

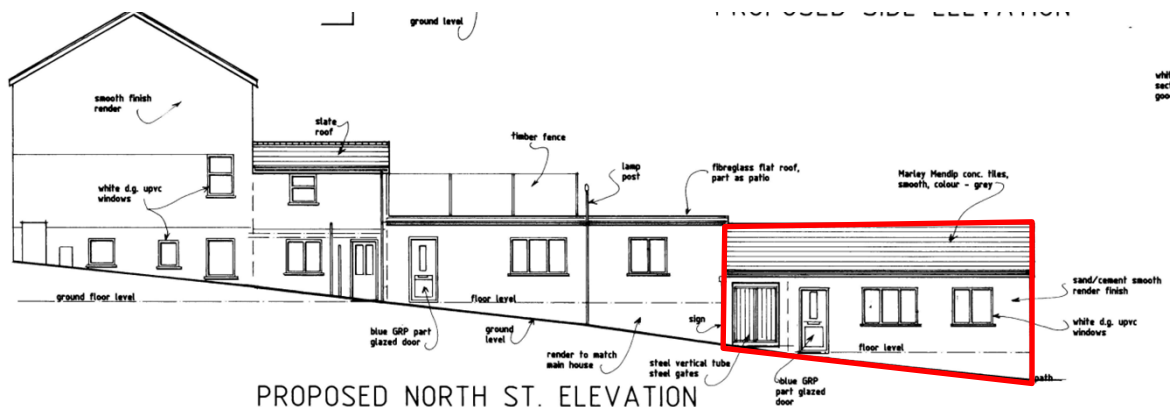
Delegated Decision Report

Application No:	25/0456	Statutory Period Expires:	12 th November 2025
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Site:	22A North Street Newport South Wales		
Proposal:	PROPOSED SELF-CONTAINED FLAT AT 'GARAGE 2' AND SHARED STORAGE AREA WITH ADJOINING OUTBUILDING.		
Applicant:	Khurana		
Type:	Full	Ward:	Stow Hill
Decision:	REFUSED		

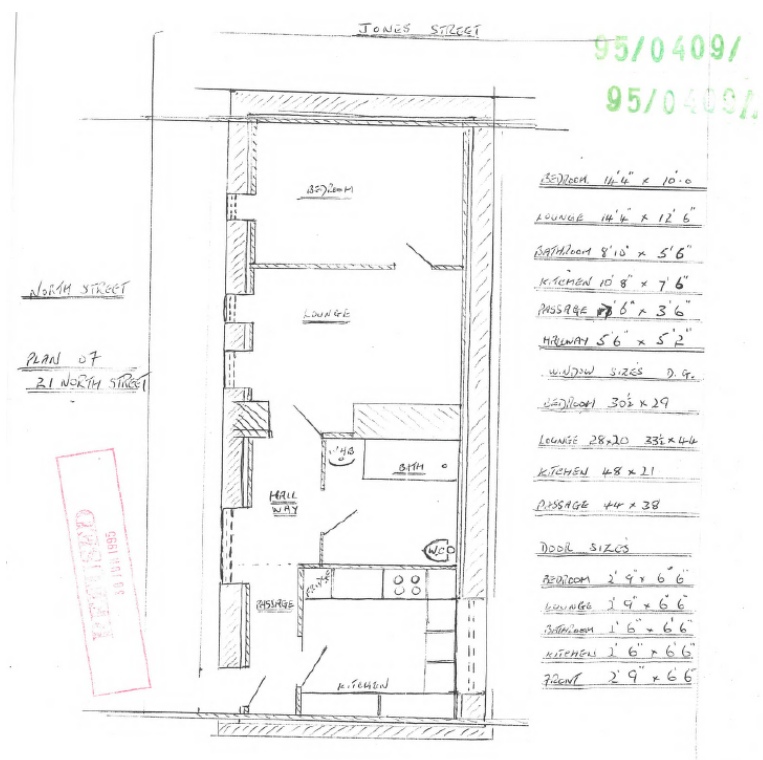
1. BACKGROUND

- 1.1 An additional planning application has also been submitted separately for the creation of 1no. residential unit at 21 North Street reference 25/0377.
- 1.2 When comparing the site location plans of both applications (25/0456 and 25/0377) the blue edge boundary of 25/0377 includes a significant portion of 1 Jones Street, however this area is not included on the 25/0456 application.
- 1.4 The above indicates an anomaly which bring into question the quality and accuracy of the submission overall which has essentially *salami sliced* the application rather than submitting a holistic comprehensive scheme. Therefore, an element of judgment is required to identify what unit/land the application relates. The assessment of this application is based upon the creation of 1no. unit relating to the area outlined in red below:



Planning History

- 1.5 The planning history for the site sets out that application 95/0409 was allowed at appeal for the retention of a flat conversion known as 21 North Street; this unit forms the basement of the original dwelling of 1 Jones Street. The application site associated with 95/0409 did not include the garage subject of the current application as can be seen from the proposed floor layout below. The conditions attached by the Inspector allowing the flat conversion did not contain any conditions relevant to the garage under consideration on the current application.



- 1.6 A further application was submitted under reference 06/1430 for the retention of decking on the roof of an annexe in association with 1 Jones Street. This application was subsequently refused but allowed at appeal. The decking is sited on the roof of the adjoining application site.
- 1.7 When carrying out a previous site visit for application 24/0284, it was noted that 2no. vehicles were parked in the garage and the owner of one of the vehicles commented that he was undertaking construction work within 1 Jones Street planning unit. Furthermore, no equipment was present within the garage indicating any form of commercial vehicle repairs had been previously carried out at the site. Household waste however was present within the unit. A desktop assessment of the Companies House website did not return any results for a business registered to 21 North Street or 1 Jones Street. Also, following an assessment of street view images dating back to 2008, these indicate that there have been no commercial vehicle repairs being undertaken at this site, at any time. Also, the garage unit shares the same address point as 21 North Street, which is a residential property. The content of the submitted planning statement contains no substantive information to counter these findings. It is therefore concluded that, on the balance of probabilities, the garage has not been used for commercial purposes and was, and continues to be used, in connection with the existing residential use of the adjoining unit known as 21 North Street.

2. SITE LOCATION AND CONTEXT

- 2.1 The site is located to the southern end of North Street directly opposite the Grade II listed St Woolos Primary School. The site levels decline from south to north. The application site is attached to the rear elevation of 21 North Street. The site location plan includes land that forms the public footpath and an area of green space to the south elevation of 35 and 36 St Marys Court. It is considered that this is an error as no development is proposed in that area.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The development relates to the change of use of the existing garage to a one-bedroom unit with communal storage area.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
24/0284	CHANGE OF USE OF VACANT COMMERCIAL GARAGE TO SELF	Refused	10.10.2024

	CONTAINED FLAT, WITH ASSOCIATED FACADE ALTERATIONS		
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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
- SP13 – Planning Obligations
- SP18 – Urban Regeneration
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- H2 – Housing Standards
- H4 - Affordable Housing
- H8 – Self Contained Accommodation and Houses in Multiple Occupation
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Sustainable Travel
- Planning Obligations
- Wildlife and Development
- Flat Conversions
- Waste Storage and Collection
- Parking Standards

6. CONSULTATION RESPONSES

6.1 Principal Heritage Officer: No response.

6.2 Ecology Officer: No response.

6.3 Landscape Architect: There are no landscape constraints.

I have no objection but do have the following comments:

The proposed ground floor plan shows 'lawn' to the rear – is this the case?

There is a public access alley to the rear which would presumably have views into the ground floor rooms as proposed windows are shown to the rear. This would be a privacy issue and photos from the alley would be helpful.

The proposed North Street elevation shows a 'flat roof as patio' but there is no protection against the drop.

There is no scope for meeting LDP GP5 for a proportionate landscape scheme.

- 6.4 Drainage Manager: No response.
- 6.5 Planning Contributions Officer: Planning contributions required.
- 6.6 Environmental Health Officer: No response.
- 6.7 Senior Scientific Officer: I have no comments in respect of the above application in terms of contaminated land.

In terms of air quality in respect of the above application I recommend the following planning condition:

-Low carbon heating/photovoltaics condition

No development shall take place until details of a lower emission / low carbon heating system has been submitted to the LPA. This could include a carefully selected ultra-low / low emission boiler potentially supplemented with roof top photovoltaic panels or a suitably installed air source heat pump. Careful consideration and potential improvements to the existing insulation may also be required. The sustainable heating system shall be implemented prior to occupation of the development and retained thereafter.

Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2).

- 6.8 SAB Officer: SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant to visit the SAB webpage.
- 6.9 Waste Manager: No response.
- 6.10 Gwent Police: No objections.
- 6.11 Highways Officer: Highway recommendation: Clarification/further information requested. Objections raised, but may be additional objections.

Highway Comments:

The submitted plans show two bedsits as proposed. This is not consistent with the description or red line plan. Furthermore, the bedsits share storage facilities. It is not clear how many units share the facilities, but it appears to be three existing flats and two proposed bedsits.

It is not known what status the existing units have in terms of permitted use; however, it is suggested that they are not domestic garages. From a highways' perspective it is important to understand what the current permitted use is. Given the dropped kerb/footway crossing it appears that the units are garages belonging to adjacent premises.

Assuming that to be the case, there would be a loss of parking and an increased demand, which cannot be supported.

If it is shown that the garages are commercial then the conversion would probably not add any parking demand, but the footway crossing would have to be removed at the developer's expense.

In any event the arrangement for shared bin and cycle storage is not acceptable (even for one unit). Space behind the bins does not constitute cycle storage and it should be noted that the gates must open inwards and thus they reduce the space available. We would question if there is sufficient space for bins let alone bikes. It is certainly not an arrangement that would allow bikes to be manoeuvred or encourage cycle use.

If there are two units as it appears there is opportunity to have storage at the rear, which should be taken.

In summary, clarification of the site's size, proposed development and extant use is requested. There may be objections relating to parking and there are objections relating to refuse management and cycle storage.

- 6.12 Dwr Cymru/Welsh Water: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

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.

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 16th June 2025.

- 7.1 NEIGHBOURS: No comments received.

8. ASSESSMENT

8.1 Main Issues:

- 8.1.1 The main issues relate to securing planning contributions, residential amenity and parking. Other material considerations shall follow those assessments.

8.2 Section 106 Planning Obligation matters

- 8.2.1 The terms of the Section 106 agreement have been agreed by the agent; however there are other issues with the scheme as outlined below. Therefore, the scheme is recommended for refusal; in the absence of a signed agreement to the terms, the scheme would not secure any form of contribution toward off site affordable housing. Therefore, the proposal is contrary to Policy SP13 and H4.

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?
Regeneration, Investment and Housing	To provide a contribution toward off site affordable housing	A commute sum of £858.	Agreed.	No.

8.3 Impact on Amenity

- 8.3.1 The proposed alterations to the front elevation to form door and window openings would not adversely impact the privacy and amenity afforded to any other property. To the rear elevation, 3no. windows are proposed to serve the bathroom, kitchen and bedroom. It is noted that outlook from those windows would have views onto the public open space associated with the St Marys Close residential area. It is considered that outlook from these windows would not result in an adverse impact regarding overlooking of the area.

- 8.3.2 Despite the bedroom window being slightly elevated above the footpath level, it is considered that the proximity of the footpath to the bedroom window would result in privacy issues and poor living conditions for any future occupant.

8.3.3 The proposed 1no. bedroom flat measures 35.65sqm (excluding communal storage area); the Flat Conversions SPG document sets out that a 1no. bedroom converted flat should have a gross internal floor space of 45sqm. The proposed unit falls considerably short of this standard. It is considered that the size of the unit proposed would not afford any future occupant sufficient space standards resulting in harm on their general amenity. The proposal is considered to be contrary to the aims of Policy GP2 to provide acceptable living standards to any future occupant and Policy H6 as the proposal represents as an overdevelopment of the site through the poor living conditions afforded to any future occupant.

8.3.4 The physical constraints of the site result in no outdoor amenity space being available to any future occupant. The Flat Conversions SPG sets out in 5.5.1 that '*Outdoor amenity space should be made available to the occupants...wherever the opportunity exists.*' In this case, there is no opportunity to provide outdoor space, which coupled with the insufficient gross internal floor space and privacy, compounds the adverse impact upon residential amenity.

8.4 **Impact on Highways and Parking**

8.4.1 The Highways Officer notes the loss of the garage for off street parking and notes that the proposed unit would increase on street parking demand. The Highways Officers comments relating to the established use of the garages was addressed under the previous application 24/0284 which concluded that the garages are used in association with existing residential uses of the adjoining properties.

8.4.2 The site is located within Parking Zone 2; in this area a one bedroom flat conversion scheme has a parking demand of 1no. parking space. Parking is restricted directly outside of the unit between 8am – 6pm Monday to Saturday, and further down North Street is limited to 1 hour only between 8am -6pm Monday to Saturday. Along Jones Street parking is controlled by residents permits between 8am-8pm Monday to Saturday.

8.4.3 While the proposal would generate parking demand, it is considered that on street parking is suitably controlled through the above outlined parking controls. Furthermore, the application site is located in a sustainable location due to its proximity to the city centre and amenities located in Stow Hill. It is considered that despite the lack of off street parking, this is not sufficient to form a reason for refusal.

8.4.4 The proposal seeks to use a communal storage area for the storage and waste, recycling and bicycles. This arrangement is considered to be unacceptable as the joint use of this space would not provide a suitable environment to promote modal shift. Furthermore, as the doors would open inwards this would reduce the floorspace available, although not significantly. The proposed bicycle storage arrangement is unacceptable and contrary to Policy T4.

8.5 **Impact on Character and Appearance**

8.5.1 The existing garage adds very little to the architectural quality of the area. The proposed works to renovate and restore the existing building would positively contribute toward the overall appearance of the area and adjacent listed building.

8.6 **Impact on Biodiversity**

8.6.1 The proposal is required to achieve a biodiversity net gain in accordance with Planning Policy Wales (Ed.12). No green infrastructure statement has been submitted to show that the step-wise approach has been followed or provide any biodiversity net gain.

8.6.2 Section 6.4.12 of Planning Policy Wales (Ed.12) sets out that '*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.*'

8.6.3 In the absence of a proportionate green infrastructure statement or other material considerations to justify the lack of green infrastructure statement, this forms a further reason for refusal.

8.7 **Waste and Recycling**

8.7.1 The proposal includes an area for the provision of waste and recycling storage, in general terms, this would be suitable in terms of location and scale to serve both units, however as set out above, the additional use as cycle storage would not be acceptable. It is also noted that the redline boundary for this application is not consistent between the submitted plans with the site location plan and block plan showing differing extents to the red line area when assessed against the position of the rear boundary of the neighbouring properties, therefore part of the storage area falls outside of the site boundary for this application raising concern over the deliverability of this element of the scheme. The LPA have raised the issue of an incorrect redline boundary with the agent acting in this application previously however concerns remain unresolved.

8.8 **Contamination**

8.8.1 The submitted drawings indicate that the garage had a previous commercial use; assessment of the planning history shows no lawful decision confirming a commercial use. Despite this, a precautionary approach is taken as contaminants may be present on the site. In the absence of any survey work to confirm the presence of any contaminants, this forms a further reason for refusal as it cannot be confirmed that the development would have no impact upon public health contrary to Policy GP7.

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 would result in unacceptable living conditions for any future occupants, inadequate arrangement to provide secure cycle storage and absence of a proportionate green infrastructure statement.

11. DECISION

Refuse, for the following reason(s):

01 The proposed dwelling would provide a poor level of amenity and privacy for future occupiers. It would fail to achieve suitable levels of privacy given the proximity of the rear bedroom window to the public footpath and associated green space. The unit would provide inadequate gross internal floorspace, failing to accord with the requirements of the Supplementary Planning Guidance on Flat Conversions. The development would fail to provide any external private amenity space. The scheme would therefore fail to accord with policies GP2 and H6 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 the red line boundary does not include all of the cycle and refuse store and is inconsistent across submitted plans therefore provision of these facilities is unacceptable and undeliverable contrary to Policies GP4 and W3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 The development would have a significant adverse impact upon interests of acknowledged importance, namely human health, having regard to the previous non-domestic use of the garage. No information including testing for contaminants and any required mitigation measures to deal with any contamination has been submitted, contrary to Policy GP7 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

04 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).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Location Plan (Received: 17/09/2025)
- Proposed Plans and Elevations (Drawing ref: KD2006/1)
- Existing Plans and Elevations (Drawing ref: KD1973/1A)

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP13, SP18, GP2, GP4, GP5, GP6, GP7, H2, H4, 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.