though I am slightly unclear on ground floor front alterations proposed here, it seems that the existing roller-shutters to no.6 Alexandria Road are to be retained, resulting in little change to the front elevation of the building. Upon this basis - and with consideration to both the distance from and orientation of the site in relation to the listed asset - it is considered that there will be no impact upon its setting (and therefore significance).

6.2 Drainage Manager: No response.

6.3 Planning Contributions Manager:

Section 106 Planning Obligations – Draft 'Head's of Terms' **(Without prejudice & subject to contract)**

1. Introduction

Based upon a development of 1 x 4+ bed house, 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 one to two 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 £2,064

This sum will be paid prior to occupation 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 (2025), 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.

Please Note:

Planning Obligations can be contained in Unilateral Undertakings or Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas 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 Agreement if preferred). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing any Deed of Obligation, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed.

You are required to agree to these Heads of Terms in writing. In doing so you also agree to an extension of time for the determination of your proposal in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits)(Wales) Regulations 2015 and the Town and Country Planning (Development Management Procedure)(Wales) Order 2012. This will extend the statutory period for determination of your application by 16 weeks from the date the Local Planning Authority resolve to grant your planning permission (i.e. the Planning Committee date or the delegated Agenda date) subject to a legal agreement. This extension of time is required to enable completion of the section 106 Agreement (although the Local Planning Authority will endeavour to determine your application as soon as possible prior to this date).

Once your written agreement to the Heads of Terms for section 106 has been received by the Authority and a resolution made on the basis of such agreement, the Local Planning Authority will NOT enter into any negotiations that seek to alter the Heads of Terms in terms of discounting agreed figures due to, for example, viability reasons before the final Notice of Decision is issued. It is important that you check the Heads of Terms you receive thoroughly and if you have any questions regarding the figures included or the justification for them, you must raise these and satisfy yourself that the request is reasonable, relevant and necessary, prior to providing your written agreement to the Terms.

Any negotiations must take place before Heads of Terms are agreed by you and if you seek to discuss or re-negotiate section 106 Heads of Terms having agreed them in writing and having received a resolution (but not a decision notice), your application must be withdrawn to enable re-negotiation to take place. Failure to sign a section 106 within 3 months of any resolution being made may lead to your application being refused. Alternatively, you may proceed to complete the section 106, receive a Notice of Decision and then make a new submission to the Authority that will enable altered terms to be negotiated. Please be advised that any such re-submission will likely attract a new planning application fee.

- 6.4 Environmental Health Officer: I confirm I have no objections in principle to the proposal. However, the proposed development is too close to Alexandra Road and my concern is the likelihood of traffic noise disturbance on the future residents due to constant flow of traffic day and night. To address this concern the following condition should be attached to any permission granted;

Tan 11 Assessment

I note that the development is in very close proximity to the Alexandra Road and therefore in my view the potential for disturbance of noise from the road traffic on the use and enjoyment of the residential properties should be considered.

I therefore recommend that a noise assessment is undertaken to assess which Noise Exposure Category (or Categories) the proposed site falls within as provided in Planning Guidance Wales ' Technical Advice Note (Wales) 11 :Noise '. I suggest that the whole site should be considered in the assessment, but particular regard must be given to the rooms proposed in the area closest to the Alexandra Road. The report should provide appropriate recommendations based on the Noise Exposure Categories determined.

Reason: To ensure that the amenities of future occupiers are protected.

- 6.5 HMO Licensing Officer: The proposed ground office/study and living room adjoining the office /study, which are habitable rooms, would be unsuitable for those purposes as they do not appear from the plan to have windows to provide natural lighting. All habitable rooms must have natural lighting in addition to artificial lighting.

Otherwise, I have no objection regarding the proposed change of use to a house in multiple occupation.

Where there is a proposed change of use to a House in Multiple Occupation (HMO) the most appropriate person (usually the landlord/owner of the property) must contact the Environmental Health Housing Team on 01633 656656 or EHHousing@newport.gov.uk with regard to HMO licensing

The applicant is advised to read Newport City Council's Houses in Multiple Occupation (HMO) Licensing Standards, which details standards and licensing conditions for HMOs subject to licensing. The document can be viewed on Newport City Council's website.

In addition to HMO Licensing, private landlords are required by the Housing (Wales) Act 2014 to be registered. Also private landlords who undertake letting and management activities or their managing agents, will need to obtain a licence from Rent Smart Wales and undergo training. For further information contact the Licensing Authority; Cardiff City Council, Rent Smart Wales, PO Box 1106, Cardiff CF11 1UA, Tel No: 03000 133344, website www.rentsmartwales.gov.wales

- 6.6 Gwent Police: No response.

- 6.7 SAB Officer:
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%7C159d4e920def4c0e9d0708deb024aa29%7C2c4d0079c52c4bb3b3cad8eaf1b6b7d5%7C0%7C0%7C639141868696812873%7CUnknown%7CTWFPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUslIYiOilwLjAuMDAwMCIsIAiOiJXaW4zMlslkFOljoITWFpbCIsIlIdUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=EgqqaFqq1HhVN99DtXyNyZF1r2Pt6ZPRVeeZH0C6uzE%3D&reserved=0> for further information, or contact the SAB team sab@newport.gov.uk for further discussions.

- 6.8 Waste Manager: No response.

6.9 Highways Officer: No objection subject to conditions.

The proposals include cycle and bin stores at the front of the property. These should be separate facilities and not share access doors. The submitted text suggests that the existing shutter door would be retained. This does not appear to be the case from the plans and would not be supported.

A separate normally opening wide door is needed for both storage units to allow ease of use. The cycle store will also need Sheffield stands for security and to prevent it being abused for other storage. This can all be addressed via conditions.

HMOs always raise concern with regard to refuse management. A condition to ensure somebody has responsibility for bringing bins inside after emptying is needed, to address potential amenity and safety issues.

The existing situation appears to be a retail unit with bedrooms above. It is not clear if this is a lawful use, residence associated with the store or an HMO.

Assuming for the purposes of this commentary that it is a lawful use and not an HMO, it would be assumed to have three parking spaces. Additional spaces would be associated with the retail element. We would therefore accept that the existing demand/SPG requirement is five spaces.

A six bed HMO has a requirement for 7 spaces, all of which would be on-street.

A parking survey has been attached to the application and includes photos. Some of the photos show unsuitable areas for parking (obstructing access or junctions etc.) however it appears there may be a couple of spaces available on each night.

Highways consider there is no practical capacity and have seen many surveys of this area, which means there is a cumulative impact and lack of capacity to consider.

In terms of actual demand however it is accepted that car ownership is low for HMOs and there would probably be no discernible impact.

In summary there are no objections on highway grounds, subject to the following conditions.

Suggested Conditions:

Notwithstanding the submitted detail and 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.

Prior to first occupation of the development hereby permitted a servicing and waste management strategy shall be submitted to, and approved in writing by, the Council as Local Planning Authority. For the avoidance of doubt the strategy shall set out design and operational proposals for servicing and the storage, transfer and collection waste ensuring that appropriate arrangements are made and that logistical requirements are appropriately considered and addressed. The strategy shall be subsequently implemented in accordance with the approved details.

Reason: To ensure that adequate on-site provision is made for servicing and waste management collection including allowance for the storage, transfer and collection of waste to reduce impact on residential amenity and the general amenity of surrounding occupiers.

- 6.10 Natural Resources Wales: We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

Flood Risk

The planning application proposes a change of use from a less vulnerable use on the ground floor (retail) to a highly vulnerable use (residential), converting the building to a 6 bedroom house of multiple occupation. The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 Sea

We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy.

We are unable to give you technical advice on the acceptability of flooding consequences as no Flood Consequences Assessment (FCA) has been submitted. The advice in paragraph 10.24 of TAN15 is clear,

“In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused.”

Therefore, in accordance with paragraph 15.4, we advise you to use your powers to request further information.

TAN15 advises that the FCA should be proportionate to the nature and scale of the proposal. Developers should refer to all relevant sections of the TAN to determine the scope of the FCA that is required for this particular proposal. Further guidance is also available on our website.

Furthermore, should you be minded to go against our advice, you should inform us at the earliest opportunity prior to granting consent and allow sufficient time for us to make further representations.

Please note, if an FCA is not submitted or any subsequent FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would object to the application.

- 6.11 Dwr Cymru/Welsh Water: The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. We advise that the proposed development site is crossed by a 6 inch public sewer, with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having reviewed the application, it appears that no new operational development would be situated within the protection zone of the public sewer measured 3 metres either side of the centreline. Notwithstanding this, we would advise of the need to accurately locate the asset on site as our record plans are a general guidance only and should not be relied upon in the event of excavations or other works made in the vicinity of the asset. Should the proposed development be located within the protection zone of the public sewer, there would be a requirement to divert the public sewer under Section 185 of the Water Industry Act 1991.

Turning towards drainage matters, we would request if minded to grant planning consent that the following **Condition and Advisory Notes** are included to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

No surface water from an increase in any impermeable surfaces from the development hereby approved shall 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 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.

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

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 notification letters were sent on the 12th May 2026 and Ward member notification letters were sent on the 2nd June 2026, a Site Notice was put up on the 15th May 2026.

7.1 NEIGHBOURS: 1no. objection:

The main objection is parking

Between Alexandra court, premier shop and the Mosque, the parking situation is at its limit . I live at number 9 and some days I have to park opposite the bus stop or in st Stephens road

We have a people park while car sharing or even worse park and leave their car for weeks/month at a time

For example there is a van which hasn't moved for at least a month and partly parked on the pavement

A car on foreign plates which hasn't moved for 6 months

In our row of houses, three houses have disabled badges and again find it difficult to park near home. We have asked for resident parking but to my knowledge it was either rejected or still going through the long process, you might be able to help with that

7.2 COUNCILLORS:

7.2.1 Councillor Adan:

Objection

26/0345 (6 Alexandra Road Newport South Wales NP20 2GY)

The cycle and bin stores have not been designed as separate facilities. This layout forces a shared arrangement that is entirely impractical for daily operations and poses significant hygiene concerns by mixing waste management with active transport storage. The proposed units rely entirely on a single, shared access door. Standard design guidelines require completely independent access points for distinct storage functions to ensure ease of use and prevent obstruction.

The submitted supporting text explicitly states that the existing shutter door will be retained, however this claim directly contradicts the provided architectural drawings which show the removal or alteration of this feature. This lack of consistency prevents an accurate assessment of the application. Retaining or modifying the shutter door in the manner suggested is visually detrimental to the street scene. This treatment creates an active conflict with local planning guidance regarding the maintenance of high-quality, harmonious street frontages.

The frontage infrastructure fails to meet basic municipal design requirements, as the proposed cycle and bin stores are not designed as separate facilities and improperly share a single access door, creating an unhygienic and impractical layout. These design flaws are compounded by contradictory plans, where the submitted text incorrectly claims the existing shutter door will be retained, despite plans showing otherwise, resulting in an unsupported and visually detrimental frontage. The proposal presents severe unmitigated flood risks to future occupants and fails to provide compliant, separate external storage infrastructure.

The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 (Sea). There is no Flood Consequences Assessment (FCA) report, therefore no evidence that the development will be safe for its future residents and neighbours during a flood event. This would result in creating an unacceptable and hazardous threat and significant risk to human life.

The heritage assessment response indicates a lack of clarity on alterations concerning the ground floor, therefore it's reasonable to say we cannot logically conclude there will be no impact. You cannot assess the impact of something that is not fully understood. Cadw Statutory guidance notes that the setting is not a fixed geographic circle on a map, it's about how the listed building is experienced. Both buildings are highly visible at the same time to people approaching the major intersection from the south-west, the orientation and distance actually create a visual link. Low quality design at number 6 Alexandra Road would degrade the backdrop of the listed asset and have a detrimental impact on the character of the area. There is no evidence or responses from the council's Waste Management and EH teams.

Lastly, HMO developments introduce a high density living that intrinsically create significant pressures on the quality of life to residents, particularly highways, infrastructure, waste and other services. In absence of a waste management plan and environmental health approval, the local authority cannot ensure that the residential amenity of residents.

7.2.2 Councillor Jenkins:

I would like to object to the above planning application. My reasons are below.

1. Impact on a Predominantly Family Street, Alexandra Road is predominantly made up of family homes. Increasing the number of HMOs in such a concentrated residential area undermines the character and stability of the community. 2. Fly-Tipping Hotspot, The street is already a known fly-tipping hotspot. Additional high occupancy accommodation would likely increase waste management issues, further harming the appearance and environmental quality of the area. 3. Severe Parking Problems, There are significant existing parking pressures on Alexandra Road, existing residents have applied for parking permits.. Increased occupancy levels associated with an HMO would worsen congestion and parking difficulties for existing residents. 4. Over-Concentration of HMOs in Pill, Pill already has an over-concentration of approximately 55 HMOs, a total of 11 HMOs along Commercial road leading onto Alexandra Road. Approving further HMO accommodation would intensify this imbalance and negatively affect community cohesion. For these reasons, I respectfully request that this retrospective application be refused in order to protect the character, safety, and amenity of Alexandra Road. and the wider Pill community. If your wish is to Approve this application I would like it to go to the Planning Committee.

8. **ASSESSMENT**

8.1 **Principle of Development:**

8.1.1 The application site is located within a settlement boundary as designated by the proposals maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Therefore, the principle of development accords with Policy SP1.

8.2 **Flooding**

8.2.1 The application site is located within an undefended Flood Zone 3 (Sea) area. The proposed use is a form of *highly vulnerable development* as it would provide residential accommodation. The ground floor would alter from commercial to residential resulting in an increase to the vulnerability of the site.

8.2.2 Technical Advice Note 15 (2025) is clear at para. 10.22 that planning applications in Zone 3 require the strongest justification and at para. 10.23 states that:

‘Other proposals will only be appropriate if they are essential to the Development Plan Strategy to regenerate an existing settlement or achieve key economic or environmental objectives. Any redevelopment proposal must be consistent with the acceptability considerations in section 11. In addition, proposals which include residential development must ensure that such uses do not occur at ground floor level. Proposals that address national security or energy security needs, mitigate the impacts of climate change, that are necessary to protect and promote public health may also, by exception, be appropriate provided that their locational need is clear and the potential consequences from flooding have been considered and found to be acceptable.’

8.2.3 The scheme would be considered as development on previously developed land given the presence of the existing building and surrounding infrastructure therefore meeting the definition as set out in Planning Policy Wales (Ed.12).

8.2.4 The proposed use of the building as a HMO would contribute toward the varied housing stock offering within the area. The adopted local development plan has general support for development within a settlement boundary and the reuse/conversion of buildings within such areas. Therefore, the scheme accords with the Plan strategy. It is noted that the scheme has no bedroom accommodation at ground floor and a flood refuge room is located on the upper floors. However, the proposal is not supported by a Flood Consequences Assessment therefore the Local Planning Authority are unable to make a conclusive assessment regarding potential flood depths and tolerable limits.

8.2.5 Technical Advice Note 15 para. 10.24 states:

‘In zones 2, 3 and’ TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused. In these zones, Planning Authorities should seek all opportunities to provide enhanced flood protection for existing communities at risk.’

8.2.6 The application is not supported by a Flood Consequences Assessment. Therefore, the proposal has not demonstrated that the consequences of flooding can be suitably managed in accordance with Technical Advice Note 15. The proposal is not supported by sufficient information with regard to flooding contrary to Technical Advice Note 15 and Policy SP3.

8.3 **Impact on Biodiversity**

8.3.1 Planning Policy Wales (Ed.12) sets out that proposed developments should be supported by a proportionate Green Infrastructure Statement using the DECCA framework following the step-wise approach.

8.3.2 The application is supported by a proportionate Green Infrastructure Statement which identifies the ecological baseline of the site and a scheme of proportionate biodiversity enhancement in the form of a bird box at the eaves on the rear elevation. It is considered that the type and amount of biodiversity enhancement is acceptable in accordance with the aims of Planning Policy Wales (Ed.12) and Policy GP5.

8.4 **Impact upon the Listed Building**

- 8.4.1 Approximately 38m northeast of the application site lies the Grade II Listed public conveniences. The building is listed as it represents 'as a very good example of a surviving Edwardian public convenience having strong architectural character and group value with the Tredegar Dry Dock Offices opposite.'
- 8.4.2 The Principal Heritage Officer has assessed the impact of the proposed use upon the significance and setting of the Grade II Listed Building and confirms that there will be no impact upon the setting or significance of the asset despite the retention of the roller shutter across the ground floor principal elevation of the application site. Therefore, the duty within Section 96 of the Historic Environment (Wales) Act 2023 has been duly considered and the proposal would not harm the Grade II Listed Building.

8.5 **Drainage**

- 8.5.1 The comments from Dwr Cymru/Welsh Water relating to the attachment of a condition preventing the connection of surface water from any increased roof areas are noted; however as no alterations or extensions are proposed, the condition does not relate to the development under consideration and would therefore not accord with the six tests for the attachment of conditions as set out in the Circular 016/2014.
- 8.5.2 No concerns have been raised regarding foul drainage flows given the existing connection to a mains sewer. The proposal is considered acceptable in terms of being served by suitable means of foul drainage.
- 8.5.3 Dwr Cymru/Welsh Water confirm that the site is crossed by a 6inch public sewer and that no new operational development is proposed within the relevant protection zone.

8.6 **Houses of Multiple Occupation and General Amenity**

- 8.6.1 The application site is located within a 15% HMO threshold area, as such, the density of HMO's within a 50m radius of the application site are required to be below this threshold.
- 8.6.2 *Figure 1* below shows the 50m radius from the application site which encompasses 22no. properties. Assessment of the planning history and existing HMO Licences identifies 1no. HMO property (8 Alexandra Road) within the 50m radius and 1no. HMO property (7 Courtybella Terrace) lying on the 50m radius boundary.
- 8.6.3 Should all the properties above be included in the 15% 50m radius calculation, the scheme would remain below the acceptable HMO threshold density. Due to the evidence above, it is considered that the density of HMO's in this area is not of a sufficient level to result in any adverse impact upon social cohesion and therefore acceptable.

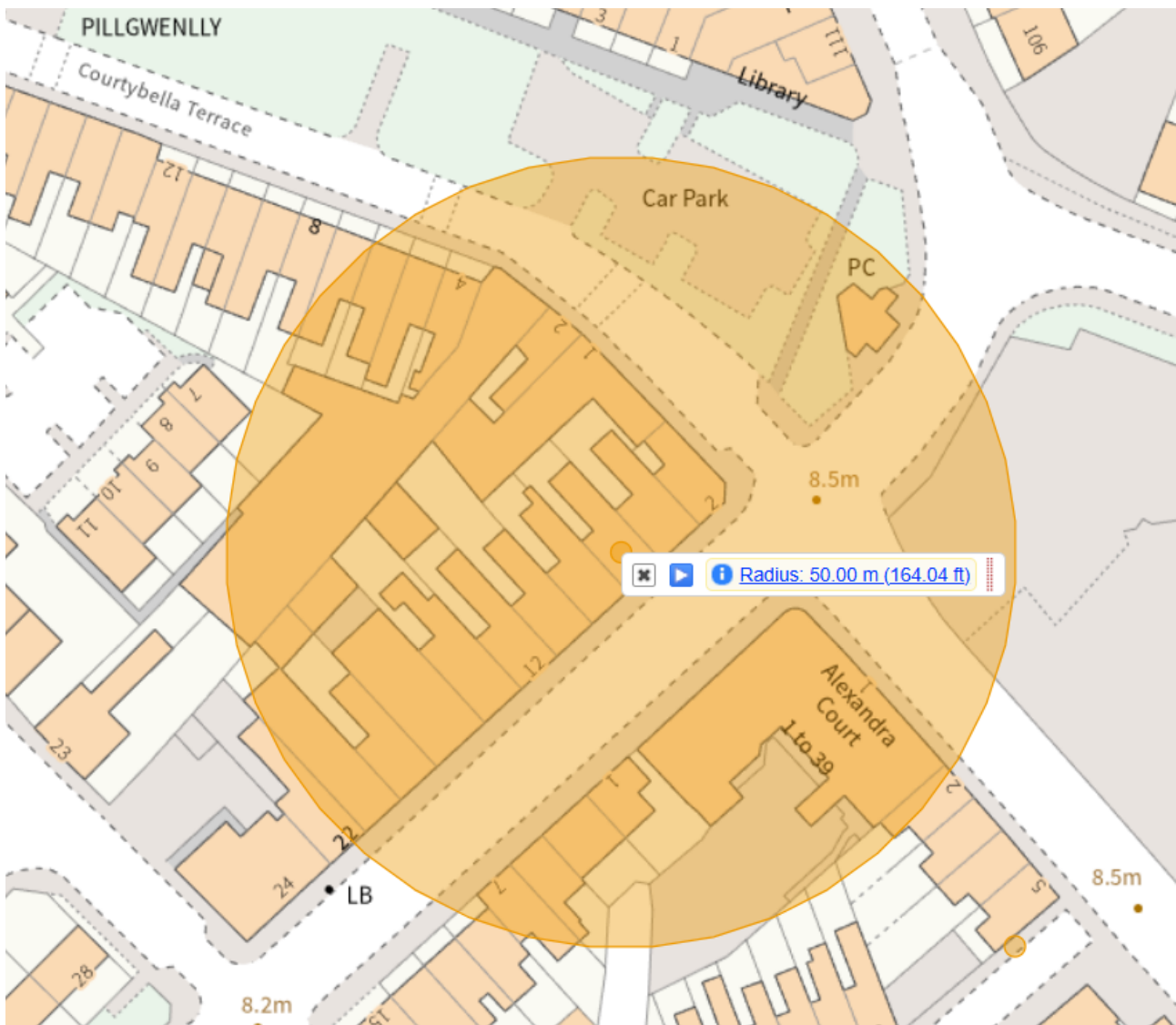


Figure 1: 50m radius from application site.

8.6.4 The supporting information does not confirm if the scheme is proposed as single or dual occupancy per bedroom. During the site visit it appeared that despite some rooms having double sized beds, the rooms are likely occupied by single occupants. As such, the following assessment is based upon single person occupancy (this could be controlled via condition should the application be recommended for approval). The Houses in Multiple Occupation SPG document outlines that each one person bedroom unit has a minimum room size of 6.5sqm, communal kitchens 7sqm, and communal lounges 10sqm.

8.6.5 The room sizes (sqm) are detailed below:

- Communal lounge: 22sqm
- Communal lounge 2: 15.5sqm
- Kitchen: 10.7sqm
- Bedroom 1: 12.4sqm
- Bedroom 2: 12.2sqm
- Bedroom 3: 9.5sqm
- Bedroom 4: 8.3sqm
- Bedroom 5: 9.5sqm
- Bedroom 6: 9.2sqm

8.6.6 All bedrooms, lounge and kitchen exceeds the minimum size standards.

8.6.7 The centrally located communal lounge does not contain any windows to allow for natural daylight and sunlight to enter as the room has been subdivided and therefore cannot take advantage of the ground floor window located to the principal elevation. The HMO Licencing Officer has also commented that this arrangement is unsuitable for residential

purposes as this is a habitable room and all habitable rooms must have natural light entering them.

- 8.6.8 It is noted that the proposed drawing shows a door leading from the central communal lounge into the amenity area; during a site visit it was viewed that this door is not in use and that the window has been blocked up. Therefore, the proposed floorplan is inaccurate regarding this detail and the situation at present is not adequate for residential purposes nor would it provide a satisfactory level of amenity for occupiers. Welsh Government have published a Housing Health and Safety Rating Guidance which states that 'Depression and psychological effects [can be] caused by lack of natural light or a window with a view' (Chapter 13, p96) further compounding the LPA's assessment that the room is not suitable for residential purposes.
- 8.6.9 The rear amenity space measures approximately 32.5sqm to serve the 6no. residents. The width of the rear amenity space is significantly constrained due to existing development and ranges between 2 – 2.5m. The rear private amenity space is insufficient in size and configuration to accommodate the reasonable day-to-day needs of future occupiers. In particular, there does not appear to be adequate space to accommodate a standard rotary clothes drying line while retaining usable garden space for sitting out, recreation and general domestic purposes. As such, the proposal would result in a constrained level of private outdoor amenity and fails to provide an acceptable standard of residential amenity for future residents.
- 8.6.10 It was noted during the site visit that a foul drainage pipe has been installed which cuts directly across the main window serving the communal lounge area. This represents a poor quality finish and further adversely contributes toward the already poor outlook from this window to the adjacent high boundary wall 2m from the window.
- 8.6.10 Bedrooms 4 and 6 have been formed through the subdivision of a larger room with the partition wall truncating the existing window. This has resulted in the uneven division of the first and second floor principle elevation windows serving their respective bedrooms. The width of the windows serving Bedrooms 4 and 6 are approximately 55cm wide and located in the corner of the room. While the windows do allow for some daylight and sunlight to enter the room, it is considered that this layout and size of the window serving the occupants primary living space represents as an adverse impact upon the living conditions of current and future occupiers.
- 8.6.11 Bedroom 1 does feature a window however, the outlook from this window is directly onto the blank side elevation of the neighbouring property 2m away. The position of the window and existing built development do not provide even a glimpsed view of any of features. It is considered that the outlook from this window is stark and overbearing given its proximity to the existing built form thereby resulting in a further adverse impact upon the amenity of any existing and future occupier. This arrangement also conflicts with the Welsh Government Housing Health and Safety Rating Guidance.
- 8.6.12 The cumulative impact of the above issues result in a significant adverse impact upon the residential amenity of existing and future occupiers contrary to the aims of Policy GP2 which seeks to ensure suitable living conditions.
- 8.6.13 The Environmental Health Officer has raised concern regarding traffic noise levels given the proximity to Alexandra Road. The submitted floor plans show the existing use of the upper floors as a residential; therefore, it is considered that the conclusions of any noise assessment would not be effectual in enforcing any improvement regarding noise levels on the residential use. As such, no further information is sought on this matter.

8.7 Impact on Highways and Parking

- 8.7.1 The application site is located within Parking Zone 3, therefore the adopted parking standards state that 1 space per bedsit and 1 space per 5 units is required; the HMO use therefore has a parking demand of 7no. parking spaces. The site has no outdoor space to cater for the parking demand. All parking would occur on the highway.
- 8.7.2 A parking survey has been submitted, however the Highways Officer concludes that there is no practical capacity on street. During two sties visit the Case Officer also viewed the

parking on street parking demand to be at capacity on Alexandra Road and neighbouring streets. Despite the obvious on street parking pressures, the site is located within 320m from the Commercial Road district centre which feature a range of amenities and services. Due to the highly sustainable nature of the site no concern or objection is raised in respect of parking provision as the proposal is considered to accord with the aims and objectives of local and national planning policies which seek to reduce the amount of off street parking within suitable, sustainable locations and to facilitate the modal shift away from trips made by private vehicles, this accords with the aims of Llwybr Newydd: the Wales Transport Strategy, which sets a mode share target of 45% of journeys to be made by walking, cycling and public transport by 2040, Policies 2 and 12 of Future Wales, Planning Policy Wales 12 (4.1.50 - 4.1.53) and Objective 2 and Policy SP1 of the Newport City Council LDP.

8.7.3 The Highways Officer has raised concern regarding the layout of the bicycle storage area being only accessible via the waste and recycling storage area. It is considered that this layout does not provide appropriate separation between the two functional spaces and would not positively contribute toward the promotion of modal shift due to the ease of access and competing uncomplimentary uses.

8.7.4 The bicycle storage plan shows 3no. bicycle shall be stored in the allocated area; this accords with the requirements of the Sustainable Travel SPG; details of the specific cycle stands could be secured by way of condition.

8.8 Impact upon Character and Appearance

8.8.1 The proposal does not include any elevational alterations to the upper principle elevation, or the rear elevation.

8.8.2 The ground floor principal elevations would feature infill blockwork and additional window into the bicycle storage area. The proposal would also retain the existing solid shutter. It is considered that the retention of the solid shutter in association with the proposed residential use lacks integration and would be viewed at odds with the proposed residential character.

8.8.3 The application proposes the retention of the existing solid roller shutter on the front elevation despite the proposed change to a residential use. Roller shutters are typically associated with commercial premises and security measures for non-residential uses. In this context, the roller shutter would appear incongruous and would fail to integrate appropriately with the domestic character of the proposed residential use. Concern is also raised in relation to the use of the roller shutter to access the bin cycle storage at potentially antisocial hours which could result in significant disturbance to the occupiers of the bedrooms above, the change of use is considered to result in a significant departure and expected operation of roller shutters associated with commercial uses.

8.8.4 The retention of the shutter would result in a stark and utilitarian appearance that would undermine the creation of a welcoming residential frontage and detract from the visual amenity of the street scene. Furthermore, the retention of the solid roller shutter would reinforce the previous commercial appearance of the property, conflicting with the transition to a residential use and failing to provide a high-quality design appropriate to its proposed use.

8.8.5 Accordingly, the retention of the roller shutter is considered incompatible with the proposed residential use and would be detrimental to the character and appearance of the building and surrounding area, contrary to the place making agenda of Future Wales – The National Plan 2040 and Policies GP2 and GP6 of the Newport Local Development Plan which require development to achieve a high standard of design and respond positively to local character.

8.9 Waste and Recycling

8.9.1 The Waste Officer has raised no concerns with the scheme. The proposed layout includes a dedicated area for the storage of waste and recycling with convenient access onto the highway for presentation on collection days. The 6no. residents would have a residual waste bin requirement of one 180 litre bin per occupant along with the associated recycling bags and boxes (comprised of: 6no. 23 litre kerbside food caddies, 6no. 55 litre kerbside

boxes for source segregated recycling, and 12no. recycling bags). As the space for waste and recycling includes the access space to enter the bicycle storage area, this reduces the amount of available space to store waste and recycling bins. It is considered that the space as shown is not of a sufficient size to accommodate the required waste receptacles along with suitable space to manoeuvre to access the bins and maintain the fettered access to the bicycle storage area. Therefore, the proposal would not be served by adequate means of waste and recycling storage contrary to the requirements of Policy W3.

8.10 Section 106 Planning Obligation matters

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)

b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site).

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 commuted sum of £2,064.	Not agreed.	No.

8.10.1 The Section 106 Heads of Terms have not been agreed by the agent, therefore this forms a further reason for refusal based upon the absence of an agreement to provide the requested contributions or a viability appraisal waiving the contributions. The scheme is contrary to Policies SP13 and H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

8.11 Other Matters

- 8.11.1 The third party objection received highlights the existing on street parking pressures in and around the surrounding area. It has been acknowledged within this report that indeed on street parking pressures were viewed. However in the balance of the considerations of the scheme, the national policy framework, Planning Policy Wales (Ed.12) seeks to promote less dependency on private vehicle use. It is for this reason that a reason for refusal could not be sustained on the issue of car parking when considering the policy context and proximity to a local centre.

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 retrospective change of use application has failed to demonstrate the consequences of flooding could be suitably managed, the applicant has failed to agree to the Section 106 terms or present any form of viability information, the amount of daylight, sunlight and outlook afforded to occupants is insufficient, the scheme has a poor layout of bicycle storage and lacks sufficient waste and recycling storage, the retention of the roller shutter in association

with a residential use represents material harm on the character and appearance of the area. As such, the application is refused.

11. DECISION REFUSED:

01 Insufficient information has been provided regarding the highly vulnerable use is not supported by a proportionate Flood Consequences Assessment and therefore the consequences of flooding have not been demonstrated to be managed or mitigated contrary to Technical Advice Note 15 - Development, Flooding and Coastal Erosion (2025) and Policy SP3 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

02 The development would have a significant adverse impact upon interests of acknowledged importance, namely it represents an unsustainable form of development which fails to be mitigated by contributions towards affordable housing. As such, the scheme is contrary to the Planning Obligations SPG dated January 2020 and policies SP1, SP13 and H4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

03 The proposed use would result in demonstratable harm on the living conditions of any current and future occupant due to insufficient levels of daylight, sunlight and outlook, contrary to the aims of Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

04 The proposed waste, recycling and bicycle store, by reason of its shared access would provide a poor standard of bicycle storage, resulting in facilities that are unlikely to be convenient or attractive to use thereby failing the promotion of active travel modes as per the requirements of Planning Policy Wales (Ed.12) to achieve modal shift, and failure to provide sufficient space for the storage of waste and recycling receptacles contrary to Policies GP4 and W3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

05 The retention of the solid roller shutter in association with the proposed residential use would represent as an incompatible commercial appearance resulting in an adverse impact upon the placemaking agenda of Future Wales – The National Plan 2040 and fails to achieve high quality design and appropriate visual amenity and integration contrary to Policies GP2 and GP6 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Design Statement (Received: 05.05.2026)
- Green Infrastructure Statement (Received: 05.05.2026)
- Existing Plans and Elevations (Drawing ref: KD2059/1)
- Proposed (Drawing ref: KD2059/2)
- Parking Study (Received: 05.05.2026)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, SP13, GP2, GP4, GP5, GP6, H8, T4 and W3 were relevant to the determination of this application.

03 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.