

Agenda

Planning Committee

Date: Wednesday, 5 September 2018

Time: 10.00 am

Venue: Council Chambers - Civic Centre

To: Councillors J Richards (Chair), J Guy (Deputy Chair), M Al-Nuaimi, G Berry, J Clarke, V Dudley, C Jenkins, J Jordan, R Mogford, C Townsend and R White

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Part 1

Item	Wards Affected
1. <u>Agenda yn Gymraeg/Agenda in Welsh</u> (Pages 3 - 4)	
2. <u>Apologies for Absence</u>	
3. <u>Declarations of Interest</u>	
4. <u>Minutes of the meeting held on 8 August 2018</u> (Pages 5 - 10)	
5. <u>Development Management: Planning Application Schedule</u> (Pages 11 - 52)	
6. <u>Appeal Decisions</u> (Pages 53 - 58)	

Contact: Michele Chesterman, Governance Officer :

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Date of Issue: Wednesday, 29 August 2018



Agenda

Pwyllgor Cynllunio

Dyddiad: Dydd Mercher, 5 Medi 2018

Amser: 10.00 a.m.

Lleoliad: Siambr y Cyngor, Canolfan Ddinesig

At sylw: Y Cyngorwyr Richards (Cadeirydd), Guy (Dirprwy Gadeirydd), Al-Nuaimi, Berry, Clarke, Dudley, Jenkins, Jordan, Mogford, Townsend a White

HYSBYSIAD GWE-DDARLLEDU

Gall y cyfarfod hwn gael ei ffilmio ar gyfer darllediad byw neu ddarllediad wedi hynny trwy wefan y Cyngor.

Ar ddechrau'r cyfarfod, bydd y Maer neu'r Person sy'n Llywyddu yn cadarnhau os yw cyfan neu ran o'r cyfarfod yn cael ei ffilmio. Efallai y bydd y delweddau a recordiad sain yn cael eu defnyddio hefyd at ddibenion hyfforddiant o fewn y Cyngor.

Yn gyffredinol, nid yw'r ardaloedd eistedd cyhoeddus yn cael eu ffilmio. Fodd bynnag, wrth fynd i mewn i'r ystafell gyfarfod a defnyddio'r ardal seddau cyhoeddus, rydych yn rhoi caniatâd i chi gael eich ffilmio a defnydd posibl o rhai delweddau a recordiadau sain ar gyfer gwe-ddarlledu a/neu ddibenion hyfforddiant.

Os oes gennych unrhyw ymholiadau ynghylch hyn, cysylltwch â Rheolwr Democratiaeth a Cyfathrebu

DS: Cliciwch ar y ddolen isod i weld y Cod Ymarfer Cynllunio:-

<http://www.newport.gov.uk/documents/Council-and-Democracy/About-the-council/Planning-Code-of-Conduct/Planning-Code-of-Practice.pdf>

Bydd copiau o'r Cod Ymarfer Cynllunio ar gael yn y cyfarfod.

Eitem

Wardiau dan Sylw

- | | | |
|----|---|----------|
| 1. | <u>Agenda yn Gymraeg</u> | |
| 2. | <u>Ymddiheuriadau dros Absenoldeb</u> | |
| 3. | <u>Datganiadau Diddordeb</u> | |
| 4. | <u>Cofnodion y cyfarfod (ydd) diwethaf</u> | Pob Ward |
| 5. | <u>Rheoli Datblygu: Rhaglen Ceisiadau Cynllunio</u> | Pob Ward |
| 6. | <u>Penderfyniadau Apeliadau</u> | |

Cysylltwch â: Michele Chesterman, Swyddog Llywodraethu

Rhif Ffôn: 01633 656656

E-bost: michele.chesterman@newport.gov.uk

Dyddiad Cyhoeddi: 22 Awst 2018

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Minutes



Planning Committee

Date: 8 August 2018

Time: 10.00 am

Present: Councillors J Richards (Chair), J Guy (Deputy Chair), M Al-Nuaimi, G Berry, J Clarke, V Dudley, J Jordan, C Townsend and R White

In Attendance: Joanne Evans (Senior Solicitor), Tracey Brooks (Development and Regeneration Manager), Stephen John Williams (West Area Planning Manager), Eilian Jones (Principal Planning Officer), Geraint Roberts (Principal Planning Officer), Carl Jones (Principal Engineer), Alun Lowe (Planning Contributions Manager) and Michele Chesterman (Governance Officer)

Apologies: Councillors R Mogford

1. **Declarations of Interest**

Councillor James Clarke wished to flag up that he worked next to the location of Application No 18/0388 (22-29 Mill Street, Newport). However, he had had no conversations, no input and no interaction with the developers. In addition he had no personal interest in the building.

2. **Minutes of the meeting held on 4 July 2018**

The minutes of the meeting held on 4 July 2018 were submitted.

Resolved

That the minutes of the meeting held on 4 July 2018 be taken as read and confirmed.

3. **Development Management: Planning Application Schedule**

Resolved

(1) That decisions be recorded as shown on the Planning Applications Schedule attached as an Appendix.

(2) That the Development Services Manager be authorised to draft any amendments to/additional conditions or reasons for refusal in respect of the Planning Applications Schedule, attached.

4. **Appeal Decisions**

Members' attention was drawn to the Appeals Report, for information.

Reference: 17/0766 **Planning Application Appeal**

Address: 27 Clytha Square, Newport NP20 2EE

Development – Retention of UPVC Windows, Door and Rainwater Goods to front elevations.

Delegated Decision – Refused **Appeal Decision** – Allowed

Reference: 17/0767 Planning Application Appeal

Address: 28 Clytha Square, Newport NP20 2EE

Development – Retention of UPVC Windows, Door and Rainwater Goods to Front Elevations

Delegated Decision – Refused **Appeal Decision** - Allowed

Reference: 17/0786 Planning Application Appeal

Address: 9A Flat Venta House, Port Road, Maesglas Retail Park, Newport NP20 2NS

Development: Lawful Development Certificate (Existing) for an Existing First Floor Flat

Delegated Decision: Refused **Appeal Decision** – Dismissed

Reference: 17/0351 Planning Application Appeal

Address: The Hall, Backhall Street, Caerleon, Newport NP18 1AR

Development: Partial discharge of conditions 02 (moulding detail), 03 (Structural details) and 04 (ventilation flu) of Planning Permission 14/0577 for listed building consent for two replacement fire surrounds, proposed alterations to a rear stone wall and retention of internal alterations to the kitchen chimney.

Delegated Decision: Refused **Appeal Decision:** Allowed

Reference: 17/1162 Planning Application Appeal

Address: 16 Cross Street, Caerleon, Newport NP18 1AN

Development: Part Completion/Part Retention of 2 No Detached Dwellings

Delegated Decision: Refused **Appeal Decision:** Dismissed

The meeting terminated at 1.15 pm

Appendix A

PLANNING COMMITTEE – 8 AUGUST 2018

DECISION SCHEDULE

No	Site/Proposal	Ward	Additional Comments	Decision
18/0388	<p>22-29 Mill Street, Newport</p> <p>Part demolition of existing building to facilitate extension and refurbishment for office (use class B1) reuse, together with provision of vehicular and pedestrian accesses, car parking, landscaping and ancillary development: site preparation and the installation of new services and infrastructure.</p>	Allt-yr-yn	<p>Members were made aware of late representations previously circulated</p> <p>Public Speaker – Mr Michael Southall, (Agent)</p> <p>A discussion took place on the type of cladding utilised for the building which was aluminium clad, decorative mesh. Planning officers advised members that the issue of cladding was a building regulation requirement and the scheme would have to be signed off by an approved inspector but this did not form part of the planning application process.</p>	Granted with Conditions
18/0414	<p>Land to the rear of 16 Cross Street, Caerleon, Newport</p> <p>Part retention and part completion of 2No. detached three bedroom dwellings (resubmission of 17/1162).</p>	Caerleon	<p>Public Speaker – Ms Karen Norris (Objector)</p> <p>Public Speaker – Mr Derek Prosser (Supporter)</p> <p>Officers were recommending approval with conditions including Section 106 affordable housing.</p>	<p><u>Site Visit</u></p> <p>To consider the overbearing impact on existing nearby properties</p>

No	Site/Proposal	Ward	Additional Comments	Decision
18/0570	68 Marshfield Road, Newport Removal of single storey extension and outbuilding and erection of single storey and two storey rear extension.	Marshfield	Public Speaker – Mr James Walker (Objector)	Granted with Conditions
18/0301	Land and Building encompassing Former Avanna Bakery Canteen, Road D, Wern Industrial Estate, Newport. Change of use from Use Class B1/B2/B8 to Use Class D2 (gym and fitness classes)	Rogerstone	Public Speaker – Ms Clare Woody (Applicant) Ward Member Speaking – Cllr Chris Evans	Refused
18/0021	Amroth Glasllwch Lane, Newport Demolition of existing single storey dwelling and construction of new two storey dwelling and detached garage	Allt-yr-yn	Members were made aware of late representations previously circulated Meeting adjourned for 10 minutes.	Granted with Conditions
18/0305	Ysgol Gymraeg bro teyrnon, Brynglas Drive, Newport Erection of boundary fence and gates	Shaftesbury	Cllr Al-Nuiami joined the meeting for this item Members were made aware of late representations previously circulated	Granted with Conditions

No	Site/Proposal	Ward	Additional Comments	Decision
18/0364	17 Caerphilly Road, Newport Erection of new single storey extension to the side and rear, conversion of existing garage into habitable accommodation and insertion of 2no. rooflights.	Graig		Granted with Conditions
18/0402	Langland Park West, Langland Way, Newport. Erection of extension to provide 1566m2 of class B1/B2/B8 floor space and associated parking	Lliswerry		Granted with Conditions
18/0454	74 Risca Road, Newport First floor rear extension and insertion of door in front elevation and alterations to front boundary wall.	Allt-yr-yn	Application withdrawn from the Agenda.	
18/0482	Caerleon Comprehensive School, Cold Bath Road, Caerleon Replacement of 1no pair of automated vehicular entrance gates and posts, installation of additional cctv camera to pedestrian gate and installation of card reader intercom post.	Caerleon		Granted with Conditions

No	Site/Proposal	Ward	Additional Comments	Decision
18/0489	Ysgol Gyfun Gwent Is Coed, Duffryn Way, Duffryn, Newport Temporary siting of two storey demountable classroom (August 2018 to April 2021)	Tredegar Park	Members were made of late representations previously circulated	Granted with Conditions Additional condition requested relating to surface water drainage arrangements

Meeting finished 1.15 pm

Report

Planning Committee

Part 1

Date: 5 September 2018

Item No: 5

Subject **Planning Application Schedule**

Purpose To take decisions on items presented on the attached schedule

Author **Head of Regeneration, Investment and Housing**

Ward As indicated on the schedule

Summary The Planning Committee has delegated powers to take decisions in relation to planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Proposal **1. To resolve decisions as shown on the attached schedule.**
2. To authorise the Development and Regeneration Manager to draft any amendments to, additional conditions or reasons for refusal in respect of the Planning Applications Schedule attached

Action by Planning Committee

Timetable Immediate

This report was prepared after consultation with:

- Local Residents
- Members
- Statutory Consultees

The Officer recommendations detailed in this report are made following consultation as set out in the Council's approved policy on planning consultation and in accordance with legal requirements.

Background

The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an Officer recommendation to the Planning Committee on whether or not Officers consider planning permission should be granted (with suggested planning conditions where applicable), or refused (with suggested reasons for refusal).

The purpose of the attached reports and associated Officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule having weighed up the various material planning considerations.

The decisions made are expected to benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions. There is no third party right of appeal against a decision.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

Financial Summary

The cost of determining planning applications and defending decisions at any subsequent appeal is met by existing budgets and partially offset by statutory planning application fees. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

Risks

Three main risks are identified in relating to the determination of planning applications by Planning Committee: decisions being overturned at appeal; appeals being lodged for failing to determine applications within the statutory time period; and judicial review.

An appeal can be lodged by the applicant if permission is refused or if conditions are imposed. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

A decision can be challenged in the Courts via a judicial review where an interested party is dissatisfied with the way the planning system has worked or how a Council has made a planning decision. A judicial review can be lodged if a decision has been made without taking into account a relevant planning consideration, if a decision is made taking into account an irrelevant consideration, or if the decision is irrational or perverse. If the Council loses the judicial review, it is at risk of having to pay the claimant's full costs in bringing the challenge, in addition to the Council's own costs in defending its decision. In the event of a successful challenge, the planning permission would normally be quashed and remitted back to the Council for reconsideration. If the Council wins, its costs would normally be met by the claimant who brought the unsuccessful challenge. Defending judicial reviews involves considerable officer time, legal advice, and instructing a barrister, and is a very expensive process. In addition to the financial implications, the Council's reputation may be harmed.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry and judicial review can be high.

Risk	Impact of risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	Ensure reasons for refusal can be defended at appeal.	Planning Committee
			Ensure planning conditions imposed meet the tests set out in Circular 016/2014.	Planning Committee
			Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.	Development Services Manager and Senior Legal Officer
			Ensure appeal timetables are adhered to.	Development Services Manager
Appeal lodged against non-	M	L	Avoid delaying the determination of applications	Planning Committee

Risk	Impact of risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect?	Who is responsible for dealing with the risk?
determination, with costs awarded against the Council			unreasonably.	Development Services Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee Development Services Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The Council's Corporate Plan 2012-2017 identifies five corporate aims: being a Caring City; a Fairer City; A Learning and Working City; A Greener and Healthier City; and a Safer City. Key priority outcomes include ensuring people live in sustainable communities; enabling people to lead independent lives; ensuring decisions are fair; improving the life-chances of children and young people; creating a strong and confident local economy; improving the attractiveness of the City; promoting environmental sustainability; ensuring people live in safe and inclusive communities; and making Newport a vibrant and welcoming place to visit and enjoy.

Through development management decisions, good quality development is encouraged and the wrong development in the wrong places is resisted. Planning decisions can therefore contribute directly and indirectly to these priority outcomes by helping to deliver sustainable communities and affordable housing; allowing adaptations to allow people to remain in their homes; improving energy efficiency standards; securing appropriate Planning Contributions to offset the demands of new development to enable the expansion and improvement of our schools and leisure facilities; enabling economic recovery, tourism and job creation; tackling dangerous structures and unsightly land and buildings; bringing empty properties back into use; and ensuring high quality 'place-making'.

The Corporate Plan links to other strategies and plans, the main ones being:

- Single Integrated Plan;
- Local Development Plan 2011-2026 (Adopted January 2015);

The Newport Single Integrated Plan (SIP) is the defining statement of strategic planning intent for the next 3 years. It identifies key priorities for improving the City. Its vision is: "*Working together to create a proud and prosperous City with opportunities for all*"

The Single Integrated Plan has six priority themes, which are:

- Skills and Work
- Economic Opportunity
- Health and Wellbeing
- Safe and Cohesive Communities
- City Centre
- Alcohol and Substance Misuse

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 all planning applications must be determined in accordance with the Newport Local Development Plan (Adopted January 2015) unless material considerations indicate otherwise. Planning decisions are therefore based primarily on this core Council policy.

Options Available

- 1) To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate);
- 2) To grant or refuse planning permission against Officer recommendation (in which case the Planning Committee's reasons for its decision must be clearly minuted);
- 3) To decide to carry out a site visit, either by the Site Inspection Sub-Committee or by full Planning Committee (in which case the reason for the site visit must be minuted).

Preferred Option and Why

To determine the application in accordance with the Officer recommendation (with amendments to or additional conditions or reasons for refusal if appropriate).

Comments of Chief Financial Officer

In the normal course of events, there should be no specific financial implications arising from the determination of planning applications.

There is always a risk of a planning decision being challenged at appeal. This is especially the case where the Committee makes a decision contrary to the advice of Planning Officers or where in making its decision, the Committee takes into account matters which are not relevant planning considerations. These costs can be very considerable, especially where the planning application concerned is large or complex or the appeal process is likely to be protracted.

Members of the Planning Committee should be mindful that the costs of defending appeals and any award of costs against the Council following a successful appeal must be met by the taxpayers of Newport.

There is no provision in the Council's budget for such costs and as such, compensating savings in services would be required to offset any such costs that were incurred as a result of a successful appeal.

Comments of Monitoring Officer

Planning Committee are required to have regard to the Officer advice and recommendations set out in the Application Schedule, the relevant planning policy context and all other material planning considerations. If Members are minded not to accept the Officer recommendation, then they must have sustainable planning reasons for their decisions.

Staffing Implications: Comments of Head of People and Business Change

Development Management work is undertaken by an in-house team and therefore there are no staffing implications arising from this report. Officer recommendations have been based on adopted planning policy which aligns with the Single Integrated Plan and the Council's Corporate Plan objectives.

Local issues

Ward Members were notified of planning applications in accordance with the Council's adopted policy on planning consultation. Any comments made regarding a specific planning application are recorded in the report in the attached schedule

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act 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. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due

regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that 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.

An Equality Impact Assessment for delivery of the Development Management service has been completed and can be viewed on the Council's website.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultation on planning applications and appeals is open to all of our citizens regardless of their age. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

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.

Objective 9 (Health and Well Being) of the adopted Newport Local Development Plan (2011-2026) links to this duty with its requirement to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

Planning (Wales) Act 2015 (Welsh Language)

Section 11 of the Act makes it mandatory for all Local Planning Authorities to consider the effect of their Local Development Plans on the Welsh language, by undertaking an appropriate assessment as part of the Sustainability Appraisal of the plan. It also requires Local Planning Authorities to keep evidence relating to the use of the Welsh language in the area up-to-date.

Section 31 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. The provision does not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the decision maker.

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.

Objectives 1 (Sustainable Use of Land) and 9 (Health and Well-being) of the adopted Newport Local Development Plan (2011-2026) link to this requirement to ensure that development makes a positive contribution to local communities and to provide an environment that is safe and encourages healthy lifestyle choices and promotes well-being.

Consultation

Comments received from wider consultation, including comments from elected members, are detailed in each application report in the attached schedule.

Background Papers

NATIONAL POLICY

Planning Policy Wales (PPW) Edition 9 (November 2016)

Development Management Manual 2016

Minerals Planning Policy Wales (December 2000)

PPW Technical Advice Notes (TAN):

- TAN 1: Joint Housing Land Availability Studies (2015)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Commercial Development (2016)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2016)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: Planning and TheWelsh Language (2017)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- TAN 24: The Historic Environment (2017)

Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)

Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)

Welsh Government Circular 016/2014 on planning conditions

LOCAL POLICY

Newport Local Development Plan (LDP) 2011-2026 (Adopted January 2015)

Supplementary Planning Guidance (SPG):

- Affordable Housing (adopted August 2015)
- Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
- Flat Conversions (adopted August 2015)
- House Extensions and Domestic Outbuildings (adopted August 2015)
- Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)
- New dwellings (adopted August 2015)
- Parking Standards (adopted August 2015)
- Planning Obligations (adopted August 2015)
- Security Measures for Shop Fronts and Commercial Premises (adopted August 2015)
- Wildlife and Development (adopted August 2015)
- Mineral Safeguarding (adopted January 2017)
- Outdoor Play Space (adopted January 2017)
- Trees, Woodland, Hedgerows and Development Sites (adopted January 2017)
- Air Quality (adopted February 2018)

OTHER

The Colliers International Retail Study (July 2010) is not adopted policy but is a material consideration in making planning decisions.

The Economic Development Strategy is a material planning consideration.

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 are relevant to the recommendations made.

Other documents and plans relevant to specific planning applications are detailed at the end of each application report in the attached schedule

APPLICATION DETAILS

No: 18/0454 **Ward:** ALLT-YR-YN

Type: FULL

Expiry Date: 11-AUG- 2018

Applicant: MR DAVIDSON

Site: 74, RISCA ROAD, NEWPORT, NP20 4JA

Proposal: **FIRST FLOOR REAR EXTENSION AND INSERTION OF DOOR IN FRONT ELEVATION AND ALTERATIONS TO FRONT BOUNDARY WALL**

Recommendation: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

- 1.1 This application seeks planning permission for a first floor rear extension over the existing single storey, on this end of terrace property at 74 Risca Road, Rogerstone. The works proposed also include insertion of a doorway in the front elevation (the main entrance door is currently on the side elevation) and alterations to the front boundary wall to allow an entrance way and footpath to the front door. The extension will be constructed of materials to match the existing dwelling (render and slate).
- 1.2 This application is referred to Committee since the applicant is related to a staff member of the Local Planning Authority.

2. RELEVANT SITE HISTORY

None

3. POLICY CONTEXT

- 3.1 *Newport Local Development Plan 2011-2026 (Adopted January 2015)*

Policy GP2 (General Development Principles – General Amenity) states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy GP6 (General Development Principles – Quality of Design) states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

- 3.2 ***Supplementary Planning Guidance (Adopted)***

- Parking Standards SPG – August 2015
- House Extensions and Domestic Outbuilding SPG – August 2015

4. CONSULTATIONS

- 4.1 DWR CYMRU/WELSH WATER: We would inform you that a public sewer is crossing the application site. We have attached a copy of the public sewer record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services (0900 917 2652). The developer must contact us if a

sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): In accordance with the Newport City Council Parking Standards, the proposal will not alter the parking demand at the property and I would therefore offer no objection to the application.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties that share a common boundary with the application site were consulted (2 No addresses). No representations were received.

6.2 COUNCILLORS: Consulted 14 June 2018.

6.3 ROGERSTONE COMMUNITY COUNCIL: No response to date.

7. ASSESSMENT

7.1 The property benefits from a large rear garden. The property currently has a part two storey, part single storey rear projection and the extension would extend over the single storey projection and continue the height of the existing 2 storey rear projection. It would have a width of 3.3 metres, a depth of 4.1 metres; it would have a pitched roof with eaves at 4 metres and ridge at 5.1metres. At ground floor the window pattern would remain as existing. At first floor the room served by the existing side (south east) window would be changed from a bedroom to ensuite and two roof lights (bedroom) are proposed. To the rear patio doors would be installed at both ground and first floor with a Juliet balcony to the first floor.

7.2 The application site comprises an end of terrace property with approximately 11 metres between the dwelling and its non-attached neighbour. Whilst the proposed extension would be to the rear, it would be visible from Risca Road. The proposed extension would continue the height of the existing two storey extension, which is in turn, set down from the main house. The new roof would have a gabled end and this is considered appropriate and in keeping with the existing building form. The choice of materials (painted render and slate) is considered to respect the character and design of the existing property and is considered to be in accordance with the Supplementary Planning Guidance for House Extensions.

7.3 The Council's Supplementary Planning Guidance "House Extensions" provides guidance on the impacts of development on neighbouring living conditions. The impact of the proposal on both neighbouring properties has been assessed.

7.4 Sunlight & Daylight: The house extensions and domestic outbuildings SPG (Aug-2015) sets out tests for loss of light which relate to neighbours' habitable rooms. In most cases, a proposal that fails the 25° test in relation to a neighbour's protected window will not receive planning permission. Similarly, a proposal that fails two or more of the 45° tests in relation to a single protected window is unlikely to be acceptable.

7.5 To the rear elevation of No.72, the proposal fails the 45° horizontal test in relation to both the ground and first floor rear windows, however it passes the vertical test. To the side elevation, the kitchen window of no. 72 currently faces the existing 2 storey element of the building, and while there is a further window and door facing the proposed new extension, both of these serve non-habitable rooms (lobby and w/c). The extension is not considered to have any additional impact in terms of loss of light or overbearing.

7.6 Overlooking / privacy: In order to preserve residents' privacy in their homes, suitable separation distances must exist between new high-level protected windows and the protected windows in neighbouring houses. Two roof lights are proposed in the side elevation. Whilst these will be approximately 1.4 metres above floor level, they will face over the single storey roof of No.72. A new first floor patio door and Juliet balcony is proposed in the rear elevation. There are no dwellings immediate to the rear and so this opening would face down the rear garden (approximately 17 metres) and across fields beyond.

- 7.7 Overbearing: The Council's SPG sets out assessment for the loss of perceived space and visual amenity, it notes development that reduces the distance between a neighbouring protected window and a proposed blank two-storey elevation to less than 14 metres is unlikely to be acceptable. While habitable rooms face the existing dwellings, there are no habitable rooms in either side elevation directly facing the new first floor extension.
- 7.8 Overall the proposal is not considered to result in a detrimental impact on residential amenity by way of overbearing impact, loss of light or loss of privacy in this instance and is in accordance with policy GP2.
- 7.9 The proposed extensions would leave adequate usable amenity space for occupiers of the property.
- 7.10 The insertion of a front door and alterations to the front boundary wall are considered to be in keeping with the character of the terrace.
- 7.11 There are no alterations to the existing parking situation. The existing property has 3 bedrooms, and Highways have confirmed the proposal will not alter the parking demand at the property.

8. OTHER CONSIDERATIONS

8.1 *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.

8.2 *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.

8.3 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.

8.4 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.

8.6 *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.

8.7 *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.

9. CONCLUSION

9.1 The design and materials are in keeping with the character of the terrace and the surrounding area, the forms of the extension respects the style and proportions of the property. It is not considered that there would be an unacceptable impact on the amenity of neighbouring occupiers when assessed against the adopted policies and guidance and is therefore acceptable.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: WA113056, 05, 06, 07 08 and 09.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

Pre- commencement conditions

02 The external surfaces of the extension hereby permitted be of materials to match those used in the existing building.

Reason: To ensure the development is completed in a manner compatible with its surroundings.

General conditions

03 No window or door openings (other than those shown on the approved plan) shall be formed in either side elevation of the extension hereby approved.

Reason: To protect the privacy of adjoining residents.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP6 were relevant to the determination of this application.

02 House Extensions and Domestic Outbuildings Supplementary Planning Guidance (Adopted August 2015) and Newport City Council Parking Standards (Adopted August 2015) was 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 A public sewer crosses the application site.

APPLICATION DETAILS

No: 18/0595 **Ward:** ST JULIANS

Type: FULL

Expiry Date: 24-AUG-2018

Applicant: THOMAS BARNES, BARNES INVESTMENTS LTD

Site: 36, MORDEN ROAD, NEWPORT, NP19 7ES

Proposal: CHANGE OF USE FROM 6NO. BEDROOM DWELLING TO 8NO. BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)

Recommendation: GRANTED WITH CONDITONS

1. INTRODUCTION

1.1 This application seeks planning permission for the change of use of a six bedroomed residential dwellinghouse to an eight bed House in Multiple Occupation, at the property known as 36, Morden Road, Newport. The dwellinghouse occupies an end of terrace corner plot between Morden Road and Leicester Road. For the purpose of this application, the site is located within the urban boundary, as defined by the Newport Local Development Plan (Adopted 2015).

2. RELEVANT SITE HISTORY

2.1 No relevant history.

3. POLICY CONTEXT

3.1 The main considerations in this application are the potential impacts of the HMO on parking provisions as well as the impact the development may have on the character and amenity of the surrounding area and neighbouring occupiers.

3.2 Policies GP2, (General Amenity), GP4 (Highways and Accessibility) and H8 (Self-contained Accommodation and Houses in Multiple Occupation) of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are relevant to the determination of this planning application. The adopted Supplementary Planning Guidance (SPG) "Houses in Multiple Occupation (HMOs)" updated January 2017 and "Newport City Council's Parking Standards 2015" are also relevant to the determination of this planning application.

3.3 Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states that development will be permitted where there will be no significant adverse effect on amenity and provides adequate amenity for future occupants.

3.4 Policy H8 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states that applications to convert buildings within the defined settlement boundary into HMOs will only be permitted if:

i) The scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on-street parking problems;

ii) The proposal does not create an over concentration of HMOs in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock;

iii) adequate noise insulation is provided;

iv) adequate amenity for future occupiers.

- 3.5 Policy GP4 'General Development principles – highways and accessibility' states that development proposals should make adequate provision for car parking and ensure that development would not be detrimental to highway or pedestrian safety.

4. CONSULTATIONS

4.1 ARCHITECTURAL LIAISON OFFICER (GWENT POLICE):

I have no objections to the application. I contacted the local CSO who patrols the area who said there were no issues with ASB and also didn't feel that there was a cause to object. As usual with a change of use like this where instances of theft/burglary can be higher than average, I would recommend that the security of the property is considered and as a basic look at measures to secure windows and doors with relevant security products as recommended by Secured by Design.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF REGENERATION AND REGULATORY SERVICES (PLANNING POLICY MANAGER):

The application is within LSOA W01001676 St Julians 1.

Out of 44 areas considered, this area of St Julians is ranked 8th in terms of concentrations of HMO in Newport, 5th in terms of complaints received over an 18 month period and 15th in terms of recorded crime.

Strict interpretation of the SPG – I make it 26 properties within 50m of the address point – if this gets approval, 2 HMOs within the radius = 7.7%. There are another 2 HMOs right on the edge of the radius though.

Overall, I don't think there's sufficient evidence to demonstrate an over concentration of HMOs for this application.

5.2 HEAD OF CITY SERVICES (HIGHWAYS OFFICER):

In accordance with the Newport City Council Parking Standards the existing 6 bed dwelling generates a parking demand of 3 spaces. The proposed 8 bed HMO generates a residential parking demand of 8 spaces at a ratio of 1 space per unit. In addition 2 visitor spaces shall be required, resulting in a total parking demand of 10 spaces.

No off street parking spaces are available at the property and therefore the applicant proposes to accommodate the additional parking demand of 7 spaces on street. In order to demonstrate that this is achievable the applicant has carried out a parking survey

Based on the initial comments provided, the Highways Officer requested for further information to be provided in order to address the concerns raised. As such, the Officer was re-consulted on the proposal and has provided the following comments:

The applicant proposes to utilise the existing garage for bin storage which will result in the loss of an off street parking space. The proposal will therefore increase the on street parking demand by 8 spaces and not 7 spaces as previously stated. Multiple site visits have been carried out in order to corroborate the findings of the parking survey and I can find no reason to dispute the information submitted. It's clear that certain sections of roads in this area are at, or close to capacity. The applicant has however carried out the survey up to a distance of 200m from the site which is generally accepted practice. When taking into consideration the area as a whole it's been demonstrated that the additional parking demand can be accommodated on street, particularly along the section of Leicester Road which abuts the side of the property. I would therefore offer no objection to the application.

5.3 HEAD OF REGENERATION AND REGULATORY SERVICES (PUBLIC PROTECTION MANAGER): No objection.

5.4 HEAD OF REGENERATION AND REGULATORY SERVICES (HMO LICENSING OFFICER):

I have no objections for 8 persons sharing this property as a HMO as long as they carry out my 4 points below. Issue I have noted and need to be changed are:

The marked Fire Doors (FD30S) on bedrooms will need to be FD30 (with intumescent strips only and no cold smoke seals)

The Marked Fire doors (FD30S) on living rooms and kitchens can remain with cold smoke seals and intumescent strips.

The Fire Door (FD30S) can be removed between the living and kitchen as you have already the FD60S door in place as you enter the kitchen from the front side.

Suitable kitchen facilities would need to be present and our guidance notes will show the amenities required for 8 persons on our website.

Finally without seeing the property I cannot make a full judgement whether there are any further additional requirements needed to meet a HMO license.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within a 50 metre radius were consulted and a site notice was erected for 21 days and nine letters of objection were received.

The following concerns were raised:

- Car parking availability
- Noise and amenity space
- Litter and pollution
- Storage for bins/recycling
- Fire escapes and internal fire arrangements
- Proposed internal layout, where the lounge and kitchen space proposed is too small for the number of occupants. Concern over the labelling the rooms 'bedrooms' as to how the property will be managed due to appearing to be an institute.
- Loss of a residential, family property, altering the character of the area.
- The development would harm the character of the property and the scale is not proportionate.
- This is not affordable housing and is an investment and therefore not supporting the aims of the LDP.
- There would be no control over the number of vehicles which are owned by the tenants and being near to a local bus route does not ensure that people will use the bus.
- Substantial amount of HMOs within Morden Road and the surrounding area.
- The loss of the garage space would increase on street parking, in an area where there is limited off street parking/garages available.
- Increase anti-social behaviour, including noise.
- Proposal will go from one individual to ten (original scheme proposed).
- Roads not considered suitable for parking and residents of Morden Road have to park on Leicester Road.
- Site visits should be carried out in the evening and not the day to assess the parking.
- Space for recycling, tenants will be irresponsible and environmental health issues will develop.
- There is no garden and only a yard to the rear of the property, causing waste and pest problems.
- There would be no control over who lives there.
- There is limited parking, with only one parking space outside number 36 Morden Road.
- The type of occupant could be a student and/or create a noise problem through holding parties at the property.

Further to the above comments, a petition was submitted which contained 30 signatures from 19 neighbouring properties. The petition stated that the development would alter the character of the Victorian property and would be harmful to parking. The petition stated that people cannot currently park outside their homes and if consent is granted for the HMO the problem would be intensified.

6.2 COUNCILLORS: HOURAHINE, TOWNSEND AND TOWNSEND:

Councillor Hourahine has requested that this application be called to committee if we are minded to approve the scheme. The Councillor has provided the following comments:

1. The proposal is totally out of keeping with the long-standing status of a family based residential development that is Morden Rd.
2. Too many premises in the Morden Rd extended area has already been converted to Houses of Multiple Occupation both registered and unofficially developed.
3. Inadequate parking facilities which could result in occupants of number 36, parking outside existing residential properties, in this already overburdened area. This is further exacerbated by a complex one-way system in the area. No off-road parking has been proposed or is available at the site. As the road is already overcrowded, I am concerned that an increased traffic flow would cause accidents.
4. Inadequate rubbish storage facilities with the resultant probability of multiple bins on the road frontage.
5. Concern regarding the possible turnover of occupants, the target tenants needs to be defined and adhered to. The size of the rooms in the property makes it extremely likely that more than 10 people will live in this property if planning permission was granted.
6. The limited size of the garden backing on to number 37's garden with the possibility of 10 + people and visitors will be a friction point with the existing owners. This is a relatively quiet neighbourhood at the moment.
7. If a HMO was to be granted, two residential family properties will be lost. There is a shortage of affordable properties for families.
8. There are concerns over fire compartmentalisation of properties of this age and the safety and safe evacuation within this and the adjoining property.
9. No off-road parking has been proposed or is available at the site.
10. The road is already overcrowded, with concern that an increased demand would cause accidents.

7. ASSESSMENT

- 7.1 This proposal seeks to use the dwellinghouse as an eight bed HMO. Currently the residential space is arranged over three floors and comprises of living space, a court yard, shower room and a garage located on the ground floor, four bedrooms, a study and two bathrooms are provided on the first floor and two further bedrooms are proposed on the second floor of the dwellinghouse. The proposed HMO would be arranged over the existing three floors and would consist of two of the four existing ground floor rooms currently used for living accommodation to be converted into two bedrooms. The existing garage would be altered to provide a waste and recycling space for the tenants of the property. The space proposed would be 5.50 metres in depth and would have a width of 3.40 metres. Smoke and heat detectors are proposed to be installed throughout the ground floor level. To the first floor, each of the proposed four bedrooms would have en-suite bathroom facilities. Further smoke heat and heat detector systems are proposed along with fire safety equipment such as fire extinguishers and fire blankets. On the second floor the two proposed bedrooms will be served by en-suite bathrooms.

- 7.2 The main considerations in this application are the potential impacts of the HMO on parking provisions as well as the impact the development may have on the character and amenity of the surrounding area and neighbouring occupiers.
- 7.3 Policies GP2, (General Amenity), GP4 (Highways and Accessibility) and H8 (Self-contained Accommodation and Houses in Multiple Occupation) of the Newport Local Development Plan 2011-2026 (Adopted January 2015) are relevant to the determination of this planning application. The adopted Supplementary Planning Guidance (SPG) "Houses in Multiple Occupation (HMOs)" updated January 2017 and "Newport City Council's Parking Standards 2015" are also relevant to the determination of this planning application.
- 7.4 Policy GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states that development will be permitted where there will be no significant adverse effect on amenity and provides adequate amenity for future occupants.
- 7.5 Policy H8 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) states that applications to convert buildings within the defined settlement boundary into HMOs will only be permitted if:
- i) The scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on-street parking problems;
 - ii) The proposal does not create an over concentration of HMOs in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock;
 - iii) adequate noise insulation is provided;
 - iv) adequate amenity for future occupiers.
- 7.6 Policy GP4 'General Development principles – highways and accessibility' states that development proposals should make adequate provision for car parking and ensure that development would not be detrimental to highway or pedestrian safety.
- 7.7 The Council understands the contribution HMOs make to housing provision in Newport. They can provide accommodation for a wide range of groups, including young professionals, students, migrants and persons on low income. In clusters, however, they can detract from the character and appearance of an area and potentially lead to social and physical problems. Whilst HMOs can add to the diversity of housing stock available to the population and improve choice, they can also offer low quality accommodation with poor amenity standards. In terms of amenity for future occupiers, the applicant has demonstrated that a court yard will be retained within the rear curtilage of the application site. Although the proposed space is considered relatively small for potential tenants, the area proposed is secure and would be contained between the rear wall of the kitchen and garage/bin storage area and would provide a space for the drying of clothes. The courtyard currently serves a large family dwelling and although smaller than its neighbours, already exists to serve a large household and with the benefit of the separate enclosed bin storage facility, can realistically be set aside for clothes drying and outdoor seating. In regards to a refuse area, a designated bin and recycling storage area has been proposed within the garage which fronts onto Leicester Road. As such refuse facilities will not need to be stored on the pavement and the proposed areas are set within the curtilage of the property. Concern was raised from the local Councillor and neighbours that the proposal would result in an intensification of the number of bins required and that they would be positioned on the highway. However, as shown on the proposed floor plans, there is suitable room within the garage for the storing of bins; this design would not be harmful to neighbouring residential amenity which would likely take the form of multiple wheelie bins and recycling boxes. The garage has easy access to the road for collection and internal access from the shared courtyard for depositing waste.

- 7.8 Newport City Council Supplementary Planning Guidance on Houses in Multiple Occupation (adopted August 2015, updated January 2017) seeks to avoid clusters of HMOs as they can alter the composition of a community and detract from local visual amenity. It also states that the council will not support a planning application that would take the number of HMOs above 15% within defined areas, measured within a 50 metre radius of the application property, although the Council has mixed success in defending this position at appeal. The key issue is whether the development will result in demonstrable harm. The agent has said that there are currently 2 HMOs within 50 metres of the property in which there are 29 properties. With the inclusion of this site, the percentage would be 10.3% and as a result is in accordance with the SPG test. However, on assessment, the Head of Regeneration and Regulatory Services (Planning Policy Manager) was consulted and has stated that there in fact only 26 properties within 50m of the address point and if this scheme was approved, two HMOs would be within the radius, resulting in a percentage of 7.7%. As such, the scheme, if approved, would remain well below the threshold. This percentage is one test to assess whether the change of use could give rise to adverse effects. Other information and consultee responses can raise other material issues.
- 7.9 An internal research paper (unpublished) was prepared by Newport Council's planning team as a background report to the SPG to evaluate any evidence of harm caused by concentrations of HMO's within the city (see copy of report attached as Appendix A). The number of HMO's was compared to the actual number of households within a defined geographical area, namely lower layer super output areas (LSOA), which are used for the Census. Information was pulled together relating to complaints linked to licenced HMO's and crime rates within these areas. The paper concludes that the evidence collected does demonstrate that there is a correlation between high concentrations of HMOs and negative complaints made to the Council, and recorded crime and that therefore the Council should continue to try and control the concentration of HMOs. This application site is located LSOA W01001676 St Julians 1. The appendix demonstrates that there are 44 areas ranked geographically. Within these areas, this section of St Julians is ranked 8th in terms of concentrations of HMO in Newport (as at November 2017) with 21 in total equating to 3.03% of the total number of households in the area. This is different to the area measured for the purpose of the adopted SPG but confirms a relatively small number of HMOS in this area overall. The report states that this area is ranked 5th in terms of complaints received about HMOs over an 18 month period. The study has ranked the HMO areas by the recorded crime figures and this area of St Julians is considered to be 15th in terms of recorded crime out of the 44 wards. Whilst this report is a snapshot of the HMO situation in the 44 wards and was compiled to inform the now adopted HMO SPG, the data collected, albeit not comprehensive, is useful. It shows a degree of correlation between the number of HMOs and the number of complaints received and adds to the Council's view that a 15% threshold test is reasonable and defensible. In this case, the proportion of HMOS within the area identified in the SPG does not exceed the 15% threshold and therefore any concerns for over concentration would be difficult to evidence in practice and even looking at a larger area in the ward, the percentage of HMOs (at November 2017) is low. It is considered that the proportion of HMOs arising from this change of use would not give rise to over-concentration of this type of accommodation or significant demonstrable harm. Gwent Police have been consulted on this application and have stated that they do not object and this seems to tally with the relatively low rank of this part of St Julians in the assessment of recorded crime over a 12 month period up to November 2017. This part of St Julians has 211 recorded crime incidents over the period, compared to 1441 incidents recorded in the area with the highest concentration of HMOs (Stow Hill) and 183 recorded incidents in an area with one of the lowest numbers of HMOs (1 HMO recorded in Bettws).
- 7.10 Whilst concerns of respondents and the local councillor are noted, only some of these issues are material land use planning considerations. Matters relating to fire safety are

regulated by the HMO Licensing Officer. The increased likelihood of more transient occupiers can give use to changes in the community and the adopted SPG acknowledges this and provides guidance to limit harmful concentrations. However, this proposal does not exceed the threshold and has not generated objections from the technical consultees. The Police have not raised concern that would suggest that criminal or anti-social problems are prevalent in this community or that there are social cohesion concerns that may be relevant here. Wider population data analysis shows most wards having very low concentrations of HMOs. The test for demonstrating harm is a high bar one and whilst some harm to residential amenity may occur due to the intensification of comings and goings and associated activity over and above that which may occur with a large family house, significant harm cannot be demonstrated in this case.

- 7.11 In summary, the resulting percentage of HMOs within the area identified in the SPG is 7.7% and is below the SPG threshold. No objections have been raised from external or internal consultees in relation to the creation of this HMO in this area. The HMO is not therefore contrary to H8 of the Newport Local Development Plan (Adopted 2015).

Parking

- 7.12 In accordance with the Council's Supplementary Planning Guidance: Parking Standards (Adopted 2015), if the property remained as a six bed residential property then the dwelling would generate a demand for 3 off-street parking spaces. The SPG states that any residential dwellinghouse with three or more bedrooms would generate a parking demand of three spaces. The proposed 8 bed HMO generates a residential parking demand of 8 spaces at a ratio of 1 space per unit. In addition 2 visitor spaces are required, resulting in a total parking demand of 10 spaces. There are no off-street parking spaces available to the dwellinghouse as existing and the proposed change of use does not accommodate for any additional parking to be developed at the site. The existing garage is proposed to be converted into a refuse storage area and therefore the garage space will be lost for the parking of vehicles. The garage as it stands is considered to be a usable parking space in accordance with the Council's Parking Standards SPG (Adopted 2015). As such, it is considered that the HMO would require 8 additional spaces to be provided to meet the requirements of the policy. Seven spaces are required to accommodate the proposed change of use and, a further one space has been lost through the conversion of the garage. Therefore, there is a substantial shortfall in parking and in accordance with the SPG the proposal would result in an increase in on-street parking demand. The application site and the observed surrounding roads predominantly rely upon on-street parking. Nonetheless, as part of this application the agent has provided a parking survey as a supporting information document in which the parking survey suggests that there is suitable on street parking provisions available within the surrounding area to accommodate the increase in the parking demand.

Parking Survey

- 7.13 As part of this application, a parking survey has been provided which has been prepared by the agent to describe the likely parking demand that will be generated by the proposal and whether this demand can be accommodated within the surrounding streets. The document refers to national and local planning policy and details how the application site, which lies within a Zone 3 parking area is a sustainable location for potential tenants of the property. The document states that opportunities to use public transport, walking and cycling as well as the consideration of safe on-street parking in accordance with TAN18 should be referred to when assessing parking demand of a development. The parking survey has taken into account on street parking availability within 200 metres of the application site. The surveys were undertaken on two separate dates in July 2018; three visits in total were carried out, two visits being in the evening, when it is expected that most residents will be within their properties and therefore parking demand be at its greatest. It is considered within the

survey that the 200 metre radius is an acceptable distance for people to walk from their vehicles; taking approximately two minutes. The method behind the survey is to calculate the length of the kerbside available and divide this by the length of a parking space, which is 6.00 metres. It is noted that areas of kerbside with parking restrictions or driveway entrances were not included in the survey.

7.14 The results of the parking survey demonstrate that during the daytime (15:30pm) the survey results show that the parking capacity is between 46% and 64% of the available 274 parking spaces within 200 metres of the property. However, during the evening this increased to 74-76%. It is considered that parking availability should be below 85% to prevent over subscription of the highway, causing a detriment to residential amenity and highway safety contrary to GP4 and GP2 of the Newport Local Development Plan (Adopted 2015). In terms of parking within Morden Road, restricted by one way traffic flows, the road is close to capacity within the evenings. On the night of 3 July 2018 parking spaces on Morden Road were 82% occupied and on 8 July 2018, 79% of spaces were occupied on the east side and 83% occupied on both occasions on the west side of the highway. However, on assessment of the application site and the surrounding area during a site visit and concluded within the Parking Survey, parking availability is more apparent within the neighbouring residential road, Leicester Road. The property occupies a corner plot between Morden Road and Leicester Road. The application site is set off the highway of Morden Road where it occupies an elevated position and therefore for ease of parking Leicester Road is likely to be a favourable choice. Due to the design of the property, the footprint means that the dwellinghouse protrudes a depth of approximately 25 metres on the ground floor and 17 metres on the first floor, as such, individual rooms will overlook this section of the highway, meaning that this area will be potentially favoured in comparison to parking on Morden Road.

7.15 In response to the proposals the Head of City Services (Highways Officer) has provided the following comments:

The applicant proposes to utilise the existing garage for bin storage which will result in the loss of an off street parking space. The proposal will therefore increase the on street parking demand by 8 spaces and not 7 spaces as previously stated. Multiple site visits have been carried out in order to corroborate the findings of the parking survey and I can find no reason to dispute the information submitted. It's clear that certain sections of roads in this area are at, or close to capacity. The applicant has however carried out the survey up to a distance of 200m from the site which is generally accepted practice. When taking into consideration the area as a whole it's been demonstrated that the additional parking demand can be accommodated on street, particularly along the section of Leicester Road which abuts the side of the property. I would therefore offer no objection to the application.

7.16 Concerns have been raised by the local Councillor in respect to parking and this is one of the primary reasons for this application being called to Committee. The Councillor has stated that with Morden Road being operated as a one way system, the property would result in an increase in traffic flow, potentially causing harm to highway safety and neighbouring residential amenity. The Councillor considers the area to be overly subscribed and there is no off road parking available to the application site. On assessment of the points raised, the one way system may result in people not familiar with the area having to do a loop to avoid parking on Morden Road. No safety concerns have been raised by the Head of City Services (Highways Officer) in this respect. In terms of parking demand, as the parking survey referenced clarifies, the change of use of the residential unit, although increasing the parking demand by 8 spaces at the property, can be accommodated on street without having a harmful impact on highway safety or be developed to the detriment

of surrounding residential amenity. On balance the proposed change of use would not be contrary to GP4 of the Newport Local Development Plan (Adopted 2015).

- 7.17 Some neighbour concerns relate to parking and the availability of parking outside homes. Although parking availability on street is considered to be an amenity concern and an over concentration of vehicles could harm residential amenity and infringe on highway safety, the immediate area offers unrestricted and plentiful on street parking. An assessment of parking demand in the locality suggests that parking demand is high at times, but there is no evidence of over subscription or harm to highway safety arising from indiscriminate or inappropriate parking in the vicinity of the site. In this case, whilst the road is relied upon by many residents and may increase in the future, the current situation is not as severe or extreme as to support a refusal on these grounds at this time.

Sustainability Assessment

- 7.18 The Council's Parking Standards SPG (Adopted 2015) allows for a reduction in parking provision based on points scored by proximity to shops and services. The Head of Streetscene and City Services (Highways) has previously affirmed that the sustainability assessment would not result in a decrease in parking demand as one space per unit must be provided as a minimum in relation to HMO developments. Nonetheless, it is considered that the positioning of this dwellinghouse would be within a sustainable location. The property is located approximately 200 metres from the Caerleon Road District Centre which is a short walk away offering a range of shops and services. Walkable services are considered to be within 10 minutes on foot, which equates to 800 metres. Therefore, the range of facilities offered within the nearby District Centre, including a post office, pharmacy and food stores allow for potential occupiers of the HMO to not rely upon individual car use. The application site is also within a short walk of several bus routes, including route 20c and 20a, where the stop is positioned 140 metres from the property which both offer a service to Spytty Retail Park. Within 500 metres, a bus stop is located along Caerleon Road and offers frequent services into Newport City Centre and the surrounding area. There are up to seven routes available and the services run frequently, reducing the need for potential tenants to be reliant on car use within the area.

Amenity

- 7.19 Concerns have been raised from the local councillor and neighbours that the change of use would result in the number of people living in the property exceeding the stated amount, which at the time of the application were ten individuals in relation to a ten bedroomed HMO. The applicant has since amended the proposal to reduce the number of proposed bedrooms to eight. The Officer assessment is based upon eight tenants. Bearing in mind the matters assessed and the issues raised by interested parties, it is recommended that tenant numbers be restricted to eight. Whilst a future HMO licence may duplicate this control, the increase in parking demand generated by the proposal, the significant concerns raised by some neighbour consultees and the known problems that can occur with high concentrations of HMOs, a condition is considered reasonable and necessary.
- 7.20 Neighbour concerns have also been raised in relation to anti-social behaviour, including noise, waste and pollution within and outside the property. In regards to waste management, the curtilage of the site is considered able to acceptably house all refuse and recycling facilities without compromising the character of the property or the wider streetscene. The storage of waste and recycling within the garage, which has direct access onto Leicester Road, is considered appropriate. In terms of impact on residential amenity, several objections related to the formation of a HMO and the management of the tenants. As part of this application, a test has been carried out to assess the number of HMOs within

the area and it is not considered that this development would result in an over-concentration within the area contrary to the aforementioned SPG. Concerns relating to the 'types' of people occupying the dwellinghouse cannot be considered as part of this application, as like with any development, the Local Planning Authority would not have control over any potential occupiers once permission has been approved and occupant personalities and identities are not material planning considerations. No objections have been received from Gwent Police.

8. OTHER CONSIDERATIONS

8.1 *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.

8.2 *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.

8.3 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.

8.4 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.

8.6 *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.

8.7 *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.

9. CONCLUSION

9.1 The proposed House in Multiple Occupation, by reasons of its scale, design and location would not have a significant and demonstrable harmful impact on neighbouring residential amenity. The development would not result in an intensification of HMOs above the threshold identified in the adopted SPG. The proposed HMO will generate parking on street that can be accommodated without detriment to highway safety or amenity. On balance, the proposed scheme is acceptable in relation to policies GP2, GP4 and H8 of the Newport

Local Development Plan (Adopted 2015) and it is recommended that this application is approved.

11. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Morden Road Proposed (Ground Floor) Morden Road Proposed (First Floor), Morden Road Proposed (Second Floor) Received 27 July 2018, Parking Survey, August 2018, Revision A, Planning Statement, June 2018.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

02 The property shall have a maximum of 8 occupants and a maximum of eight bedrooms.

Reason: To protect the amenity of adjoining occupiers and highway safety.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Morden Road Proposed (Ground Floor) Morden Road Proposed (First Floor), Morden Road Proposed (Second Floor) Received 27 July 2018, Parking Survey, August 2018, Revision A, Planning Statement, June 2018.

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

03 The Supplementary Planning Guidance for Houses in Multiple Occupation (Adopted January 2017) and Parking Standards (Adopted 2015) were relevant to the determination of this application.

04 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.

05 The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

06 If it is intended for the dwelling to be converted into a House in Multiple Occupation under the Housing Act 2004, Part 2, where it will be occupied by more than two households, the most appropriate person (usually the landlord/owner of the property) should apply to the Environmental Health Housing Team on 01633 656656 or hmo@newport.gov.uk for a HMO licence. Please read the attached "[Guidance Notes for Houses in Multiple Occupation](#)" which details standards and licensing conditions for HMOs subject to licensing.

07 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

Appendix A

HOUSES IN MULTIPLE OCCUPATION

EVIDENCE TO SUPPORT THE COUNCIL'S HMO THRESHOLD STANCE

Introduction

The Council understands the contribution HMOs make to housing provision in Newport. They can provide accommodation for a wide range of groups, including young professionals, students, migrants and persons on low income. In clusters, however, they can detract from the character and appearance of an area and potentially lead to social and physical problems.

The Welsh Government's publication 'Houses in Multiple Occupation: Review & Evidence Gathering – April 2015' states that the problems associated with high concentrations of HMOs are generally accepted to be:

- Damage to social cohesion with higher levels of transient residents and fewer long term households and established families; leading in the long term to communities which are not balanced and self-sustaining;
- Access to the area for owner occupiers and first time buyers becoming much more difficult because of increased house prices and competition from landlords, with a reduction in the number of family homes;
- Increases in anti-social behaviour, noise, burglary and other crime;
- Reduction in the quality of the local environment and street scene as a consequence of increased litter, refuse and fly tipping, increased levels of disrepair and prevalent letting signs.
- A change of character in an area through tendency for increased numbers of takeaways, discount food stores, letting agencies and so on;
- Increased pressure on parking;
- Reduction in provision of community facilities for families and children in particular pressure on schools through falling rolls.

(Houses in Multiple Occupation: Review & Evidence Gathering – April 2015, pages 5 and 6)

This Council already has a threshold guideline set out in its adopted SPG in order to avoid concentrations of HMOs. This paper examines the relationship between concentrations of HMOs and some of the problems outlined above and aims to establish whether quantitative evidence exists which would prove or disprove a correlation.

Methodology

Is there a correlation between high concentrations of HMOs and recorded complaints?

The Council records all complaints made regarding HMO properties. Complaints are usually received by the Council's Contact Centre and are then forwarded to the relevant Council department. All complaints relating to HMOs are sent to Environmental Health. Officers in Environmental Health then take appropriate action. Environmental Health record all complaints relating to HMOs in a specific database. The complaints are categorised and cover the following issues:

- Anti-social behaviour
- Harassment complaints
- Nuisance complaints
- Rogue landlords referral
- Issues with poor maintenance of services – poor living standards
- Emergency repairs required

- Structural issues
- Filthy and verminous – poor living conditions
- Alleged pest/rodent infestation
- Dumping of rubbish
- Parking problems
- Overgrown garden
- Suspected Illegal eviction
- Suspected illegal immigration problems
- Overcrowding

For the purposes of the evidence gathering, complaints/enquiries which relate to HMO licensing, inspection requests and alleged unlicensed properties have all been removed from the research. Therefore only ‘negative’ complaints covering the above issues, which are linked to **licensed** HMO properties, have been considered in this paper. In order to acquire a meaningful level of data, complaints dating back for the last 30 months have been considered (April 2015 – October 2017). In total, 250 complaints have been recorded against 466 licensed HMO properties.

Each complaint can be attributed to an individual HMO property, with an address. Therefore it is possible to identifying the location of the HMOs and the complaints linked to them. The evidence will unveil whether there is a link between high concentrations of HMOs and high levels of complaint.

In order to establish the locations of the high concentrations of HMOs, the number of HMOs must be compared to the actual number of households within a defined geographical. Lower layer super output areas (LSOA) are considered an appropriate geographical area to base the research on. These are geographical areas identified by The Office of National Statistics and are used for the Census. LSOAs are relatively confined areas typically containing approximately 600 homes.

The location of each licensed HMO will be placed within its relevant LSOA. Then the percentage of HMOs can be established when compared to the overall number of households in that specific LSOA (as determined by the 2011 Census). For example, if LSOA 1 contained 600 households and 30 of these were HMOs, then the concentration of HMOs would be 5%.

The complaints for individual HMOs will also then be attributed to specific LSOAs. A picture will emerge as to whether high concentrations of HMOs also attract high numbers of complaints.

Is there a correlation between high concentrations of HMOs and recorded crime?

In addition to the evidence collected on complaints, the Welsh Government publication also states that ‘anti-social behaviour, noise, burglary and other crime’ are associated with high concentrations of HMOs. The website www.ukcrimestats.com allows the user to extract crime figures at a LSOA level. In order to see whether there is any evidence linking higher crime rates with higher concentrations of HMOs, this website will be used to record crime number for the past 12 months in each LSOA (1 October 2016 to 30 September 2017). Figures for shoplifting will be excluded from the evidence as not all LSOAs will contain shops. Therefore for the purposes of evidence gathering, recorded crimes will include:

- Bike theft
- Theft from a person
- Other theft
- Possession of weapons
- Public order
- Other crime
- Anti-social behaviour

- Burglary
- Robbery
- Vehicle crime
- Violent crime
- Drugs
- Criminal damage and arson

The evidence collected on concentrations of licensed HMOs will be compared to crime numbers in that specific LSOA. Again, a picture will emerge as to whether high concentrations of HMOs are also associated with higher levels of crime.

Concentrations of Licenced HMOs – The Evidence

As of November 2017, the Council has 466 licenced HMO properties. Each HMO has been placed within its geographical LSOA. Table 1 below identifies the location of HMOs within specific LSOAs and ranks these in terms of their concentration.

Table 1: Location and concentration of licenced HMOs in Newport

Ward	LSOA	Households	No of HMOs	% of HMOs
Stow Hill	W01001687	876	62	7.078
Victoria	W01001693	643	30	4.666
Allt-yr-yn	W01001603	588	25	4.252
Pillgwenlly	W01001661	917	36	3.926
Victoria	W01001692	837	32	3.823
St Julians	W01001675	614	23	3.746
Stow Hill	W01001685	762	28	3.675
St Julians	W01001676	694	21	3.026
Allt-yr-yn	W01001605	617	18	2.917
Stow Hill	W01001686	562	14	2.491
Victoria	W01001691	770	19	2.468
Beechwood	W01001612	603	14	2.322
Pillgwenlly	W01001660	626	14	2.236
Pillgwenlly	W01001659	760	16	2.105
Pillgwenlly	W01001662	623	10	1.605
Shaftesbury	W01001681	654	10	1.529
Victoria	W01001690	956	14	1.464
Allt-yr-yn	W01001601	636	8	1.258
St Julians	W01001680	510	6	1.176
Beechwood	W01001613	616	7	1.136
Shaftesbury	W01001684	638	6	0.940
Caerleon	W01001628	509	4	0.786
Caerleon	W01001623	658	5	0.760
Liswery	W01001644	1126	8	0.710
Always	W01001608	638	4	0.627
Shaftesbury	W01001683	486	3	0.617
St Julians	W01001677	649	4	0.616
Caerleon	W01001626	579	3	0.518
Allt-yr-yn	W01001602	673	3	0.446
Caerleon	W01001625	577	2	0.347
Allt-yr-yn	W01001600	661	2	0.303
Beechwood	W01001614	777	2	0.257
Bettws	W01001618	492	1	0.203

Langstone	W01001641	536	1	0.187
Marshfield	W01001913	551	1	0.181
Liswery	W01001643	563	1	0.178
Bettws	W01001619	599	1	0.167
Beechwood	W01001616	619	1	0.162
Caerleon	W01001627	629	1	0.159
Ringland	W01001663	692	1	0.145
Ringland	W01001665	745	1	0.134
Liswery	W01001642	779	1	0.128
Rogerstone	W01001671	822	1	0.122
St Julians	W02000351	2704	2	0.074

Stow Hill LSOA W01001687 has the highest concentration of HMOs in Newport. It is worth noting that the above table is not a complete list of all LSOAs in Newport. It is only a list of LSOAs which contain at least one HMO. As the purpose of this research is to understand whether there is a link between high concentrations of HMOs and complaints/crime, then it was considered that there would be no point in recording data on LSOAs which contained no HMOs.

Is there a correlation between high concentrations of HMOs and recorded complaints?

Now the locations of the high concentration of HMOs have been identified, the data collected on complaints held by Environmental Health can be added to the sample.

Table 2 ranks the LSOAs by number of complaints received over an 18 month period.

Table 2: HMO areas ranked by complaints received in 18 month period

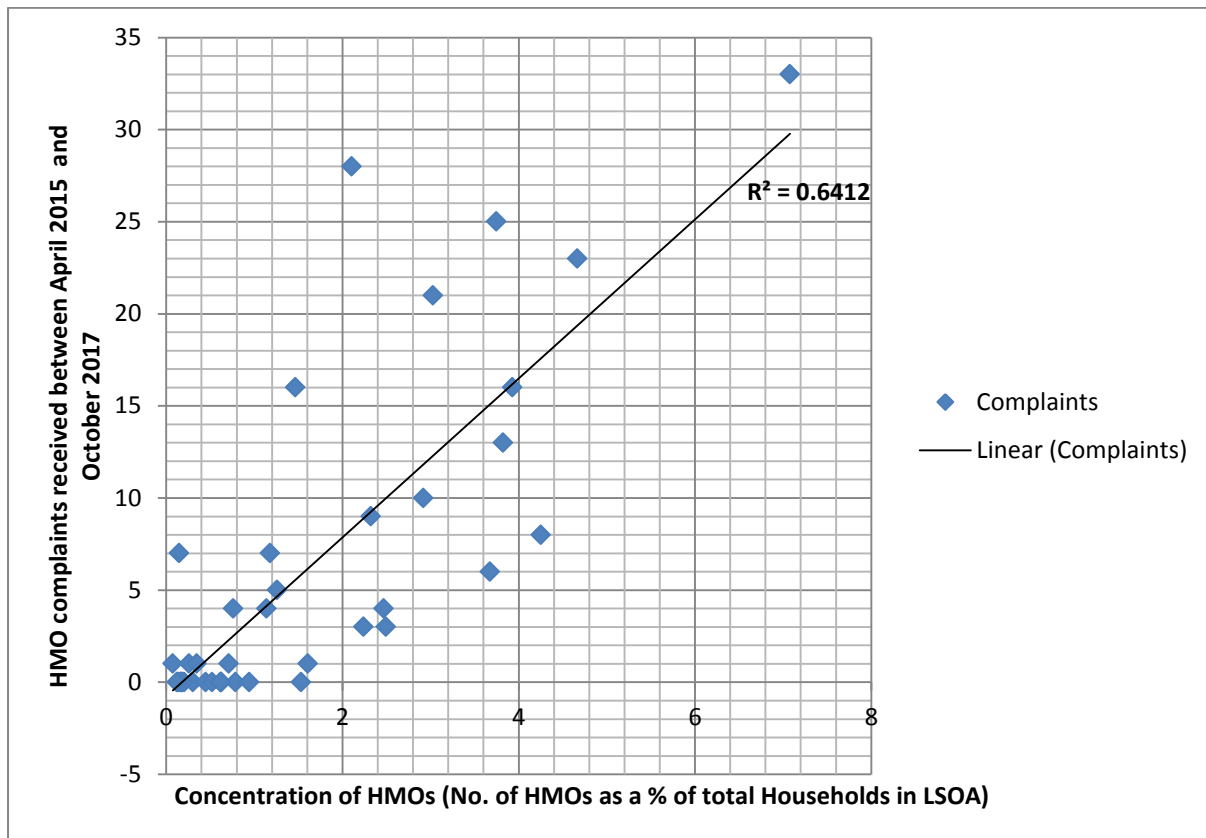
Ward	LSOA	Households	No of HMOs	% HMOs	Complaints
Stow Hill	W01001687	876	62	7.078	33
Pillgwenlly	W01001659	760	16	2.105	28
St Julians	W01001675	614	23	3.746	25
Victoria	W01001693	643	30	4.666	23
St Julians	W01001676	694	21	3.026	21
Pillgwenlly	W01001661	917	36	3.926	16
Victoria	W01001690	956	14	1.464	16
Victoria	W01001692	837	32	3.823	13
Allt-yr-yn	W01001605	617	18	2.917	10
Beechwood	W01001612	603	14	2.322	9
Allt-yr-yn	W01001603	588	25	4.252	8
Ringland	W01001663	692	1	0.145	7
St Julians	W01001680	510	6	1.176	7
Stow Hill	W01001685	762	28	3.675	6
Allt-yr-yn	W01001601	636	8	1.258	5
Beechwood	W01001613	616	7	1.136	4
Caerleon	W01001623	658	5	0.760	4
Victoria	W01001691	770	19	2.468	4
Pillgwenlly	W01001660	626	14	2.236	3
Stow Hill	W01001686	562	14	2.491	3
Beechwood	W01001614	777	2	0.257	1
Caerleon	W01001625	577	2	0.347	1
Liswery	W01001644	1126	8	0.710	1
Pillgwenlly	W01001662	623	10	1.605	1

St Julians	W02000351	2704	2	0.074	1
Allt-yr-yn	W01001600	661	2	0.303	0
Allt-yr-yn	W01001602	673	3	0.446	0
Always	W01001608	638	4	0.627	0
Beechwood	W01001616	619	1	0.162	0
Bettws	W01001618	492	1	0.203	0
Bettws	W01001619	599	1	0.167	0
Caerleon	W01001626	579	3	0.518	0
Caerleon	W01001627	629	1	0.159	0
Caerleon	W01001628	509	4	0.786	0
Langstone	W01001641	536	1	0.187	0
Liswery	W01001642	779	1	0.128	0
Liswery	W01001643	563	1	0.178	0
Marshfield	W01001913	551	1	0.181	0
Ringland	W01001665	745	1	0.134	0
Rogerstone	W01001671	822	1	0.122	0
Shaftesbury	W01001681	654	10	1.529	0
Shaftesbury	W01001683	486	3	0.617	0
Shaftesbury	W01001684	638	6	0.940	0
St Julians	W01001677	649	4	0.616	0

LSOA Stow Hill W01001687 is again at the top of the table. This LSOA has the highest concentration of HMOs and also has the highest number of received complaints. The fact that this LSOA appears at the top of both tables would suggest there is a link between high concentrations of HMOs and high numbers of complaints. However, in comparison, LSOA Shaftesbury W01001683 contains 10 HMOs and has a concentration of 1.529%, but has received no complaints in the last 18 months.

In order to understand the relationship better, the data has been plotted on a scatter graph (see below).

Figure 1: Relationship between concentrations of HMOs and complaints received



The above graph demonstrates that there is a correlation between high concentrations of HMOs and higher numbers of complaints. A linear trendline has been added to the scatter graph, creating a 'Goodness-of-Fit Linear Model'. In general, it is relatively clear that as the concentration of HMOs increases, so does the number of complaints received.

The scatter graph shows a cluster of LSOAs with HMO concentrations of less than 1% which have received no complaints in the last 18 months, or just one complaint. However, the graph evidently shows that once the concentration of HMOs in a LSOA goes above 1%, then the number of complaints increases. Therefore underlining the fact a clear correlation exists.

The R-squared value of the linear trendline is 0.6412. R-squared is a statistical measure of how close the data are fitted to the trendline. R-squared is always between zero and one. Zero indicates that there is no relationship between the data, where one indicates there is a perfect relationship and the trendline passes through all of the plotted points. The higher the R-squared value, the better the model fits the data.

There are varying interpretations of what represents a strong R-squared value. In the field of physics and engineering, a high R-squared value of 0.9 would be considered substantial, however, in more real world examples, academics have suggested the following:

- Less than 0.25 = no relationship
- 0.25 to 0.5 = weak relationship
- 0.5 to 0.75 = moderate relationship
- 0.75 to 1 = substantial relationship

With a value of 0.6412, the relationship between high concentrations of HMOs and high numbers of complaints sit comfortably within the 'moderate relationship'.

Is there a correlation between high concentrations of HMOs and recorded crime?

Table 3 below ranks the HMO areas by the recorded crime figures captured over the last 12 months. As noted in the methodology, figures for shoplifting have been excluded as not all LSOAs will include shops, therefore the inclusion of shoplifting data could have unfairly skewed the evidence.

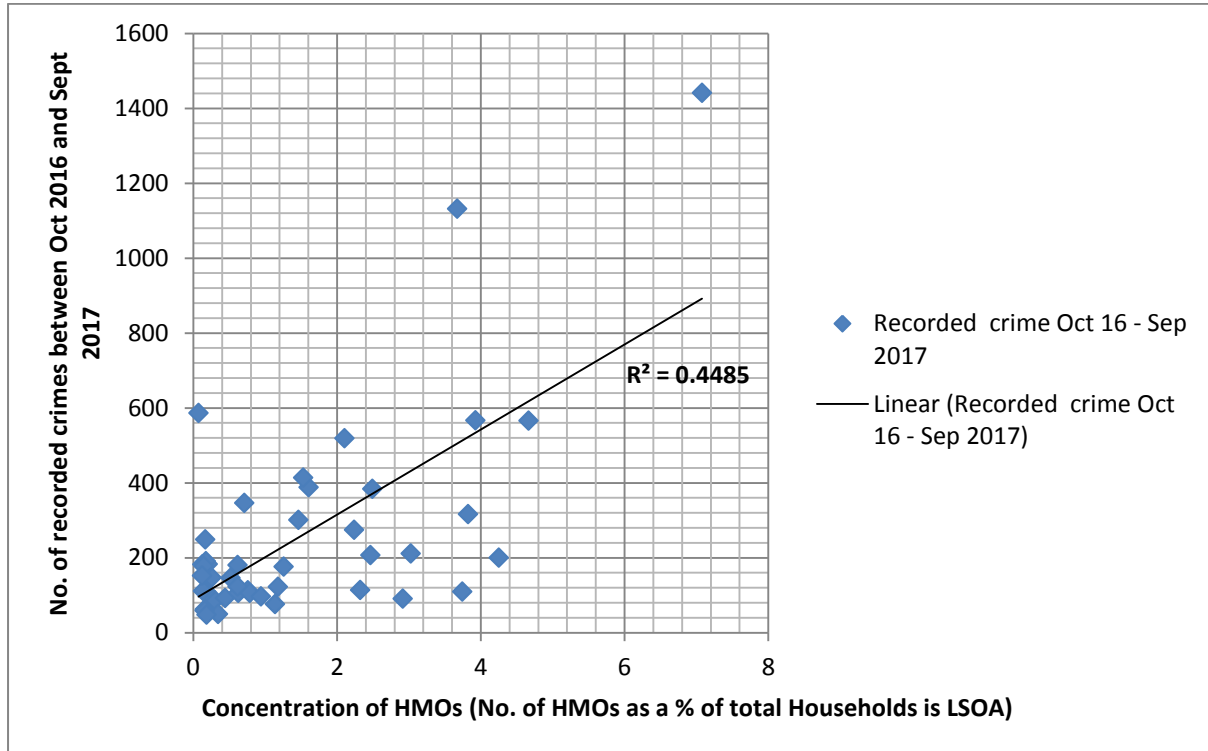
Table 3: HMO areas ranked by recorded crime over a 12 month period

Ward	LSOA	Households	No of HMOs	% HMOs	Recorded Crime
Stow Hill	W01001687	876	62	7.078	1441
Stow Hill	W01001685	762	28	3.675	1132
St Julians	W02000351	2704	2	0.074	586
Pillgwenlly	W01001661	917	36	3.926	567
Victoria	W01001693	643	30	4.666	566
Pillgwenlly	W01001659	760	16	2.105	519
Shaftesbury	W01001681	654	10	1.529	414
Pillgwenlly	W01001662	623	10	1.605	388
Stow Hill	W01001686	562	14	2.491	384
Liswery	W01001644	1126	8	0.710	346
Victoria	W01001692	837	32	3.823	316
Victoria	W01001690	956	14	1.464	301
Pillgwenlly	W01001660	626	14	2.236	274
Bettws	W01001619	599	1	0.167	249
St Julians	W01001676	694	21	3.026	211
Victoria	W01001691	770	19	2.468	207
Allt-yr-yn	W01001603	588	25	4.252	200
Liswery	W01001643	563	1	0.178	191
Bettws	W01001618	492	1	0.203	183
Liswery	W01001642	779	1	0.128	182
Shaftesbury	W01001683	486	3	0.617	180
Ringland	W01001663	692	1	0.145	178
Allt-yr-yn	W01001601	636	8	1.258	176
Rogerstone	W01001671	822	1	0.122	152
Beechwood	W01001614	777	2	0.257	147
Caerleon	W01001626	579	3	0.518	146
St Julians	W01001677	649	4	0.616	123
St Julians	W01001680	510	6	1.176	122
Beechwood	W01001612	603	14	2.322	114
Caerleon	W01001623	658	5	0.760	113
Ringland	W01001665	745	1	0.134	111
Marshfield	W01001913	551	1	0.181	109
St Julians	W01001675	614	23	3.746	109
Always	W01001608	638	4	0.627	106
Caerleon	W01001628	509	4	0.786	106
Shaftesbury	W01001684	638	6	0.940	97
Allt-yr-yn	W01001602	673	3	0.446	92
Allt-yr-yn	W01001605	617	18	2.917	91
Allt-yr-yn	W01001600	661	2	0.303	86
Beechwood	W01001613	616	7	1.136	76
Beechwood	W01001616	619	1	0.162	62
Caerleon	W01001627	629	1	0.159	59
Caerleon	W01001625	577	2	0.347	50
Langstone	W01001641	536	1	0.187	48

There is a common theme occurring with Stow Hill W01001687 sitting at the top of the table again. Recorded crime in the two Stow Hill LSOAs is significantly more than all other LSOAs. The higher levels of recorded crime reflect their inner city locations.

As with the complaints data, the recorded crime data has been plotted on a scatter graph below.

Figure 2: Relationship between concentrations of HMOs and recorded crime



A linear trendline has been added to this scatter graph. There does appear to be a correlation between the concentration of HMOs and recorded crime, however the relationship does not appear as strong as the correlation between HMOs and complaints. The R-squared value is 0.4485 which confirms a weak relationship, but nevertheless, a relationship exists.

There are obviously numerous factors that cause crime, but in accordance with the Welsh Government publication, the evidence from Newport does suggest that there is a relationship between higher concentrations of HMOs and higher numbers of recorded crime.

CONCLUSION

The evidence collected does demonstrate that there is a correlation between high concentrations of HMOs and negative complaints made to the Council, and recorded crime. Therefore the Council should continue to try and control the concentration of HMOs.

The Council seeks to control the concentration of HMOs through its two-tier threshold approach set out in the adopted SPG. This approach limits the number of HMOs to 15% within a 50m radius within a defined area of Newport (as per the SPG), and 10% in all other areas of the City.

With regard to the correlation between high concentrations of HMOs and number of complaints, there does appear to be a pattern which suggests that LSOAs which have a HMO concentration of 1% or lower, record a very low number of complaints. Once the HMO concentration of a LSOA exceeds 1%, there is a clear increase in the number of complaints received. Therefore there is an argument to suggest that 1% is

the 'tipping point' where the number of HMOs goes from acceptable to unacceptable. Then again, if the linear trendline of Figure 1 is followed, then a HMO concentration of 2% would result in 8 complaints being received over an 18 month period. There is an additional argument to suggest that 8 complaints would be a manageable level. Similarly, 4% would result in 16 complaints. Therefore defining the 'tipping point' is a difficult task.

In addition, it would be difficult to define a 'tipping point' using LSOAs as the geographical area. For example, if a tipping point of 2% was applied, a LSOA consisting of 600 households would be acceptable with 11 HMOs, but a planning application for a 12th HMO would hit the 2% concentration level. All 12 HMOs could be neighbouring properties, or all 12 could be evenly dispersed around the LSOA. Therefore a tipping point based on the concentration of HMOs within a LSOA is not considered appropriate.

Also, the relationship between HMO concentrations and recorded crime is weaker, and the pattern identified is not as strong and consequently it is even less obvious where a tipping point would be.

Therefore in conclusion, this research has demonstrated a correlation between high concentrations of HMOs and complaints and recorded crime. As a result, it is considered that the Council is justified in trying to control the concentrations of HMOs. The mechanism used to control concentrations of HMOs is set out in the adopted SPG. It applies a 50m radius to a HMO planning application site and establishes the percentage of HMOs within that radius. Within the SPG defined area, the percentage of HMOs should not exceed 15%, and outside of the defined area, the percentage of HMOs should not exceed 10%. This threshold approach has the benefit of controlling HMO concentrations. Whereas it is acknowledged that the 15% and 10% are arbitrary figures, it is argued that they are reasonable figures and appropriate figures which will help the Council in controlling the concentration of HMOs. If the threshold figures were higher, then the evidence would suggest that this would result in more negative complaints and higher recorded crime. Consequently, it is considered that the need for a threshold is necessary.

The evidence in this report has established that there is a relationship between high concentrations of HMOs and complaints and recorded crime. As a result, the Council is justified in trying to control and limit concentrated areas of HMO properties. It is considered that the most effective and most reasonable way of doing this is through a threshold approach, as set out in the Council's adopted HMO SPG.

APPLICATION DETAILS

No: 18/0654 **Ward:** BEECHWOOD

Type: FULL

Expiry Date: 11-SEP-2018

Applicant: G BISHOP, NEWPORT NORSE

Site: ST JULIANS JUNIOR AND INFANTS SCHOOL, BEAUFORT ROAD, NEWPORT, NP19 7UB

Proposal: INSTALLATION OF 2NO. BOUNDARY FENCES AND ACCESS GATE

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks planning permission for the installation of 2no boundary fences and an access gate at St Julians Junior and Infants School.

2. RELEVANT SITE HISTORY

07/1556	ERECTION OF 2.4M HIGH VERTICAL BAR FENCING	GRANTED
08/1575	ERECTION OF A SHELTER FOR OUTDOOR WORKING AREA	GRANTED
09/1121	ERECTION OF EXTERNAL CANOPY FOR OUTDOOR PLAY	GRANTED

3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application.
- 3.2 Policy GP2 (General Amenity) states: development will be permitted where, as applicable:
- i) There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
 - ii) The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
 - iii) The proposal seeks to design out the opportunity for crime and anti-social behaviour;
 - iv) The proposal promotes inclusive design both for the built development and access within and around the development;
 - v) Adequate amenity for future occupiers.
- 3.3 Policy GP6 (Quality of Design) states: good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design principles should be addressed:
- i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;
 - ii) Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;
 - iii) Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;
 - iv) Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;
 - v) Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as an integral part of the design at an early stage;

vi) Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.

4. CONSULTATIONS

4.1 None.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): No objection.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties with a common boundary with the application site were consulted (37no. properties) and a site notice was displayed. No comments were received.

7. ASSESSMENT

7.1 The proposal seeks to install 2no sections of fencing at St Julians Junior and Infants School as part of the safe guarding measures being undertaken for the Nursery and Primary School to prevent visitors to the Library and Community Centre wandering into the School premises. There are 2no sections of fencing, the first is a 2.1m high green palisade fencing that runs from the existing fencing at the Nursery to the Library and Community Centre. The second section of fencing is 1.8m high green hollow bar fencing that runs from the Library and Community Centre to the site boundary.

7.2 The proposed fencing is within the site of the School and would provide a safe and secure boundary for the Nursery and Primary School. It is considered that by reasons of its design, scale and location, the proposed fencing would not have a detrimental impact on residential amenity. The proposed fencing is considered a suitably designed security measure that is in accordance with policies GP2 and GP6.

8. OTHER CONSIDERATIONS

8.1 *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.

8.2 *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.

8.3 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.

8.4 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.

8.6 *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.

8.7 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.

9. CONCLUSION

9.1 The proposed development by reasons of its scale, location and design would satisfy policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and it is recommended that planning permission be granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Existing and Proposed Block Plan A00389-02 Rev B and Proposed Fencing Details A00389-03 Rev A.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan A00389-01 Rev A, Existing and Proposed Block Plan A00389-02 Rev B and Proposed Fencing Details A00389-03 Rev A.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP6 were relevant to the determination of this application.

As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

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.

APPLICATION DETAILS

No: 18/0664 **Ward:** **SHAFTESBURY**

Type: **FULL**

Expiry Date: **13-SEP-2018**

Applicant: **G BISHOP, NEWPORT NORSE**

Site: **YSGOL GYMRAEG BRO TEYRNON, BRYNGLAS DRIVE, NEWPORT, NP20 5QS**

Proposal: **INSTALLATION OF 2NO. CANOPIES**

Recommendation: **GRANTED WITH CONDITIONS**

1. INTRODUCTION

1.1 This application seeks planning permission for the installation of 2no canopies at Ysgol Gymraeg Bro Teyrnon which lies within the Shaftesbury ward of Newport. The proposed canopies would be located on the west and south elevation of the school.

2. RELEVANT SITE HISTORY

14/0687	SINGLE STOREY EXTENSION TO REAR OF SCHOOL INCORPORATING A NEW CANOPY TOGETHER WITH REPLACEMENT WINDOWS AND NEW FELT ROOF	GRANTED WITH CONDITIONS
16/0374	PROVISION OF TEMPORARY TWO STOREY MODULAR CLASSROOM BLOCK AND PROVISION OF PERMENANT ADDITIONAL ACCESS AND ON SITE CAR PARKING	GRANTED WITH CONDITIONS
17/0072	PROVISION OF TEMPORARY TWO STOREY MODULAR CLASSROOM	GRANTED WITH CONDITIONS
18/0305	ERECTION OF BOUNDARY FENCE AND GATES	GRANTED WITH CONDITIONS

3. POLICY CONTEXT

- 3.1 Policies GP2 (General Amenity) and GP6 (Quality of Design) of the Newport Local Development Plan 2011-2026 (adopted January 2015) are relevant to the determination of this planning application.
- 3.2 Policy GP2 (General Amenity) states: development will be permitted where, as applicable:
- i) There will not be a significant adverse effect on local amenity, including in terms of noise, disturbance, privacy, overbearing, light, odours and air quality;
 - ii) The proposed use and form of development will not be detrimental to the visual amenities of nearby occupiers or the character or appearance of the surrounding area;
 - iii) The proposal seeks to design out the opportunity for crime and anti-social behaviour;
 - iv) The proposal promotes inclusive design both for the built development and access within and around the development;
 - v) Adequate amenity for future occupiers.
- 3.3 Policy GP6 (Quality of Design) states: good quality design will be sought in all forms of development. The aim is to create a safe, accessible, attractive and convenient environment. In considering development proposals the following fundamental design principles should be addressed:
- i) Context of the site: all development should be sensitive to the unique qualities of the site and respond positively to the character of the area;

- ii) Access, permeability and layout: all development should maintain a high level of pedestrian access, connectivity and laid out so as to minimise noise pollution;
- iii) Preservation and enhancement: where possible development should reflect the character of the locality but avoid the inappropriate replication of neighbouring architectural styles. The designer is encouraged to display creativity and innovation in design;
- iv) Scale and form of development: new development should appropriately reflect the scale of adjacent townscape. Care should be taken to avoid over-scaled development;
- v) Materials and detailing: high quality, durable and preferably renewable materials should be used to complement the site context. Detailing should be incorporated as an integral part of the design at an early stage;
- vi) Sustainability: new development should be inherently robust, energy and water efficient, flood resilient and adaptable, thereby facilitating the flexible re-use of the building. Where existing buildings are present, imaginative and sensitive solutions should be sought to achieve the re-use of the buildings.

4. CONSULTATIONS

4.1 None.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): No objection.

6. REPRESENTATIONS

6.1 NEIGHBOURS: A site notice was erected at the site on the 16th of August. No comments were received.

7. ASSESSMENT

7.1 This application seeks consent for the erection of 2no canopies at Ysgol Gymraeg Bro Terynon. The first canopy is to be located on the south end of the school and is the smaller of the two canopies. It is proposed that the canopy measure a depth of 4.2m, a width of 8m and a maximum height of 3.5m. The second canopy measures a maximum depth of 5.6m, a width of 17.3m and a maximum height of 3.5m.

7.2 It is considered that the proposed canopies, by virtue of their size, design and location would relate sympathetically to their surroundings and would not be prominent or incongruous additions to the building. The canopies are not visible from any neighbouring properties or the streetscene. It is considered that the development would not have a detrimental impact on local residential amenity by way of overbearing impact, loss of light and loss of privacy. It is therefore considered that the proposed development is in accordance with policies GP2 and GP6.

8. OTHER CONSIDERATIONS

8.1 *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.

8.2 *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.

8.3 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.

8.4 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.

8.6 ***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.

8.7 ***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.

9. CONCLUSION

9.1 It is considered that the proposed canopies are acceptable. As such, it is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Proposed Plans and Elevations A00388-18-03 Rev A.

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

NOTE TO APPLICANT

01 This decision relates to plan Nos: Location Plan A00388-18-01 Rev A, Existing Plans and Elevations A00388-18-02 and Proposed Plans and Elevations A00388-18-03 Rev A.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP6 were relevant to the determination of this application.

03 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

04 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.

APPLICATION DETAILS

No: 18/0541 **Ward:** *TREDEGAR PARK*

Type: FULL

Expiry Date: 7TH SEP 2018

Applicant: *FEDERICO PUTZU, NORSE*

Site: *TREDEGAR PARK PRIMARY SCHOOL, PARTRIDGE WAY, DUFFRYN, NEWPORT, NP10 8WP*

Proposal: *INSTALLATION OF 5NO. EXTERNAL CANOPIES, REPLACEMENT AND INSERTION OF NEW WINDOWS AND DOORS*

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for changes to windows and doors and the erection of five external canopies on various elevations of Tredegar Park Junior and Infants School for play and teaching facilities.
- 1.2 The application is brought before Planning Committee as it relates to a Council owned property.

2. RELEVANT SITE HISTORY

None.

3. POLICY CONTEXT

- 3.1 Newport Local Development Plan 2011-2026 (Adopted January 2015)

Policy GP2 (General Development Principles – General Amenity) states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy GP6 (General Development Principles – Quality of Design) states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

4. CONSULTATIONS

- 4.1 None,

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (TREE OFFICER): No objections subject to conditions.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: There are no neighbours with a common boundary, a site notice was erected. No representations were received.

7. ASSESSMENT

- 7.1 The canopies are proposed on both the infants school and junior school which is on one site. One canopy is proposed on the south elevation of the junior school which would measure 3.2m

in depth and 2.6m in height to the lower face of the lean to and 3.3m to the highest point. Four canopies are proposed on the Infant school. One is proposed on the southern elevation which would measure 4m in width, 3m in depth and 2.3m in height to the lower face of the lean to and 3m to its highest point. Two canopies are proposed on the northern most corner of the building. One canopy is proposed on the western face and one on the eastern face. These canopies would be the same size, 3m in depth, 4m in width and 2.5m in height to the lower face of the lean to and 3.1m to its highest point. The fifth canopy is proposed within a inner courtyard in the northern section of the school. It would measure 4m in width, a maximum of 3m in depth and 2.5m in height to the lower face of the lean to and 3.1m to its highest point.

- 7.2 The canopies are proposed to be constructed from powder coated galvanised steel with clear polycarbonate roof sheeting. It is considered that the proposed canopies, by virtue of their size, design and location would relate sympathetically to its surroundings and would not be prominent or incongruous additions to the building thereby satisfying policy GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).
- 7.3 In parts of the school building, it is proposed to install new doors and windows whilst also change existing doors to windows and vice versa. The existing windows and doors are single glazed aluminium windows, the proposed windows would be double glazed with aluminium frames which would look similar to the existing windows and doors. It is considered that these alterations would not have a detrimental impact upon the appearance of the building, thereby satisfying Policy GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).
- 7.5 The canopy proposed on the southern elevation of the Infant school would be close to a tree. The Councils Tree Officer has offered no objection to the proposal and suggested that conditions be imposed requiring the appointment of an arboriculturalist to oversee the works and to agree the extent of trimming.
- 7.6 In terms of residential amenity the school sits in large grounds and is surrounded by open space, the nearest residential properties are some 30m away from the school it is considered that the proposal will have a minimal impact upon residential amenity and accords with Policy GP2.
- 7.7 In terms of highway, the proposed canopies will not encroach into any parking areas and would have no impact upon the parking provision for the school.

8. OTHER CONSIDERATIONS

8.1 *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.

8.2 *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.

8.3 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.

8.4 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.

8.6 ***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.

8.7 ***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.

9. CONCLUSION

9.1 Having regard to policies GP2 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), it is considered that the proposed canopies and new/replacement windows and doors, would be acceptable in terms of size, design and impact on local visual, residential amenity and impact on existing trees. As such, it is recommended that planning permission is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents NPS-DR-A-(00)-, 003 P3 , 031 P1, 302 P1, 400 P1,

Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based

02 No development shall commence in regard to canopy 5, as specified in plan number NPS-DR-A-(00)-, 003 P3, until a scheme of works to the Cherry Tree located south of canopy 5, has been submitted to and approved in writing by the Local Planning Authority. The extent of works/trimming shall be carried in accordance with the scheme as approved.

Reason: In the interests of the health and longevity of the tree and preserving its amenity value.

03 No development shall commence in regard to canopy 5, as specified on plan number NPS-DR-A-(00)-, 003 P3, until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for -

- (a) Supervision and monitoring of the approved tree works (as specified by condition 2);
- (b) Oversee working within any Root Protection Area;
- (c) Reporting to the Local Planning Authority;
- (d) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Councils Tree Officer.

Reason: To protect important landscape features within the site.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 and GP6 were relevant to the determination of this application.

02 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.



Report

Planning Committee

Part 1

Date: 5 September 2018

Item No: 6

Subject **Appeal Decisions**

Purpose To inform Members of the outcome of recent appeals

Author **Head of Regeneration, Investment and Housing**

Wards Malpas, Llanwern, Marshfield

Summary The following planning appeal decisions are reported to help inform future decisions of Planning Committee

Proposal **To accept the appeal decisions as a basis for informing future decisions of the Planning Committee.**

Action by Planning Committee

Timetable Not applicable

This report was prepared without consultation because it is to inform Planning Committee of appeal decisions already taken.

Background

The reports contained in this schedule provide information on recent appeal decisions.

The purpose of the attached reports is to inform future decision-making. This will help ensure that future decisions benefit the City and its communities by allowing good quality development in the right locations and resisting inappropriate or poor quality development in the wrong locations.

The applicant has a statutory right of appeal against the refusal of permission in most cases. There is no Third Party right of appeal against a decision.

Work is carried out by existing staff and there are no staffing issues. It is sometimes necessary to employ a Barrister to act on the Council's behalf in defending decisions at planning appeals. This cost is met by existing budgets. Where the Planning Committee refuses an application against Officer advice, Members will be required to assist in defending their decision at appeal.

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, equalities impact and crime prevention impact of each proposed development are addressed in the relevant report in the attached schedule.

Financial Summary

The cost of defending decisions at appeal is met by existing budgets. Costs can be awarded against the Council at an appeal if the Council has acted unreasonably and/or cannot defend its decisions. Similarly, costs can be awarded in the Council's favour if an appellant has acted unreasonably and/or cannot substantiate their grounds of appeal.

Risks

The key risk relating to appeal decisions relates to awards of costs against the Council.

An appeal can be lodged by the applicant if planning permission is refused, or if planning permission is granted but conditions are imposed, or against the Council's decision to take formal enforcement action. Costs can be awarded against the Council if decisions cannot be defended as reasonable, or if it behaves unreasonably during the appeal process, for example by not submitting required documents within required timescales. Conversely, costs can be awarded in the Council's favour if the appellant cannot defend their argument or behaves unreasonably.

An appeal can also be lodged by the applicant if the application is not determined within the statutory time period. However, with the type of major development being presented to the Planning Committee, which often requires a Section 106 agreement, it is unlikely that the application will be determined within the statutory time period. Appeals against non-determination are rare due to the further delay in receiving an appeal decision: it is generally quicker for applicants to wait for the Planning Authority to determine the application. Costs could only be awarded against the Council if it is found to have acted unreasonably. Determination of an application would only be delayed for good reason, such as resolving an objection or negotiating improvements or Section 106 contributions, and so the risk of a costs award is low.

Mitigation measures to reduce risk are detailed in the table below. The probability of these risks occurring is considered to be low due to the mitigation measures, however the costs associated with a public inquiry can be very significant. These are infrequent, so the impact is considered to be medium.

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Decisions challenged at appeal and costs awarded against the Council.	M	L	<p>Ensure reasons for refusal can be defended at appeal;</p> <p>Ensure planning conditions imposed meet the tests set out in Circular 016/2014.</p> <p>Provide guidance to Planning Committee regarding relevant material planning considerations, conditions and reasons for refusal.</p> <p>Ensure appeal timetables are adhered to.</p>	<p>Planning Committee</p> <p>Planning Committee</p> <p>Development Services Manager and Senior Legal Officer</p> <p>Planning Officers</p>
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Development Services Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Options Available

To accept the appeal decisions as a basis for informing future decisions of the Planning Committee.

Preferred Option and Why

To accept the appeal decisions as a basis for informing future decisions of the Planning Committee.

Comments of Chief Financial Officer

In the normal course of events, there should be no specific financial implications arising from the determination of planning applications or enforcement action.

There is always a risk of a planning decision being challenged at appeal. This is especially the case where the Committee makes a decision contrary to the advice of Planning Officers or where in making its decision, the Committee takes into account matters which are not relevant planning considerations. These costs can be very considerable, especially where the planning application concerned is large or complex or the appeal process is likely to be protracted.

Members of the Planning Committee should be mindful that the costs of defending appeals and any award of costs against the Council following a successful appeal must be met by the taxpayers of Newport.

There is no provision in the Council's budget for such costs and as such, compensating savings in services would be required to offset any such costs that were incurred as a result of a successful appeal.

Comments of Monitoring Officer

There are no legal implications other than those referred to in the report or detailed above.

Staffing Implications: Comments of Head of People and Business Change

Development Management work is undertaken by an in-house team and therefore there are no staffing implications arising from this report. Officer recommendations have been based on adopted planning policy which aligns with the Single Integrated Plan and the Council's Corporate Plan objectives.

Local issues

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act 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. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that 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.

An Equality Impact Assessment for delivery of the Development Management service has been completed and can be viewed on the Council's website.

Children and Families (Wales) Measure

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Consultation

Not applicable. This report is to inform Planning Committee of decisions made by the Planning Inspectorate and/or Welsh Ministers.

Background Papers

Not applicable

Dated: 5th September 2018

Planning Application Appeal

Reference	17/1169
Address	Underwood Community Leisure Centre, Underwood, Llanmartin, Newport, NP18 2EQ
Development	Proposed change of use from leisure centre to mixed use community and conference facility to include ancillary residential suites and caretaker accommodation together with external alterations
Appellant	Mr O Lee
Delegated Decision	Refuse
Committee Decision	N/A
Appeal Decision	Dismissed

Planning Application Appeal

Reference	17/1191
Address	35 Pillmawr Road, Newport, NP20 6WH
Development	Demolition of 2No, dwellings and provision of 6No. supported living units and associated works (resubmission of planning reference: 17/0373)
Appellant	KRM Property Development Ltd
Officer Recommendation	Refuse
Committee Decision	Refused
Appeal Decision	Dismissed

Planning Application Appeal

Reference	17/0591
Address	Land South West of Swn y Mor Farm, Broadstreet Common,
Development	Retention of bridge over reen and double gates over 2m high
Appellant	Mr G Leadbeatter
Officer Recommendation	Refuse
Committee Decision	N/A
Appeal Decision	Dismissed

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