

Delegated Decision Report

Application No:	25/0906	Statutory Period Expires:	8th January 2026
------------------------	----------------	----------------------------------	-------------------------

Site:	Chartist Tower 6 Upper Dock Street Newport South Wales		
Proposal:	CHANGE OF USE FROM A1 RETAIL TO A MIXED A1 AND A3 USE		
Applicant:	J Iwanowicz		
Type:	Full	Ward:	Stow Hill
Decision:	GRANTED WITH CONDITIONS		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is located within the defined urban boundary and City Centre. The unit itself faces onto Upper Dock Street and is surrounded by mixed uses including commercial and residential uses. The site is located within the defined Archaeological Sensitive Area and Secondary shopping frontage. Furthermore, the site is situated within Flood Zone 2 and 3 (Sea Undefended) as defined by NRW's Flood Map for Planning.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application is seeking consent for the change of use of the unit from a A1 retail to a mixed A1 and A3 use. Externally no alterations to the front shopfront elevation are proposed.

The proposed hours of opening are Monday to Saturday 08:30am – 17:30pm, and 10:30am – 15:30pm on Sundays and Bank Holidays

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 6 – Town Centre First
- Policy 9 - Resilient Ecological Networks and Green Infrastructure
- Policy 33 - National Growth Area – Cardiff, Newport and the Valleys

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.

6.1.10 - There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material

consideration is the building, its setting or any features of special architectural or historic interest which it possesses.

5.3 HISTORIC ENVIRONMENT (WALES) ACT 2023

5.4 Technical Advice Notes

- Technical advice note (TAN) 4: retail and commercial development
- Technical advice note (TAN) 5: nature conservation and planning
- Technical advice note (TAN) 12: design
- Technical advice note (TAN) 15: development and flood risk (2004)
- Technical advice note (TAN) 23: economic development
- Technical advice note (TAN) 24: the historic environment

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1- Sustainability

SP3- Flood Risk

SP9- Conservation of The Natural, Historic and Built Environment

SP17- Employment Land

SP19- Assessment of Retail Need

SP20- Waste Management

GP2- General Amenity

GP4- Highways and Accessibility

GP5- Natural Environment

GP6- Quality of Design

CE5- Locally Listed Buildings and Sites

R1- City Centre Schemes

R3- Non Retail Uses in Secondary City Centre Shopping Areas

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales:

The planning application proposes less vulnerable development. The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 Sea.

The application proposes a change of use to a less vulnerable use as defined in Technical Advice Note 15: Development, flooding and coastal erosion (TAN15), dated 2025. As such we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences. We would also expect the developer to take the opportunity to incorporate flood resilient design where feasible.

Guidance on resilient design can be found in Chapter 13 of TAN15 which references advice from Construction Industry Research and Information Association, including a Code of Practice and Guidance for Property Flood Resilience.

We provide advice on our website Natural Resources Wales / Preparing for a flood which may be useful for the developer or occupant of the proposal.

Other Matters

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries about the above, please do not hesitate to contact us.

6.2 Local Heritage Officer:

The proposed works relate to Unit 6 (which fronts onto Upper Dock Street), located

within a portion of the building outside of the Town Centre Conservation Area. Upon this basis, I have no concerns regarding impact upon the Conservation Area, or the Setting of any Listed Buildings.

The proposed development is within the Archaeologically Sensitive Area and, though I cannot see that any issues relating to belowground archaeology will be raised, I see that Heneb (formally GGAT) have been consulted and will defer to their expertise on this matter.

6.3 Environmental Health:

The Environment Protection Team were contacted for a comment on the application, but no response was received.

6.4 SAB:

Having reviewed this, it is unlikely that SAB application will be required due to the size possibly not exceeding 100m².

6.5 Waste Manager: No comment received

6.6 HENEB:

Thank you for notifying us of this application; consequently, we have reviewed the detailed information contained on your website and can confirm that archaeological mitigation is not required. We have reviewed the area against the information in the regional Historic Environment Record (HER) which shows as follows:

The works are within the Archaeologically Sensitive Area (ASA) of Newport and Conservation Area of Newport Town Centre. A review of the 1st – 4th Edition (1883, 1902, 1920, 1937) historic Ordnance Survey map shows the footprint of the property. The proposal includes a change of use and associated internal alterations. The works are of small scale, and with our understanding of the historic environment, it is unlikely that significant archaeological features will be encountered or that existing features will be disturbed. Therefore, the potential impact is considered low.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

If you have any questions or require further advice on this matter, please do not hesitate to contact us.

6.7 Local Highways Authority: No comment received

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 18.11.2025

7.1 No comments received.

8. ASSESSMENT

8.1 Principle of Development:

8.1.1 The application site is within the defined settlement boundary and within the City Centre as shown on the proposals map that accompany the Newport City Council Local Development Plan, accordingly there is a presumption in favour of development and the efficient use of land is encouraged. No in-principle objection is raised to the change of use from one commercial use to another within the defined city centre. A full assessment is carried out below.

Policy R3 (R3 Non-Retail Uses in Secondary City Centre Shopping Areas) is applicable to the assessment and determination of this application and states the following:

PROPOSALS FOR NON-RETAIL USES IN NEWPORT CITY CENTRE AT GROUND FLOOR LEVEL IN THE SECONDARY FRONTAGES IDENTIFIED WILL BE PERMITTED PROVIDED THAT:

- i) THE PROPOSAL, EITHER ON ITS OWN OR IN CONJUNCTION WITH ADJOINING UNITS, WOULD NOT RESULT IN A BREAK IN THE RETAIL FRONTAGE OF MORE THAN 20 METRES;
- ii) THE PROPOSAL WOULD NOT RESULT IN A GAP IN THE RETAIL FRONTAGE OF MORE THAN 2 UNITS;
- iii) AT LEAST 60% OF ANY FRONTAGE LENGTH IS MAINTAINED IN RETAIL USE;
- iv) THE PROPOSAL DOES NOT INVOLVE A PROMINENT OR CORNER UNIT;
- v) THE PROPOSED DEVELOPMENT WOULD NOT ADVERSELY AFFECT LOCAL RESIDENTIAL AMENITY, EITHER IN ITS OWN RIGHT OR CUMULATIVELY WITH OTHER USES;
- vi) ANY ANTICIPATED ENVIRONMENTAL DISTURBANCE CAN BE EFFECTIVELY CONTROLLED THROUGH THE USE OF PLANNING CONDITIONS OR NOISE ABATEMENT ZONE CONTROLS;
- vii) THE DEVELOPMENT IS ACCESSIBLE IN TERMS OF PUBLIC TRANSPORT PROVISION, AND ASSOCIATED PEDESTRIAN MOVEMENT FOLLOWING OPERATING HOURS WILL NOT BE DIRECTED THROUGH RESIDENTIAL AREAS.

- 8.1.2 The proposal has been assessed against Policy R3 of Newport City Council Local Development Plan is deemed to be compliant with criteria (iv) to (vii) as the site is not considered prominent or a corner unit, will not adversely affect residential amenity, and is located in a highly sustainable location. Furthermore, because the scheme is seeking consent for the change of use to a mix A1 and A3 use, the proposal will achieve the criteria (i) to (iii) of Policy R3.

8.2 Visual Amenity/ Character and Appearance:

- 8.2.1 The proposals do not include any external alterations to the building and so would not result in an adverse impact to the visual amenity of the building or wider area. The use of the site as a mix A1 and A3 commercial offering is compatible with its location and would not be harmful to the character of the area.

8.3 Residential Amenity:

- 8.3.1 The proposed development is considered to be acceptable avoiding any unacceptable impact in respect of outlook, overbearing or overlooking impact. In addition, the business's opening hours are deemed appropriate, ensuring no adverse effect on the residential amenity of neighbouring properties. It was deemed necessary to condition the opening times from 07:00–19:00 to maintain residential amenity and to allow some flexibility to the business.

- 8.3.2 The development is seeking consent to change the use of the site to a mix of A1 and A3. Consequently, there is potential for noise and odour impacts associated with the proposed use. Therefore, to ensure residential amenity is maintained conditions regarding current fume extraction, potential future fume extraction and Plant and Equipment Noise will be attached to any permission granted.

8.4 Flooding:

- 8.4.1 The site is situated within Flood Zone 2 and 3 (sea, undefended) as defined by NRW's Flood Map for Planning. The applicant has not provided a flood consequences assessment to support the application. However, the application proposes a change of use from one less vulnerable use to another. Furthermore, no impact will accord on 3rd party land as there is no built form proposed or any additional hard surfaces to be created. As such NRW consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences. Therefore, the proposed change of use would not increase the level of vulnerability of the use and is therefore considered to be acceptable.

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. In this case no enhancement has been proposed, however, due to the scale of the development no condition requiring a biodiversity scheme will be attached.

8.5.2 In accordance with Chapter 6 of PPW 12 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, however given the scale of the development proposed it is not considered proportionate to request one in this instance

8.6 Heritage:

8.6.1 The Heritage Officer was consulted on the development but raised no objections as the proposal was deemed not to cause a detrimental impact to the conservation area or surrounding listed buildings.

8.6.2 The proposed development is situated outside of the conservation area but located adjacent to it. For completeness, any potential impact on the conservation area has been assessed, and it is concluded that the development would have a neutral effect. Therefore, satisfying the preserve element of the preserve/enhance test.

8.7 Archaeology:

8.7.1 The application site is within an Archaeological Sensitive Area, however as the proposal is limited to the use of the land and does not include any groundworks/physical alterations it is considered that any archaeological interest would be uninterrupted as a result of the development. Henneb have been consulted and stated no objection to the development.

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 acceptable; it is in accordance with policy R3 and does comply with the overarching aims and objectives of both Local and National Planning Policy in respect of supporting City Centres as vibrant multiuse areas. The proposed development would not prejudice the role of the City Centre, residential amenity or the character of the area and accordingly, this application is recommended for approval subject to conditions.

11. DECISION

Approve subject to the following conditions:

1. The development shall be implemented in accordance with the following plans and documents: Site Location Plan, Proposed Layout Plan, Proposed Floor Plan, All Rendered Front Elevation
Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.
2. The hours of operation shall be limited to 0700 – 1900 hours Monday to Saturday (excluding Bank Holidays), And 0900 - 1700 on Bank Holidays and Sundays.
Reason: In the interests of residential amenity in accordance with Policy GP2 of the Newport Local Development Plan 2011 – 2025 (Adopted January 2015).
3. Fumes from the food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing and de-odorising filters. Details of the extraction equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation, and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities.
4. The extraction equipment shall be regularly maintained in order to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the Local Planning authority.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.
5. Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142:2014, does not exceed a level of 5dB below the existing background level, with no tonal.
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, Proposed Layout Plan, Proposed Floor Plan, AI Rendered Front Elevation

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP9, SP17, SP19, SP20, GP2, GP4, GP5, GP6, CE5, R1 and R3 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.

04 The planning application proposes less vulnerable development. The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 Sea.

The application proposes a change of use to a less vulnerable use as defined in Technical Advice Note 15: Development, flooding and coastal erosion (TAN15), dated 2025. As such we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences. We would also expect the developer to take the opportunity to incorporate flood resilient design where feasible.

Guidance on resilient design can be found in Chapter 13 of TAN15 which references advice from Construction Industry Research and Information Association, including a Code of

Practice and Guidance for Property Flood Resilience.

We provide advice on our website [Natural Resources Wales / Preparing for a flood](#) which may be useful for the developer or occupant of the proposal.