

Report

Planning Committee

Part 1

Date: 3rd April 2019

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

Signed

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).

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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, well-being of future generations, 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 and Regeneration Manager and Senior Legal Officer
			Ensure appeal timetables are adhered to.	Development and Regeneration Manager
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Planning Committee Development and Regeneration Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee Development and Regeneration Manager

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

The Council's Corporate Plan 2017-2022 identifies four themes, including the aim to be a Thriving City. In order to achieve this, the Council is committed to improving:

- jobs and the economy
- education and skills
- fairness and equality
- community safety and cohesion
- the environment, transport, culture and social well-being

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 contains the Council's Well-being Statement and well-being objectives, which contribute to the achievement of the national well-being goals. The Corporate Plan also links to other strategies and plans, the main ones being:

- Improvement Plan 2016-2018;
- Local Development Plan 2011-2026 (Adopted January 2015);

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 and considered

- 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.

Comments of Head of People and Business Change

Within each report the sustainable development principle (long term, prevention, integration collaboration and involvement) of the Well-being of Future Generations (Wales) Act has been fully considered.

From an HR perspective there are no staffing issues to consider.

Comments of Cabinet Member

The Cabinet Member for Regeneration and Housing has been made aware of the report.

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

Scrutiny Committees

None

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.

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.

Wellbeing of Future Generations (Wales) Act 2015

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. The 5 main considerations are:

- | | |
|----------------|--|
| Long term: | Decisions made by the Planning Committee balances the need to improve the appearance of areas as well as meeting the needs of residents in order to make places safe to live in and encourage investment and employment opportunities. Planning decisions aim to build sustainable and cohesive communities. |
| Prevention: | Sound planning decisions remove the opportunity for anti-social behaviour and encourages a greater sense of pride in the local area, thereby giving the City potential to grow and become more sustainable. |
| Integration: | Through consultation with residents and statutory consultees, there is an opportunity to contribute views and opinions on how communities grow and develop, thereby promoting greater community involvement and integration. Planning decisions aim to build integrated and cohesive communities. |
| Collaboration: | Consultation with statutory consultees encourages decisions to be made which align with other relevant well-being objectives. |
| Involvement: | Planning applications are subject to consultation and is regulated by legislation. Consultation is targeted at residents and businesses directly affected by a development, ward members and technical consultees. Engagement with the |

planning process is encouraged in order to ensure that the views of key stakeholders are taken into consideration.

Decisions made are in line with the Council's well-being objectives published in March 2017. Specifically, 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.

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. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

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 10 (December 2018)

Development Management Manual 2016

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 The Welsh 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: 18/0996 **Ward:** STOW HILL

Type: FULL

Expiry Date: 16-JAN-2019

Applicant: B HORRIDGE

Site: 15, DEWSLAND PARK ROAD, NEWPORT, NP20 4EF

Proposal: CHANGE OF USE FROM DWELLING (C3) TO A HMO (C4)
RESUBMISSION OF REFUSAL 18/0326

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for the conversion of a dwelling to a five bedroom house in multiple occupation (HMO) at 15 Dewsland Park Road. The property is a semi detached property towards the western most section of Dewsland Park Road.
- 1.2 The main considerations of this application are the potential impacts of the change of use on parking provision and highway safety as well as the impact on the character and amenity of the surrounding area and neighbouring properties. An application for a six bedroom HMO was refused last year due to concerns about and adverse impact upon on street parking and highway safety.

2. RELEVANT SITE HISTORY

18/0336	Change of use from dwelling (C3) to a hmo (C4)	Refused
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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 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.

Policy H8 Self Contained Accommodation and Houses in Multiple Occupation sets out the criteria for subdividing a property into self-contained flats. The scheme must be of appropriate scale and intensity not to unacceptably impact on the amenity of neighbouring occupiers and create parking problems; proposals must not create an over concentration in any one area of the city; and adequate noise insulation is provided and adequate amenity for future occupiers.

Supplementary Planning Guidance (SPG)

Houses in Multiple Occupation (HMOs) updated January 2017 and
Newport City Council's Parking Standards 2015.

4. CONSULTATIONS

- 4.1 None.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF LAW AND REGULATION (ENV.HEALTH): No objection

5.2 HEAD OF LAW AND REGULATION (ENV.HEALTH LICENSING): No objection, but there would need to be suitable fire safety precautions implemented and there would need to be suitable kitchen facilities provided. These can be determined upon inspection of the property. 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 for a HMO License. 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.

5.3 PLANNING POLICY: Same comments as the previous submission. No policy objections. This site is within LSOA Stow Hill 2 W01001686. Evidence collected to look at the impacts of an over concentration of HMOs shows this LSOA as having just under 2.5% housing stock as HMOs. This is ranked 10th highest in Newport. In terms of complaints received over an 18 month period, the LSOA only received 3 - which is ranked 20th in Newport. In terms of crime statistics, it ranks 9th in Newport.

If this application was approved, the area would not exceed the HMO concentration threshold as set out in the adopted SPG. Considering this, and the 'mid-range' results in the collected evidence, it is considered that there is not enough evidence to demonstrate that the approval of this application would lead to an over concentration of HMOs in the area.

5.4 HEAD OF STREETSCENE AND CITY SERVICES (HIGHWAYS): In accordance with the Newport City Council Parking Standards the existing 3 bed property generates a parking demand of 3 spaces. The proposed 5 bed HMO generates a total parking demand of 6 spaces at a ratio of 1 space per unit plus 1 visitor. The applicant proposes to widen the existing access so that 3 spaces can be provided. In regard to the proposed layout has commented as follows:

Space 1 would not be accessible due to the proximity of the boundary wall.
A separate pedestrian access with minimum width of 900mm should be retained which would be inaccessible when a vehicle is parked in space 1.

Whilst the access is existing the proposal will increase the number of vehicle movements resulting in intensification of use. Visibility at the access is substandard, and no space is available off road for turning to allow access and egress of the highway in a forward gear. Tan 18 states that 'where planning applications are submitted within an existing development site and served by an existing substandard access, there should be scope for a limited redevelopment that incorporated a substantial improvement, even though the improved access would still be below standard'. In this case it's determined that a significant improvement in visibility, or through the provision of a turning area, could not be achieved and therefore increased use of the access is considered detrimental to highway safety and the free flow of traffic.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All neighbours within 50m of the application site were consulted (91 properties). 7 letters of objection on the following grounds:

- Dewsland Park Road is primarily a street of privately owned dwelling houses and number 15 has been such a property a number of years. There are other types of property in the street, such as houses converted to flats by housing associations, but these are bordered by dwelling houses. Number 13, next door to number 15, is such a housing association property. Concerned that such changes will alter the dynamic of the neighbourhood considerably from a long established residential street comprised of family homes with residents of all ages.

- The proposal is to turn number 15 into a 5 bedroom property with at least 4 of these bedrooms being doubles. Concerned that the number of residents could be between 5-11
- The property has 1 off road parking space, parking permits for the K1 permit parking area are restricted to 2 per property therefore queries where residents are going to park? Or will the property be aimed at residents who are unlikely to have a vehicle?
- Dewsland Park Road residents suffered huge parking problems in the 2000s and fought for the parking restrictions and the 20 MPH speed limit that we have today. Also be aware that number 13, comprising 3 flats, has no off road parking and there are more stringent parking restrictions on all the neighbouring streets. I am sure that the Newport CC Highways Department have the full history of issues faced by residents.
- Queries how much rubbish will a 6 bedroom property generate? It is quite possible that the property will lose its single off road parking space to bin storage.
- Cannot see a working person or couple with a car, or aspiring to own a car, being interested in living in a property where parking is so restricted. Who does that leave? Students? Unemployed persons? I know that there are other potential categories but I really cannot see how a property with a single sitting room proposed and a smallish garden is suitable for unrelated people who, potentially, will have lots of time on their hands and little money.
- The adjoining gardens have never been a problem while the houses have been occupied by families. Children have been able to play safely in the gardens, usually ours as it is the largest. The volume of people potentially accessing number 15's garden will adversely affect the privacy of our garden. The windows of bedroom 2, bedroom 3, the kitchen and the proposed bedroom 6 all look directly into our garden. Bedroom 3 and the kitchen are particularly close. This will obviously again affect the privacy of our garden with the number of people inhabiting these rooms.
- Queries how much noise will a house split into 5 separate tenancies generate? This will depend on who the tenants are but could potentially be very loud at any time of the day.
- Having a HMO property so close to our home will undoubtedly negatively affect both our quality of life and the monetary value of our home.
- Parking for at least 6 extra cars on the road will impact on the space available for the present residents.
- the area around the property is very restricted for the storage of refuse containers for 6 residents and would be very close to the immediate neighbours causing discomfort from noise and odours.
- Six independent residents and their visitors will increase the noise level from radios, TV, Hi-Fi and when entering and leaving the property.
- Assuming the non-residence of the owner there may be difficulty in making representation of complaints and knowing who are bone fide residents.
- The area becomes gridlocked at certain times of the day mainly due to traffic coming up from the bottom of Dewsland Park Road from the hospital and trying to exit onto [Stow Hill](#) and [St. Woolos](#) hospital. Because people double park in Dewsland Park Road on both sides it only leaves a single lane for both cars going both up and down and navigating very tight and steep bends. {ideally should have road calming measures . As a result people queue up in cars and then block Dewsland Park Road resulting in congestion.
- the owners have stated that doctors would occupy the property. There are empty flats within the grounds of the Royal Gwent Hospital which would be provide more appropriate accommodation.
- Inadequate facilities for a residence containing a potential 10-12 people in the 5-6 proposed double bedrooms (one can assume that even if the rooms are rented to single persons, they will have frequent overnight guests). There is a small garden and one "large" kitchen diner in the property this space is inadequate for even half the number of potential residents.
- The reduction of units to 5 will only decrease slightly the noise pollution to neighbouring properties.
- The increase of off road parking to 3 will increase the possibility of disruption to traffic flow when cars enter or exit the site.
- There does not appear to be any provision of storage of rubbish bins within the property boundary. 5 bins on the pavement will impinge on neighbouring properties and would not be in keeping with the general appearance of the road.
- The removal of the grassed area will increase the run off of water onto the pavement and road where the drains are already unable to cope with waste water run off.

-Query over the submitted parking survey Quote - 'There are 153 available spaces within 200 meters (sic), **with only 12 being unrestricted throughout the day**'. It is my belief that locations 24-35 (68 spaces) and locations 36-39 (17 spaces) are invalid. None of these available spaces are within Dewsland Park Road. They are outside residential properties, commercial premises and Newport Cathedral. Almost all have parking restrictions and some are 'Residents Parking' 8AM-8PM, Monday-Saturday.

- Does anyone really think that Dewsland Park Road residents will park at the Cathedral and carry their shopping/children down into the street and then go back at 2 hourly intervals to move their car? Believe it or not, that is something like the situation that we had in the mid-1990s which is why we fought to get the residents parking in the street that we have today.

- The survey figures in the main report and Appendix A are very difficult to read as the scan isn't the best quality, but the data now appears to be invalid. Since Monday 18th February the NHS Trust has stopped all non-resident parking at the Friars Road entrance to the Royal Gwent Hospital grounds which means that there are more hospital staff and visitors looking for parking around the area.

- biggest issue with this report is its claim that using 'a GPS locator with date and time stamp device to ensure credibility and robustness of this survey'. I have personally completed many hundreds of reports in my time and I am confident that they would stand up to any scrutiny. This isn't the case with this report.

- There are 2 photographs showing the front of my house – *Sunday 10 February 2019 14.36.59 Deanery Gardens Newport NP20 Wales* and *Sunday 10 February 2019 14.36.50 Deanery Gardens Newport NP20 Wales*. Dated and time stamped, but not actually taken at that time

Sunday 10th February 2019 was my 60th birthday and at the stated times both my car and my wife's car were parked outside the house. Neither are on the photos. Not only that, two of my brothers and my son's girlfriend's cars were also parked along this stretch of the street and none of those cars are shown. There were 10 people at my house at the time. The only time that my car wasn't outside the house that day was 10.30 to 13.00 hrs. Of the 5 cars mentioned above the first car to leave that afternoon was my wife's at around 3 o'clock when she went to drop our eldest daughter at Newport Railway Station.

- 6.2 COUNCILLOR AL-NUAIMI: Requests that the application be determined by Planning Committee. He has been contacted by residents who are very concerned about the pressure on parking and the HMO element.

7. ASSESSMENT

- 7.1 This application seeks planning permission for the conversion of this semi-detached, four bedroom property into a five bedroom property in multi occupation. The conversion would result a kitchen/ dining room/ sitting room and one bedroom on the ground floor four bedrooms on the first floor. There is off street parking for one car.

- 7.2 The previous application (number 18/0336) to change the use of the property to a 6 bed HMO was refused for the following reason:

:

The proposal would result in additional parking demand which cannot be accommodated within the site, to the detriment of highway safety and residential amenity, contrary to Policies H8, T4, GP2 and GP4 of the Newport Local Development Plan 2011 – 2026 (adopted January 2015) and Supplementary Planning Guidance "Houses in Multiple Occupation" and "Parking Standards".

In order to address the previous reason for refusal, the applicant has reduced the number of bedrooms from six to five. The applicant has also submitted a parking survey.

- 7.3 As background information, in February 2016 a new use class (C4) for houses in multiple occupation was introduced to the Town and Country Planning (Use Classes) Order 1987 through the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 to bring the definition of a HMO in line with that under the Housing Act 2004. In broad terms, a C4 use occurs where tenanted living accommodation is occupied by up to 6 people, who are not related and who share one or more basic amenities, as their only or main residence. Prior to this recent change, the proposal may have been considered as a

single dwelling house so long as the unrelated occupants formed a 'single household' akin to a family grouping.

- 7.4 The main considerations in this application are the impact of the proposal on parking demand and whether the proposal will harm the character of the area and amenity of neighbouring occupiers. 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. 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.
- 7.5 The Supplementary Planning Guidance on Houses in Multiple Occupation (adopted August 2015) 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% in defined areas.
- 7.6 Within a 50m radius of the property there are 21 residential units. There is one HMO within a 50m radius of the property. If this application is approved, this would result in 9.5% of properties within a 50 metre radius of the site being occupied as a HMO. Therefore this proposal would not cause an exceedance of the 15% threshold specified within the SPG.
- 7.7 Having regard to the above, it is considered that this proposal, which replaces a single dwelling would not result in an over-concentration of HMOs in the area nor does it unduly harm the character of this particular part of Dewsland Park Road or create an imbalance in the housing stock. In this respect but excluding amenity and parking matters, the proposal satisfies criterion i. and ii. of Policy H8 and GP2 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) and guidelines within the SPG. The comments and concerns of neighbours are noted.
- 7.8 In accordance with the Council's Supplementary Planning Guidance: Parking Standards, the existing house generates a demand for 3 off-street parking spaces, and only one can be provided at the property. The proposed HMO would generate a demand of 5 spaces at a ratio of 1 space per bedroom within the unit plus 1 visitor space. The applicant originally proposed to widen the existing access so that 3 spaces can be provided. The Highways officer raised concerns with regard to this proposal on the basis that no all three space could be accessed independently, the cars could not turn on site and there was substandard visibility from the access. The applicant has amended the application and does not propose to alter the property frontage. Therefore only one off street parking space can be provided. The shortfall in parking at the property would therefore increase from 2 to 5, a worsening of 3 spaces.
- 7.9 Since the previous decision, there has been an appeal decision on a property at 3 York Place (18/0459). This application was refused on two grounds:

The use of the property as a House in Multiple Occupation causes an increase in demand for parking provision in the road. Given the restricted nature of parking provision within the road, it is considered that the unauthorised use is detrimental to highway safety and residential amenity.

There is evidence that the property is located in an area of the city where there is an above average number of HMOs, which may be adversely impacting upon the social cohesion of the neighbourhood and this proposal represents an exacerbation of this problem.

York Place parking is restricted to permit holders only and there are double yellow lines along the entire length of one side of the road. The Inspector commented that at a site visit, an unrestricted parking space was identified, although parking spaces are not plentiful. The Inspector considered that the property was located within an accessible location close to bus routes, the city centre and cycling routes.

- 7.10 With regard to the appellants parking survey in relation to York Place, the Inspector stated that *The parking survey that has been undertaken provides evidence that there is ample on-street parking capacity to accommodate the anticipated on-street parking associated with the development.*" Whilst some of the parking referred to by the appellant is restricted to 'No Return 2 hours', I concur that sufficient parking spaces are available, without restriction, within 2 minute walk of the appeal property. Accordingly, whilst the Council's standards would require the lawful use of the appeal property to have 3 spaces and the proposed use to have 8 spaces, the shortfall of 5 spaces would not cause significant highway safety concerns due to the appeal site's accessible location and the availability of on-street parking in the surrounding area.
- 7.11 The appeal at York Place was allowed and planning permission was granted. Dewsland Park Road is located only 200 metres from 3 York Place. This property is equally as accessible as 3 York Place and benefits in a similar manner in relation to proximity to local facilities, public transport and the city centre.
- 7.12 The applicant has submitted a detailed parking survey which assesses the on street parking stress/capacity in the area. The parking survey was undertaken over a 7 day period in February 2019 and found the following:
- The total number of on road parking spaces within 200 metres of the site (walking distance) is 127 spaces. The majority of these are restricted during the day but all areas are unrestricted from 8pm onwards.
 - The average availability over 7 days was 34.8% (or 44 spaces)
 - The average availability over 7 days, after 8pm, when all spaces are unrestricted was 46.8% (or 59 spaces).

On this basis, the evidence points to there being sufficient on road parking availability to cope with the additional parking demand resulting from the increased shortfall of 3 spaces resulting from the proposal.

- 7.13 A resident has raised concern about the content of the parking survey (refer to representations). However, the parking survey was undertaken in accordance with the Lambeth Methodology, which is the methodology recommended by the Council's highways officer. There is no evidence available to suggest that the parking survey is flawed.

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 is considered to be acceptable. It is considered that in the light of the Appeal decision at York Place and the fact that the applicant has reduced the number of bedrooms and has undertaken a parking survey which demonstrates that parking spaces are available the current application addresses the previous reason for refusal. The proposal would not result in an over concentration of HMO's in this part of Stow Hill and as such there would not a harmful impact on community cohesion. It is not considered that there would be a harmful impact on highway safety or residential amenity. The proposal would be in accordance with policies GP2, GP4, H8 and T4 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the Houses in Multiple Occupation SPG (adopted January 2017). 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 floor plans

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 also relates to: Parking Survey Report

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

03 The Houses in Multiple Occupation Supplementary Planning Guidance (Adopted January 2017) was 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.

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

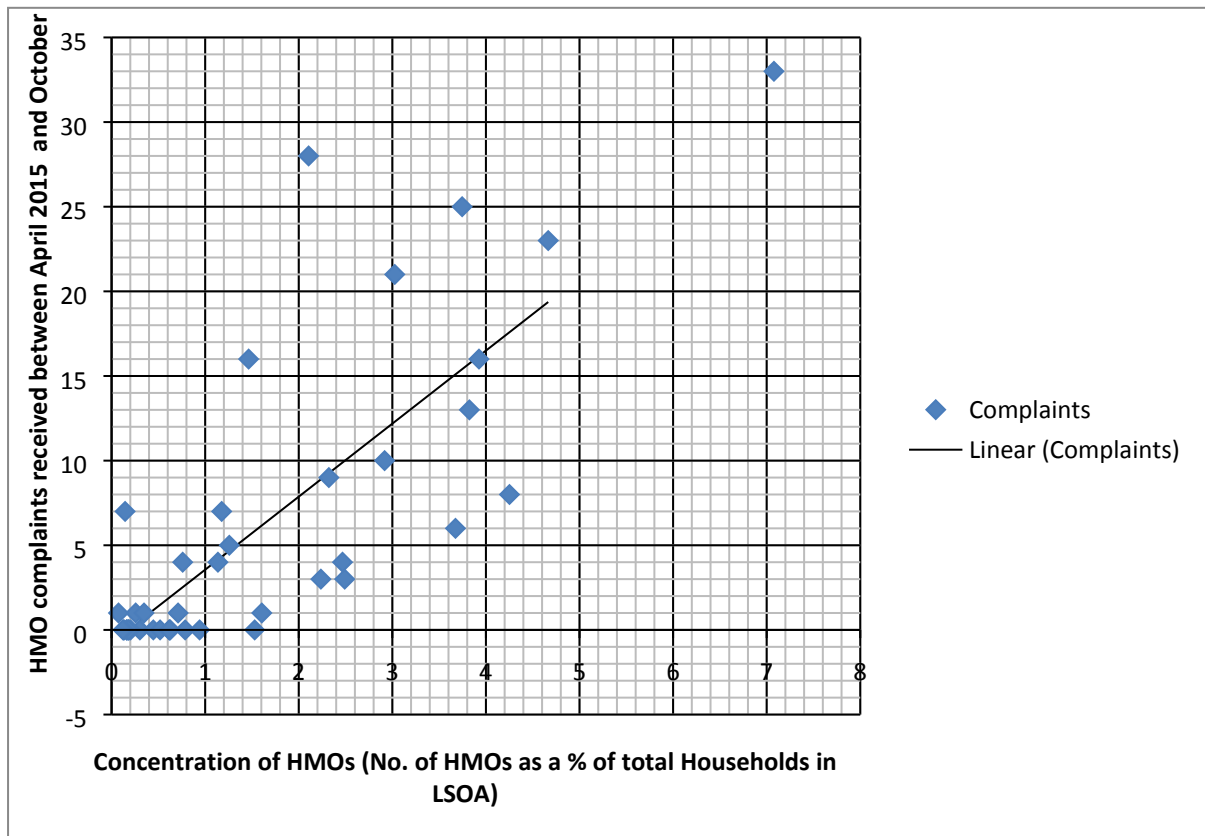
Ward	LSOA	Households	No of HMOs	% HMOs	Complaints
Stow Hill	W01001687	876	62	7.078	33
Pillgwenlly	W01001659	760	16	2.105	28
St Julians	W01001675	614	23	3.746	25
Victoria	W01001693	643	30	4.666	23
St Julians	W01001676	694	21	3.026	21

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.

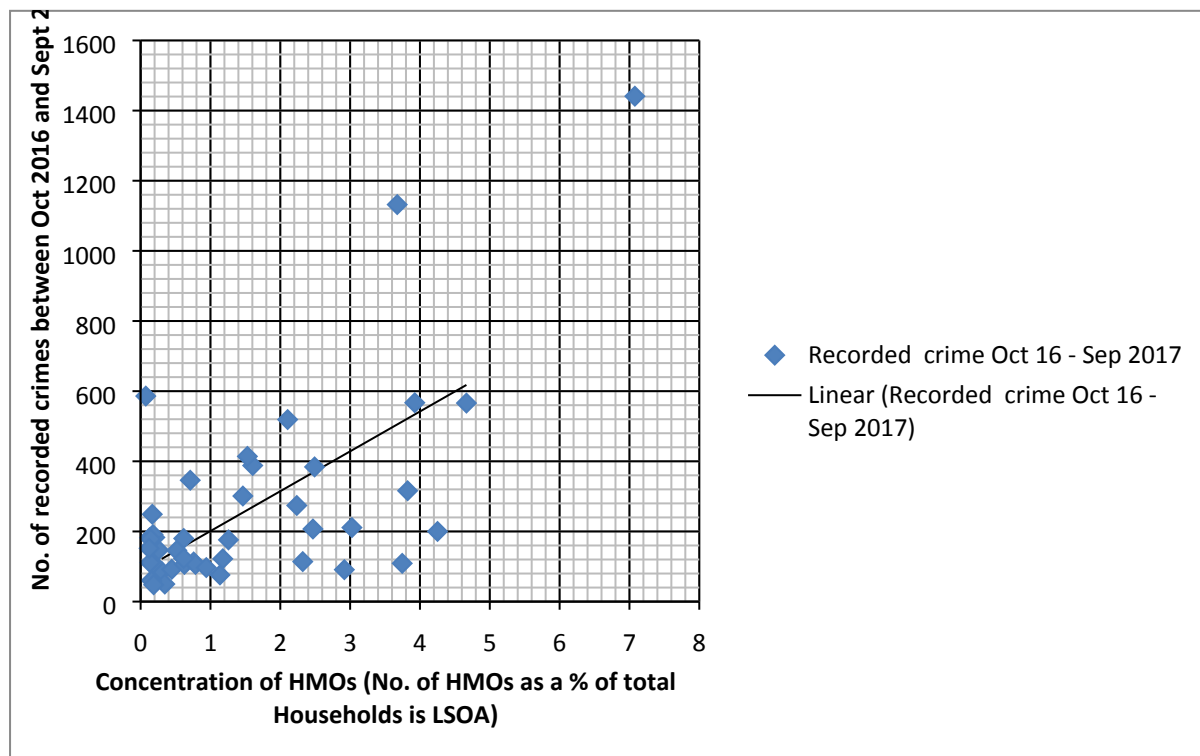
Table 3: HMO areas ranked by recorded crime over a 12 month period

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: 18/0996 Ward: **STOW HILL**

Type: Full

Expiry Date: 16-JAN-2019

Applicant: **B HORRIDGE PENLEA COTTAGE, HIGH STREET, SHIREHAMPTON, BRISTOL, BS11 0DE**

Site: **15, Dewsland Park Road, Newport, NP20 4EF**

Proposal: **CHANGE OF USE FROM DWELLING (C3) TO A HMO (C4) RESUBMISSION OF REFUSAL 18/0326**

1. LATE REPRESENTATIONS

- 1.1 **HEAD OF CITY SERVICES (HIGHWAYS):** in accordance with the Newport City Council Parking Standards the existing property generates a parking demand of 3 spaces. The proposed 5 bed HMO generates a parking demand of 6 spaces at a ratio of 1 space per unit plus 1 visitor. The increase in parking demand is therefore determined to be 3 spaces.

- 1.2 The applicant's parking survey demonstrates that parking is available in the area. What must however be taken into consideration is that the majority of these spaces are within permit parking areas and therefore long stay parking during dedicated times will require the vehicle to hold the relevant permit. I've received confirmation from our Traffic & Road Safety team that the issuing of permits will be dependent upon the address of the property and therefore the existing property would be able to apply for two permits. Whilst the proposed HMO will increase the residency it's my understanding that the address will remain unchanged and that each resident will not have their own unique postal address. On this basis should the application be approved and implemented only a maximum of two residential permits could be issued.
- 1.3 In regard to visitor parking, given that the permit areas allow limited waiting, and that the occupants could apply for visitor permits, the use of the permit parking areas for visitors is deemed acceptable.
- 1.4 When deducting the visitor space the proposal increases the parking demand by 2 spaces. It's accepted that residents could make use of limited waiting for short term parking needs however for residential parking a long term parking solution should be available. The applicant has stated that only 12 unrestricted parking spaces are available within 200m of the property which is not considered sufficient to accommodate the additional parking demand. The applicant has demonstrated that parking is available on street outside of the dedicated times associated with the permit parking zones however given that these spaces will not be available to accommodate the additional parking demand during the day, I must object to the application.
- 1.5 **APPLICANT'S RESPONSE TO HIGHWAYS OFFICER:** The applicant appreciates the highway officer's comments, but, like he says, the Council will only grant 2 parking permits for residents of 15 Dewsland Park regardless of its use. We have 3 HMO's in Yeovil (Somerset), which are very similar in terms of being within the residents parking zones and being issued a limited number of permits per property. We don't find this is a problem, as 85% of our tenants don't have cars! Dewsland Park is close to the town and the hospital, so a lot of the people looking for a property in that area won't have a car either.
- 1.6 Our tenants are informed of the parking permit situation and if it happened that a 3rd person in the house needed a permit then they'd be told at the point of viewing, so essentially they'd need to find somewhere that can offer parking / a permit.
- 1.7 With the driveway, and 2 permits - we can offer 3/5 tenants car parking should they need it. This is more than in a number of our HMO's in other areas! In our opinion, if the residents parking zone wasn't in operation in the area then there would be a greater concern for parking demand.
- 1.8 If it was unrestricted and 5 tenants all had cars, we'd appreciate the affect this would have on neighbours, but because it's capped at 2 permits we feel this strengthens our application because it becomes irrelevant due to the parking controls. This would be the case for family's (if they had 4/5 cars with older children that could drive) or individual tenants; if a property can't offer the parking needs required then people would simply have to look for another property. However if this was, hypothetically, the case then the parking survey shows this wouldn't be an issue.
- 1.9 **FURTHER COMMENTS FROM NEIGHBOUR:** Refers to the latest photographs submitted by the parking survey and makes the following points:
- Taking photos between 20:50 and 21:06 seems pretty pointless - outside hospital visiting hours and the work hours of most people, outside most delivery hours, etc.;
 - The references are actually where the photos are taken from and not what the photo depicts;
 - There are several photos that cannot be seen online;
 - Many of the photos are taken outside the (Council defined) K1 parking zone;
 - The final photos referenced 'Stow Hill' show Friars Road/Crescent where the parking restriction is 'Resident Permit Holders Only – 8AM-8PM (7 days a week).

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 Appendix 5 'Sustainability' of the Council's Parking Standards sets out sustainability criteria, such as proximity to local facilities and public transport, which depending on the number of points a scheme can score, will result in a reduction in the parking requirement.
- 2.2 The level of sustainability of the property has been assessed as follows:
- Shops within St Woolos Local Centre within 200m – 3 points
 - Health clinic (St Woolos Hospital) within 200m – 3 points
 - Bus stop (St Woolos) within 200m – 3 points
 - Frequency of public transport – there are a number of services operating from this bus stop (1, 1A, 1C, 34, 11A, 11B, 11C, 11X, 151). According to Traveline Cymru, service 151 first stops at St Woolos at 07.35 with the last service at 23:05 with buses calling at approximately 10 minute intervals – 2 points.
 - TOTAL = 11 points
- 2.3 In relation to residential use, where a scheme scores 10 points or more (as in this case), the parking requirement of a single dwelling can be reduced by 2 spaces. Therefore, a dwelling with a standard 3 space requirement can be reduced to 1. As the property benefits from a single off road parking space and residents have the right to apply for up to 2 parking permits, the property currently has an excess provision of parking available to residents by 2 spaces.
- 2.4 In relation to HMO's, the Council's highways team has the approach that each bedroom, for the purposes of calculating parking requirements, constitutes a dwelling unit. The Parking Standards state that other than for Zone 1 City Centre locations, the reduction in the parking requirement for residential development shall not result in less than one parking space. As the property is located in Zone 2, the highways team consider that the parking requirement should therefore not be reduced to less than 1 space per bedroom, resulting in the parking requirement being 5 spaces plus a visitor space for the proposed 5 bed HMO.
- 2.5 This approach is not disputed; in the appeal relating to 41 Risca Road (10/0845), the Inspector accepted that the parking requirement for a HMO should be based on the number of bedrooms. However, in that appeal, the Inspector went on to adopt a part of the Parking Standards which relates to non-residential development, which allows for a 30% reduction in the parking requirement to the building as a whole to be applied where a scheme scores 10 points.
- 2.6 If the approach adopted by the Inspector in that appeal is applied, the standard parking demand of a 5 bed HMO (5 plus 1 visitor space) can be reduced (to 3 plus 1 visitor space). As the property benefits from a single off road parking space and residents have the right to apply for up to 2 parking permits, there is sufficient parking to cater for 3 occupants. There is a shortfall of 1 space (i.e. for the visitor). However, the Council's highways officer has has no concerns about the reliance of restricted parking for visitors.
- 2.7 The parking demand and availability for both the existing and proposed uses have been summarised in the table below.

Unit type	Standard parking demand	Demand factoring sustainability	Parking availability	Excess / shortfall
Single dwelling	3	1	3 (1 off road and 2 parking permits)	+2
5 bed HMO	6 (including 1 visitor)	4 (including 1 visitor)	3 (1 off road and 2 parking permits)	-1

- 2.8 You will note that there is a difference in the calculation of increased parking demand between that of the Council's highways officer and that of the planning officer, in that the highways officer concludes that there is an increased demand as a result of the scheme by 3 spaces (including the visitor space) whereas the planning officer concludes that there is only a shortfall of the one visitor space. The reason for this is that the Council's highways officer has not taken into account the issue of sustainability, by not applying the 30% sustainability reduction. Despite this being the approach of the Inspector in the appeal at 41 Risca Road, the Council's highways officer maintains that he disagrees with that approach, because this 30% reduction within the Parking Standards applies to non-residential uses and the Parking Standards are 'quiet' on the issue of HMO's.
- 2.9 However, the planning officer would maintain that the appeal decision at 41 Risca Road is a material consideration and should be taken into account. Furthermore, there is no logical reason to make HMO's exempt from the issue of sustainability. Planning Policy Wales has sustainability at its core; it encourages development to be located where there is good access to public transport and encourages walking and reduced reliance on the private motor car. Not all occupants, particularly given the nature of accommodation, will necessarily own cars. The property is within very close proximity to both the City Centre and St Woolos Local Centre, with all the facilities and public transport services that these centres have to offer.
- 2.10 A recent appeal decision at 3 York Place, which is in very close proximity to the current application site, allowed a 6 bed HMO. Unlike 15 Dewsland Park Road, 3 York Place had no off road parking availability. There are double yellow lines along the entire stretch of the eastern side of York Place, resulting in very limited parking availability within that road. In contrast, the parking survey has shown availability of parking within Dewsland Park Road (albeit restricted) and site visits undertaken by planning officers in both the afternoon and evening have confirmed availability of parking within Dewsland Park Road and surrounding roads. The Inspector in relation to 3 York Place came to the conclusion that given the site's accessible location and availability of on street parking in the surrounding area, the change of use was unlikely to exacerbate existing parking pressures. Dewsland Park Road is considered to be more accessible than York Place, being closer to the City Centre.
- 2.11 With regard to the neighbours additional comments, this has previously been addressed by paragraph 7.13 of the officers report and there is nothing further to add.

3. OFFICER RECOMMENDATION

- 3.1 In summary, the recommendation remains to grant subject to conditions.

APPLICATION DETAILS

No: 18/1117 **Ward:** STOW HILL

Type: FULL (MAJOR)

Expiry Date: 17-APR-2019

Applicant: JAMES BARNES, HATCHER PRICHARD ARCHITECTS

Site: BANESWELL COMMUNITY CENTRE BEAUFORT TERRACE, WEST STREET, NEWPORT, NP20 4DH

Proposal: CONVERSION OF COMMUNITY CENTRE AND NURSERY TO CREATE 19NO. APARTMENTS, INCLUDING THE CREATION OF NEW OPENINGS AND A NEW BUILT HOUSE IN MULTIPLE OCCUPATION

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the conversion of the former Baneswell community centre to create 11 no. flats and the conversion of a former nursery building to create 8 no. flats (19 flats in total); and the construction of a part two storey, part four storey building to create a 12 bedroom House in Multiple Occupation.

2. RELEVANT SITE HISTORY

None

3. POLICY CONTEXT**3.1 Newport Local Development Plan 2011-2026 (adopted January 2015)**

Policy **SP1 Sustainability** favours proposals which make a positive contribution to sustainable development.

Policy **SP2 Health** promotes development which has a positive contribution to health and well-being by being in a sustainable location, close to walking/cycling routes and green infrastructure.

Policy **SP13 Planning Obligations** enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support development.

Policy **SP18 Urban Regeneration** supports development which assists the regeneration of the urban area, particularly the city centre and the reuse of vacant, underused or derelict land.

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 **GP3 General Development Principles – Service Infrastructure** states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.

Policy **GP4 General Development Principles – Highways and Accessibility** states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

Policy **GP5 General Development Principles – Natural Environment** states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in

quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

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.

Policy **GP7 General Development Principles – Environmental Protection and Public Health** states that development will not be permitted which would cause or result in unacceptable harm to health.

Policy **H4 Affordable Housing** sets out the affordable housing targets for the four submarket areas within Newport. For new housing sites of fewer than 10 dwellings within the settlement boundary, and fewer than 3 dwellings within the village boundaries, a commuted sum will be sought.

Policy **H8 Self Contained Accommodation and Houses in Multiple Occupation** sets out the criteria for subdividing a property into self-contained flats. The scheme must be of appropriate scale and intensity not to unacceptably impact on the amenity of neighbouring occupiers and create parking problems; proposals must not create an over concentration in any one area of the city; and adequate noise insulation is provided and adequate amenity for future occupiers.

Policy **T4 Parking** states that development will be expected to provide appropriate levels of parking.

Policy **CF12 Protection of Existing Community Facilities** resists the loss of existing community buildings unless alternative provision is made or it is demonstrated that the building is surplus to the needs of the community.

Policy **W3 Provision for Waste Management Facilities in Development** states that where appropriate, facilities for waste management will be sought on all new development.

3.1.1 **Supplementary Planning Guidance:**

Parking Standards (adopted August 2015)

Flat Conversions (adopted August 2015)

Planning Obligations (adopted August 2015)

Affordable Housing (adopted August 2015)

Houses in Multiple Occupation (adopted January 2017)

4. **CONSULTATIONS**

4.1 WALES AND WEST UTILITIES: Advise of apparatus in the area.

4.2 SOUTH WALES FIRE AND RESCUE: The developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes; and access for emergency firefighting appliances.

4.3 HEDDLU – GWENT POLICE (ARCHITECTURAL LIAISON): No objection. Provide advice in relation to planting, lighting and security features to windows and doors.

4.4 NEWPORT CIVIC SOCIETY: No response.

4.5 NEWPORT ACCESS GROUP: No response.

4.6 DWR CYMRU – WELSH WATER: Recommend a condition preventing surface water from connecting with the public sewerage system.

4.7 REGIONAL AMBULANCE OFFICER: No response.

4.8 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: The buildings that are the subject of this application are late 19th century in date; they are marked as schools on the First Edition OS map of 1885. They are located approximately 60m outside the boundary of the Newport City Centre Archaeologically Sensitive Area; it also has visual and cultural significance within Newport. The proposed development will substantially change both the interior and to some extent the exterior of the 19th century building. In order to mitigate for

this we recommend that a historic building recording is made of the building before development commences. This would allow a record of the building in its current state to be made, and the changes made through this proposal to be documented.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (DRAINAGE): No response.
- 5.2 HEAD OF CITY SERVICES (ECOLOGY): No objection. A bat activity survey was undertaken in August 2018 and no bats were found to be using the building.
- 5.3 HEAD OF LAW AND REGULATION (ENV.HEALTH – HOUSING): No objection.
- 5.4 HEAD OF CITY SERVICES (HIGHWAYS): The parking demand for residents and visitors cannot be accommodated off street however the existing lawful fall back use must be taken into consideration. When applying the requirements of the Newport City Council Parking Standards the proposed use will result in a decrease in the parking demand.
- 5.5 HEAD OF REGENERATION, INVESTMENT AND HOUSING (AFFORDABLE HOUSING): The proposed development provides a good mix of units which will accommodate a variety of needs within the market, and looks to be an interesting use of the buildings. In view of there being 19 units in total, the provision of affordable housing should in the first instance be on site, however with the proposed use of the existing buildings it may not be possible to achieve the required standard and if this is the case then a commuted sum would be requested.
- 5.6 HEAD OF CITY SERVICES (LANDSCAPING): No objection subject to conditions requiring a landscape plan including a review of building shade on the intention to retain existing planting; and a maintenance and management plan.
- 5.7 HEAD OF CITY SERVICES (LEISURE): No response.
- 5.8 PLANNING CONTRIBUTIONS MANAGER: Sets out the contributions required in accordance with policies SP13 and H4; and the Affordable Housing and Planning Obligations SPG's.
- 5.8.1 An 'open book' viability appraisal was undertaken utilising the Council's Three Dragons Toolkit. It concluded that policy compliant contributions would jeopardise the proposal's economic viability and subsequent delivery. As such, it is concluded that the planning obligations should be waived.
- 5.9 HEAD OF LAW AND REGULATION (ENV.HEALTH): No objection subject to conditions requiring the submission of a Construction Environmental Management Plan, sound insulation measures, mechanical ventilation and a restriction on the hours of construction.
- 5.10 HEAD OF CITY SERVICES (WASTE): We are satisfied with space for individual bins and the new location of the bin store. The stepped ramp restricts bin sizes to a maximum of 360 litres, larger 4 wheeled bins will be far less manoeuvrable on the steps.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (139 properties), two site notices were displayed and a press notice published in the South Wales Argus. A petition with 39 signatures, 2 letters representing the residents of St Mary's Court and 3 letters from other neighbours were received. The following concerns are raised:
- Inadequate provision for car parking and cycle storage;
 - There will be a large numbers of vehicles parking in the area causing more noise and air pollution;
 - New residents to the area will result in a significant increase in noise, disturbance and disruption to local residents;
 - Pathways and local streets will experience increased littering and late-night disturbance;

- Privacy could be compromised for local residents who would have windows overlooking houses and flats;
- Concerns about so many flats right next to a supported living complex which has many vulnerable and disabled older adults;
- Question the need for more rented accommodation. There is already a high proportion of rented accommodation which makes it very difficult to build local community spirit;
- It is believed that the development is within the City Conservation area and it is not considered that the new pod development fronting on St Marys Street is in keeping with the local architecture;
- Unacceptable road congestion during construction, access to St Marys Court will be jeopardised by the delivery and removal of building materials;
- This area of Stow Hill has already been identified as having the highest number of houses of multiple occupation. Flats would be preferable to the proposals for bedsit style accommodation, being more likely to attract more short-term renters;
- Query the need for more flats with all the developments taking place in the City Centre;
- The development in this area will put pressure on local facilities e.g. schools.
- Is the proposed development accessible to disabled people e.g. wheelchair users?

6.2 PLANNING COMMITTEE MEMBERS AND WARD COUNCILLORS were consulted: No responses.

7. ASSESSMENT

The Site

7.1 The application site comprises two existing buildings known as Baneswell Community Centre and Baneswell Nursery School. Historic maps show the buildings to be formerly used as a school. The community centre building faces onto St Marys Street and its primary access is from this road. It is a two storey building at this level however, as there is a significant change in levels from St Marys Street towards Bailey Street, the building is three storeys at the rear. It has windows and doors in the front and rear elevations. The nursery building is two storeys in height and it runs in a north-south direction along the eastern boundary. It has windows in the rear (east facing), side (south facing) and front (west facing) elevations. The building is accessed from the front elevation which faces towards an internal courtyard (formerly a play area). The internal courtyard and buildings are also accessed from Bailey Street, via a ramp. The site is elevated in relation to Bailey Street. There are a number of canopy structures within the internal courtyard which would be demolished.

7.1.1 To the west of the community centre building there is a vacant parcel of land which appears to have been used as a garden area in association with the community centre. There is evidence of hard and soft landscaping but the area is now generally overgrown. Historic maps show that this area was formerly occupied by houses and there is evidence of a buttress adjoining a neighbouring house.

7.1.2 The surrounding area is predominantly residential and there are residential properties on all sides of the application site. To the east there is a sheltered housing complex known as St Marys Court. To the west the rears of residential properties fronting Beaufort Terrace form the western boundary. Directly opposite the nursery building and facing towards the internal courtyard there are a pair of semi detached houses, which are also accessed via a ramp up from Bailey Street. They are currently segregated from the application site by a chain link fence. To the north is the residential street of Bailey Street, which terminates at the application site. Opposite the site to the south are terraced residential properties.

The proposals

7.2 It is proposed to convert the community centre into 11 no. flats (5 no. 2 bed flats and 6 no. 1 bed flats), these would be spread over four floors, including the roof space. Due to the change in levels within the site, levels 0 and 1 are below road level at the front of the site. 5 no. flats are proposed on these floors. These flats would only have windows in the rear elevation and they would be split over both levels, with bedrooms on mezzanine floors on level 1. It is proposed to increase the length of the existing windows in the rear elevation. The mezzanine bedrooms would be served by the upper portion of the windows and level 0

would be served by the lower portion of the windows. It is also proposed to insert new doors at level 0 to provide access to each flat.

- 7.2.1 Level 2 is level with St Mary's Street, it is proposed to provide 3 no. flats on this level. The flats would be accessed from an existing door in the front elevation, along with an additional proposed door. A further 3 no. flats would be provided on level 3, using the same access points. It is proposed to increase the length of existing windows in the front and rear elevation. Flats on level 2 would be served by the lower portion of these enlarged windows and flats on level 3 would be served by the upper portion. Two of the flats on level 2 would have access to a balcony which would be constructed on the rear elevation. Flats on level 3 would also be served by roof lights which are proposed in the front, side and rear roof slopes. It is also proposed to create four new openings in the west facing side elevation. There would be two windows serving bathrooms on level 1 and two larger windows serving living/dining rooms and bedrooms on levels 2 and 3.
- 7.2.2 It is proposed to convert the nursery building into 8 no. 1 bedroom flats. The flats would be spread over two floors, including the roof space. The flats on the ground floor would have individual accesses off the central courtyard and as such it is proposed to create three additional door openings. It is proposed to construct steps up to a balcony at first floor level. The flats on the first floor would be accessed from the proposed balcony via new door openings. It is also proposed to increase the length of the existing windows in the front and rear elevation. The flats on the ground floor would be served by the lower portion of the windows and the flats on the first floor would be served by the upper portion. The first floor flats would also be served by new roof lights in the front and rear roof slope.
- 7.2.3 It is proposed to construct a new building on the parcel of land to the west of the community centre which was formerly used as an amenity space. The building would be viewed as two storeys from St Marys Street. The building would have a pitched roof at the front but it would have a flat roof at the rear. Due to the change in levels and the flat roof element the building would be four storeys at the rear. The building would provide a 12 bedroom House in Multiple Occupation (HMO). Ensuite bedrooms would be provided on levels 2, 3 and 4 and a communal kitchen/living/dining room and utility room would be provided on level 1. The building would be accessed from level 2 which is level with St Marys Street. There would be access to a communal garden to the rear from level 1, this communal garden would also be available to occupiers of the flats within the community centre and nursery buildings.
- 7.2.4 In between the new HMO building and the community centre building it is proposed to construct a lean-to structure which would be level with St Marys Street. This structure would provide a bin storage area. It is also proposed to utilise an existing lean-to structure on the north elevation of the nursery to provide bin storage to serve the nursery building and the lower levels of the community centre building. It is proposed to construct a 16 stand bike shelter adjacent to the southern elevation of No. 2 School Houses. Within the internal courtyard it is proposed to create a new communal garden, new benches and seating areas are proposed with tree and shrub planting; and new paving. The landscaped area to the rear of the HMO building would be retained.

Loss of community facilities

- 7.3 Both the community centre and nursery buildings having an existing community use. Policy CF12 states that proposals that would result in the loss or change of use of buildings currently used for community facilities will only be permitted if:
- i) alternative provision can be made, of at least an equal benefit to the local population; or
 - ii) it can be demonstrated that the existing provision is surplus to the needs of the community.
- 7.3.1 The community centre building has been vacant for at least 4 years. It was sold at auction in November 2017 and there has been no approach for re-use as a community facility. The nursery building has been vacant since 2012. There is no evidence of a demand to retain this building in community use. Policy SP18 favours the reuse of vacant and underused buildings in the urban area. It is considered that policy CF12 is satisfied and policy SP18 provides support for the overall principle of converting the buildings.

Concentration of Houses in Multiple Occupation

- 7.4 Policy H8 criterion (ii) states that within the defined settlement boundary proposals to subdivide a property into self contained accommodation, bedsits or a house in multiple occupation will only be permitted if the proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock.
- 7.4.1 Policy H8 refers to the conversion of buildings however, it is still considered to be relevant where the proposal relates to the construction of a purpose built HMO.
- 7.4.2 The Houses in Multiple Occupation Supplementary Planning Guidance 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% in this area. The SPG sets out a methodology for calculating whether there is an over concentration of HMOs in an area. A 50m radius is drawn around the application building and all residential properties which fall within that radius are counted and the percentage of existing HMO properties is calculated.
- 7.4.3 There are 34 residential buildings within the 50m radius and there is 1 existing HMO. The provision of the HMO building would result in 5.9% of the buildings within HMO use. This is well within the 15% threshold and as such it is not considered that there would be an over-concentration in the surrounding area.

Highways and parking

- 7.5 The application site has no vehicular access. Due to the topography of the site it would not be possible to provide an access and as such the site does not have any existing off-street parking provision. The application site is located in parking zone 2. There is a parking demand associated with the current use of the buildings as a community centre and nursery; and this represents the fall-back position for the site in terms of parking demand.
- 7.5.1 The Parking Standards sets out the parking demand for the existing and proposed uses, these are represented in the table below:

	Type of development	Operational	Non-operational	Parking spaces
Existing	Community Centre	1 commercial vehicle space	1 space per 10m ²	58 spaces
	Nursery	1 commercial vehicle space	1 space per each member of teaching staff and 3 visitor spaces	8 spaces
	Total: 66 spaces			
Proposed	Residential	Nil	1 space per bedroom	36 spaces
	Visitor		1 space per 5 units	7 spaces
	Total: 43 spaces			

- 7.5.2 It can be seen from the table above that the existing parking demand is far greater than that generated by the proposed development. The Head of City Services (Highways) has no objection to the proposed development on this basis. It is recognised that local residents have concerns about the parking demand generated by the proposed development, the lack of off-street provision; and the capacity of the surrounding streets to accommodate on-street parking. However, the fall-back use of the site and the existing parking demand is a material planning consideration. It is not considered reasonable to resist the proposed development on parking ground where the existing demand is greater than that proposed.
- 7.5.3 The proposal generates a demand for 8 cycle spaces. 16 spaces would be provided within a shelter which would exceed the requirements of the SPG; and is welcomed.

Existing residential amenity

- 7.6 In terms of residential amenity Policy GP2 requires development to not have a significant adverse effect on local amenity, not be detrimental to visual amenities of nearby occupiers or the character or appearance of the surrounding area and provide adequate amenity for future occupiers. Policy H8 states that self-contained accommodation will only be permitted if the scale and intensity of the use does not harm the character of the locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems; and adequate noise insulation is provided.
- 7.6.1 The application site is located in a predominantly residential area. It is considered that the proposed residential use of the site would be compatible with those surrounding residential uses. Concerns have been raised by neighbouring residents that new residents to the area would cause an increase in noise and disturbance and that pathways and local streets would experience increased littering and late-night disturbance. Whilst these concerns are acknowledged it is not considered that a residential use of the site would be an inappropriate use in a predominantly residential area.
- 7.6.2 To the east is a sheltered housing complex known as St Marys Court. There are two blocks of two storey buildings containing flats which are in close proximity to the application site. The first block contains flats 1 to 5 (inclusive) and this block is closest to the community centre building. There are habitable windows in the elevation facing towards the application site and there is an area of amenity space between the flats and the community centre building which is used as a garden. There are no windows proposed in the east facing side elevation of the community centre and as such there would be no loss of privacy to habitable rooms in the first block nor the intervening private garden area.
- 7.6.3 The second block contains flats 6 to 11 (inclusive) and this block is closest to the nursery building. The block is orientated diagonally to the nursery building, so the flats in the southern portion of the building are closest to the nursery building. There are habitable windows facing towards the nursery building and there is also a grassed area between the two buildings. This grassed area is not currently used as a garden area and it does slope steeply in places so its usability is limited. Nevertheless, it forms part of the residential complex and occupiers may choose to use it as an amenity area in the future. There are existing windows in the rear elevation of the nursery building which face towards the grassed area and residential block. It is proposed to lengthen these windows so that they would serve bedrooms of each flat. In order to protect the privacy of both occupiers it is proposed to insert vertical translucent louvres within the window opening so that direct views towards St Marys Court would be obscured. This treatment would also allow adequate daylight to enter the proposed bedrooms due to the translucent material proposed. It is recommended that a condition is imposed to ensure these louvres are installed prior to the occupation of the building; and that they are retained in perpetuity.
- 7.6.4 To the west of the application site it is proposed to construct the new HMO building. This building would be in close proximity to properties on Beaufort Terrace, in particular no's 5 and 6 Beaufort Terrace. The rears of these properties align with the proposed HMO building. The proposed HMO would be constructed very close to the rear boundaries of no's 5 and 6 Beaufort Terrace, with a gap of just 500mm between the side elevation of the HMO building and the rear boundaries of no's 5 and 6. Both no's 5 and 6 have two storey rear projections which extend as far as the rear boundary. Neither projection has windows in the rear elevation and as such the construction of a building in such close proximity would not result in a loss of light to rooms in these rear projections.
- 7.6.5 No 6 Beaufort Terrace has a small rear yard which is currently enclosed by tall walls and railings, light entering this small yard is already very limited. The yard contains steps down to a basement, which is below street level. There is no access to the yard from the house but there is access from the street through a steel gate. It is considered that this yard offers very little amenity value to the house, given the height of the existing walls, its size, the position of the steps and the lack of direct access from the house. As such it is not considered that the proximity of the HMO building would be materially harmful to the very limited amenity offered by this small yard.
- 7.6.6 There are also ground floor windows in the rear of no. 6. There is a kitchen window in the side elevation of the rear projection which faces towards St Marys Street. As kitchens are

not protected rooms, the proximity of the HMO building to this window is not considered to be unacceptable. There is also a window in the rear elevation of the main portion of the house which would face towards the HMO building. The proximity of the HMO building could affect light entering the rear window. However, no 6 is a corner property and there are some ground floor windows in the side elevation. It has been clarified that the room served by the rear elevation window is also served by the side elevation window and as such it is considered that the loss of light entering the rear ground floor window would not be so significant; and there would still be an adequate source of daylight through the side window.

- 7.6.7 In terms of the rear garden of No 5 Beaufort Terrace, the proposed HMO building would only marginally extend beyond the rear projection of this property and as such it is not considered that the proposed building would result in a loss of light entering the rear garden.
- 7.6.8 There are two residential properties (1 and 2 School Houses) located opposite the nursery building. There is a distance of 11m between the two buildings. In both buildings there are habitable windows in the front elevations which would face towards each other. The Flat Conversions SPG recommends that there is a distance of 21m between habitable windows in order to protect privacy. The proposal would fall considerably short of this however, this arrangement is more akin to properties which face each other on either side of a road; and indeed the separation distances are the same as those properties on Bailey Street. It is proposed to have communal gardens and amenity areas within the internal courtyard and no's 1 and 2 School Houses would feel very much part of this development. This is considered to be a significant improvement to the amenities of these properties which currently overlook an abandoned courtyard. It is considered that whilst the recommended separation distances could not be achieved the overall amenity for the existing properties would be improved significantly.
- 7.6.9 The Head of Law and Regulation (Environmental Health) has no objection to the proposed development subject to a condition requiring the submission of a Construction Environmental Management Plan, to protect existing residents from the impacts of construction activities.
- 7.6.10 Overall it is considered that the impact on neighbouring residential properties would be acceptable and in accordance with the recommendation of the Flat Conversions SPG and policies GP2 and H8.

Proposed residential amenity

- 7.7 In terms of the amenity of future occupiers of the proposed flats the Flat Conversions SPG makes recommendations in terms of internal floor space. It recommends that 1 bedroom flats have a floor space of at least 45 sq.m and 2 bedroom flats have at least 60 sq.m. The proposed flats meet or exceed these standards except for two 1 bedroom flats which are no more than 1.6 sq. m below the recommended standard. Both flats are considered to have a good amount of natural light and outlook; and it is not considered that this marginal shortfall would adversely affect the residential amenity of future occupiers.
- 7.7.1 The Flat Conversions SPG also recommends that outdoor amenity space should be made available to the occupants of converted flats wherever the opportunity exists. It is proposed to provide a large communal amenity space which would be furnished with seating and landscaping. All flats would have access to this communal area and it is considered that this would offer a good standard of residential amenity, particularly when considering the dense urban setting of the surrounding area.
- 7.7.2 There is a close relationship between part of the rear elevation of the community centre building and the southern elevation of the nursery building. It is proposed to have windows serving habitable rooms in both elevations and these would be 6m apart. In order to prevent overlooking of these habitable rooms it is proposed to obscure glaze the windows in the southern elevation of the nursery building. The rooms would also be served by windows in the front elevation and as such it is not considered that obscure glazing would adversely affect the amenity of these rooms.

- 7.7.3 There are instances of habitable windows facing towards the proposed amenity spaces. These windows are from within the development and from windows in the rears of properties on Beaufort Terrace. In terms of the overlooking from within the development the amenity areas are communal and are accessible to all occupants of the development. As such, these areas are not intended to be private spaces and the applicant is attempting to create a sense of community within the development. The overlooking of these amenity areas is therefore considered to promote this community spirit. In terms of the windows in the rears of properties on Beaufort Terrace, it has been demonstrated that existing high boundary treatments to the rear of these properties would interrupt the line of sight from first floor windows. Only very limited views would be afforded and given the communal nature of the amenity areas it is not considered that there would be a harmful loss of privacy to future occupiers.
- 7.7.4 The Head of Law and Regulation (Environmental Health) has no objection to the proposed development subject to a condition requiring a scheme for sound insulation measures and mechanical ventilation where necessary, it is recommended that this condition is imposed. The Head of Law and Regulation (Environmental Health) also requires a condition requiring details of sound insulation measures to the floor/ceiling and party wall structures between the proposed flats. As these matters would be dealt with by building regulations it is not necessary to impose such a condition.

Design

- 7.8 External alterations to the community centre and nursery buildings are limited to the lengthening of the existing window openings, new roof lights and new window and door openings, which are predominantly confined to the elevations which face towards the internal courtyard. All windows and doors would be bronze aluminium. It is not considered that these alterations would be harmful to the character and appearance of the existing buildings nor the visual amenities of the surrounding area.
- 7.8.1 The construction of the HMO building is a significant addition in the street scene. At street level the building would be of a similar scale to the housing to the west, that is, two storeys in height. It would have a pitched roof on the front elevation which is characteristic of buildings in the surrounding area. The building does incorporate a flat roof to the rear portion of the building which, whilst not a typical design in the surrounding area, it would be largely screened by existing properties to the west and as such views would be limited from public places. To the rear the building would be 4 storeys in height which would be read alongside the taller rear elevation of the community centre building; and in any case views of this rear elevation would be limited to within the site itself. It is proposed to finish the front elevation of the building in render with a slate roof which is typical of buildings on St Marys Street. To the rear it is proposed to finish the building with cementitious cladding and render. All windows and doors would be grey aluminium.
- 7.8.2 Overall it is considered that subject to a condition requiring details/samples of the external finishes of the buildings, the design and appearance of the proposed HMO building and the alterations to the community centre and nursery building would be acceptable and would not cause harm to the visual amenities of the surrounding area. This is in accordance with policies GP2 and GP6.

Waste and recycling

- 7.9 It is proposed to provide two waste and recycling stores. One to be accessed from St Marys Street and the other adjacent to the nursery building which would be accessed via a stepped ramp from Bailey Street. The Head of City Services (Waste) are satisfied with the size of both bin stores.
- 7.9.1 It is proposed to make alterations to the ramp from Bailey Street to the application site. It is proposed to remodel the ramp and create shallow steps with an anti-slip tarmac surface. These alterations are proposed following discussion with the Councils Waste department and would enable waste operatives to be able to access and manoeuvre bins from the bin store.

Landscaping

- 7.10 It is proposed to retain the existing landscaping in the area to the rear of the proposed HMO building, some tidying of this area would be required since it has become overgrown. It is also proposed to improve the internal courtyard through new hardsurfacing, tree and shrub planting and seating areas. The Head of City Services (Landscaping) has no objection to the proposals however it is recommended that conditions are imposed requiring a planting, maintenance and management plan. The plans should also demonstrate a review of the impact of building shade on the existing landscaping to the rear of the proposed HMO building. It is recommended that these conditions are imposed.

Protected species

- 7.11 A bat activity survey was undertaken in August 2018. No bats were identified emerging from or entering either of the existing building. The Head of City Services (Ecology) is satisfied with the survey undertaken and has no objection to the application.

Historic value

- 7.12 The existing buildings are not listed, they are not located in a conservation area or in an Archaeologically Sensitive Area. The Glamorgan Gwent Archaeological Trust note that the buildings were formerly a school and consider that they have visual and cultural significance within Newport. They consider that it is necessary to mitigate for the external and internal alteration through a historic record being made before development commences. This would allow a record of the building in its current state to be made and the changes proposed to be documented. It is recommended that this is secured through a condition.

Section 106 Planning Obligations

- 7.13 In accordance with Policy SP13 of the adopted Newport Local Development Plan and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
Regeneration , Investment and Housing	To provide an on-site provision of affordable housing or a commuted sum.	30% of on-site affordable housing units at 50% ACG, in accordance with policy H4 of the LDP or in accordance with formulae set out in the adopted Affordable Housing SPG a commuted sum of £84,412	£0	Yes
Education	For the provision and/or improvement of facilities at St Woolos Primary School	£16,115	£0	Yes
Leisure	To contribute towards the deficit of "Equipped" and "Formal" play in the St Woolos ward.	£52,214 to upgrade and maintain off-site "Equipped" and "Formal" play at Baneswell playground and Belle Vue Park	£0	Yes

7.13.1 **Viability** In this case, the developer has provided information in relation to the viability of the planning obligations required to mitigate the harms caused by the scheme. The financial model of the developer is a build and rent model, which results in low return in the short term (below industry norms) in order to achieve larger returns in the long term.

7.13.2 An 'open book' viability appraisal was undertaken utilising the Council's Three Dragons Toolkit. The Head of Regeneration, Investment and Housing (Planning Contributions Manager) concludes that policy compliant contributions would jeopardise the proposal's economic viability and subsequent delivery. As such, it is concluded that the above planning obligations should be waived on this occasion.

Drainage

7.14 It is proposed to discharge surface water drainage to the existing sewer. Welsh Water state that alternative means of surface water disposal should be utilised and they recommend a condition to prevent surface water drainage from discharging to the public sewerage system. The proposal largely involves the conversion of existing buildings and as such there is no additional surface water runoff associated with those buildings. It would not be reasonable to now require an alternative method of surface water disposal to that which currently exists. However, it is proposed to construct a new building (HMO building) on an area of land which does have some impermeable areas, as such there would be an increase in surface water runoff associated with that building. It is therefore considered necessary to impose a condition which requires details of a surface water drainage system relating to that building.

Other matters

7.15 Gwent police have made recommendations in relation to security measures to windows and doors; and advice in relation to planting and lighting. It is considered that the recommended landscaping condition would sufficiently cover advice in relation to landscaping and as there is no information within the application relating to lighting, a condition is recommended which would require their details should they be proposed. Security measures to windows and doors fall outside of the planning remit however, the applicant is alerted to this advice through an informative.

7.15.1 Queries have been raised in relation to the need for more rented and flatted accommodation in this area. The need for this type of accommodation is largely determined by the prevailing housing market in an area. In this instance the buildings have been vacant for some time and there is policy support for the reuse of vacant buildings in the urban area where they contribute to the provision of residential accommodation. The provision of residential accommodation in a predominantly residential area is considered to be acceptable; and the Council's Housing Officer notes that the proposed accommodation would cater for some of the housing need in the area.

7.15.2 A query has also been raised in relation to the accessibility of the development for disabled people and particular reference is made to wheelchair users. It is acknowledged that not all parts of the development would be suitable for wheelchair users particularly as the buildings are on multiple levels with no lifts and there would be a stepped access from Bailey Street. However, level 2 of the community centre would be accessible at street level with no stepped access internally. As such, there would be opportunities for wheelchair users to occupy the building.

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 is considered to be acceptable and in accordance with policies SP9, SP13, SP18, GP2, GP4, GP5, GP6, GP7, H4, H8, T4, CF12 and W3 of the Newport Local Development Plan (adopted January 2015). It is not considered that the proposed development would have a harmful impact on existing or future residential amenity, highway safety, the character and appearance of the surrounding area, the historic value of the buildings or on protected species. It is recommended that planning permission is granted subject to conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: L(0-)-002 rev A, L(0-)-003, L(0-)-004, L(0-)-006, L(0-)-007 rev A, L(0-)-010 rev D, L(0-)-011 rev B, L(0-)-012 rev B, L(0-)-013 rev B, L(0-)-017 rev D and design and access statement rev B (Hatcher Prichard Architects, November 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

Pre- commencement conditions

02 No development, to include demolition and site preparation, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following during development:

- a) dust suppression measures, having regard to BRE guide 'Control of Dust

from Construction and Demolition Activities;

b) wheel wash facilities;

c) noise mitigation measures;

d) measures to minimise the impact on air quality;

e) details of temporary lighting;

f) details of enclosure of working areas;

g) details of contractor parking areas and construction site accesses;

h) details of delivery routes and phasing/programming of site works;

i) a drainage strategy to operate setting out controls of contamination, including controls to surface water runoff, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures.

j) pollution prevention and contingency measures.

Development works shall be implemented in accordance with the approved CEMP.

Reason: In the interests of amenities and highway/pedestrian safety; and in accordance with policies GP2, GP4 and GP7.

03 Prior to the commencement of works to the community centre or nursery buildings a programme of historic building recording and analysis shall be implemented in accordance with a written scheme of investigation which shall first be submitted to and approved in writing by the local planning authority.

Reason: As the building is of architectural and cultural significance, the specified records are required to mitigate impact, in accordance with policy SP9.

04 Prior to the commencement of works details/samples of materials and finishes to be used on the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out using the approved materials.

Reason: To ensure that the development is completed in a manner compatible with its surroundings; and in accordance with policies GP2 and GP6.

05 No development, other than demolition, shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected, in accordance with policies GP2 and GP7.

06 No development, other than demolition, shall commence until a landscaping and tree planting scheme (indicating the number, species, heights of planting and positions of all trees and shrubs) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include a five maintenance and management plan; and an assessment of the impact of building shade on the existing landscaping to the rear of the House in Multiple Occupation building. The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with the approved management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

Reason: To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner, in accordance with policy GP5.

Pre-construction conditions

07 Prior to the construction of the House in Multiple Occupation building hereby approved details of a scheme to dispose of surface water runoff shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.

Reason: To ensure adequate drainage is provided and to prevent hydraulic overloading of the public sewerage system; and in accordance with policy GP3.

08 Prior to the installation of any lighting details shall first be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details.

Reason: In the interests of residential amenity and security, in accordance with policy GP2.

Pre –occupation conditions

09 Prior to the first occupation of the residential units the waste and recycling storage areas as shown on the approved drawings (L(0-)011 rev B and L(0-)013 rev B) shall be provided and retained thereafter in perpetuity.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity area protected; in accordance with policies GP2 and W3.

10 Prior to the first occupation of the residential units, cycle parking as shown on the approved drawing (L(0-)011 rev B) shall be provided and retained thereafter in perpetuity.

Reason: To ensure adequate cycle parking is provided and in the interests of sustainability; in accordance with policies SP1 and GP4.

11 Prior to the first occupation of the ground floor and first floor flats in the southern-most part of the nursery building the windows in the side, south facing elevation shall be fitted with obscure glazing and shall be retained in that state thereafter in perpetuity.

Reason: To protect the privacy of neighbouring occupiers, in accordance with policies GP2 and H8.

12 Prior to the first occupation of the flats within the former nursery building, the bedroom windows shall be fitted with vertical translucent louvres in accordance with drawing L(0-)011 rev B. The louvres shall be retained thereafter in perpetuity.

Reason: In the interests of residential amenity and in accordance with policy GP2.

General conditions

13 No window or door openings (other than those shown on the approved plan) shall be formed in any elevation of the community centre, nursery or new House in Multiple Occupation buildings hereby approved.

Reason: To protect the privacy and perceived overlooking of adjoining residents; and to protect visual amenity; in accordance with policies GP2 and GP6.

NOTE TO APPLICANT

01 This decision also relates to: Preliminary Ecological Appraisal and Bat Survey (Acer Ecology, August 2018) and Bat Activity Survey (Abricon Ltd, September 2018).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP9, SP13, SP18, GP2, GP4, GP5, GP6, GP7, CE6, H4, H8, T4, CF12 and W3 were relevant to the determination of this application.

03 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

04 In relation to condition 3 the historic environment mitigation work should be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for Building Recording" (www.archaeologists.net/codes/ifa) and it is recommended that it is undertaken

either by a ClfA Registered Organisation (www.archaeologists.net/ro) or an accredited MCIfA level Member.

05 The applicants' attention is drawn to the advice provided by Gwent Police in their response to this application dated 18 December 2018).

APPLICATION DETAILS

No: 19/0145 **Ward:** CAERLEON

Type: DISCHARGE CONDITIONS

Expiry Date: 07-APR-2019

Applicant: R PHILLIPS

Site: LAND KNOWN AS TWENTY TEN GOLF COURSE, THE COLDRA, NEWPORT

Proposal: DISCHARGE OF CONDITION 02 (PERMISSIVE PATH) OF PLANNING PERMISSION 01/0356 FOR THE EXTENSION OF EXISTING GOLF COURSE ONTO AGRICULTURAL LAND AND DEVELOPMENT OF NEW CLUBHOUSE, CAR PARK, ACCESS DRIVE AND FOOTBRIDGE OVER THE RIVER USK AFFECTING PUBLIC FOOTPATHS 389/44A/44/53/54

Recommendation: APPROVED

1. INTRODUCTION

- 1.1 This application seeks to resubmit details for the partial discharge of condition 02 (permissive path) of planning permission 01/0356 which sought to extend the golf course onto agricultural land, construct a new club house, car park, access drive and footbridge over the River Usk.
- 1.2 The purpose of this resubmission is to effectively prevent entry of unauthorised personnel to the 2010 golf course. Supporting Information submitted with this application confirms that this is necessary in the interest of security and the health & safety of Celtic Manor employees and the public. Access to the 2010 course will be prevented through the retention of gates at either end of the 2010 bridge over the River Usk.
- 1.3 There has been significant local opposition to the approval of this application as many individuals and groups in the area have enjoyed use of the route through the Celtic Manor grounds and over the bridge onto Usk Road. Many respondents did however seem to be incorrectly under the impression that a 'permissive path' has equal status to a public footpath. It does not. Furthermore, as detailed in the assessment below, the wording of condition 02 does not require implementation of the approved details by a specific point in the development of the project and does not require that public access is maintained for a period of time.

2. RELEVANT SITE HISTORY

01/0356	EXTENSION OF EXISTING GOLF COURSE ONTO AGRICULTURAL LAND AND DEVELOPMENT OF NEW CLUBHOUSE, CAR PARK, ACCESS DRIVE AND FOOTBRIDGE OVER THE RIVER USK AFFECTING PUBLIC FOOTPATHS 389/44A/44/53/54	GRANTED WITH CONDITIONS
04/0769	PARTIAL DISCHARGE OF CONDITIONS 02 (PERMISSIVE PATH); 03 (WETLAND HABITAT); 07 (RIVER BUND); 09 (SURFACE WATER RUN OFF); 22 (LAND FILL AND HARDCORE); 23 (FENCING AROUND RIVER BUFFER ZONE); 24 (FENCING AROUND TREES AND HEDGEROWS); 31 (LANDSCAPING SCHEME); 33 (SITE ENCLOSURE); 35 (HARD PAVED AREAS); 36 (TURNING FACILITY); 41 (FENCING AROUND SCHEDULED MONUMENTS) AND 43 (PROTECTION OF RIVER BANK) OF PLANNING PERMISSION 01/0356 FOR EXTENSION OF EXISTING GOLF COURSE	APPROVED

3. POLICY CONTEXT

- 3.1 **Policy GP2 – 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 GP7 – Environmental Protection and Public Health: states that development will not be permitted which would cause or result in unacceptable harm to health.

Policy T5 - Walking and Cycling: promotes the creation of a network for walking and cycling, including National Cycle Networks 47, 4 and 88.

4. CONSULTATIONS

- 4.1 None

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (HIGHWAYS): No response
- 5.2 HEAD OF CITY SERVICES (PUBLIC RIGHTS OF WAY OFFICER): As the path in question is permissive Newport City Council does not have powers to insist that this is kept open for the enjoyment of the public; these can only be utilised when public rights of way are recorded on the definitive map, or ways that have been used without disruption for 20+ years are affected.

The statutory declaration submitted by the Celtic Manor Resort in 2014 confirms that they did not intend for this path to be dedicated as a Public Right of Way.

That being said it is recognised that this path has been enjoyed by the public since its opening and thus has significant amenity value that compliments the network of public rights of way in the area. The abrupt closure of the path has raised a significant level of concern and confusion amongst regular users which has emphasised this use by the public. For these reasons a more collaborative approach would be supported in which the antisocial behaviour could be mitigated whilst continuing to allow access to the public.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: As this is an application to discharge a condition, neighbours were not consulted and this accords with the correct Council procedure. However, approximately 102 objection letters were received in respect of this application. The issues made are summarised below:

- the general public currently has lawful access to use these footpaths on a Permissive basis, and this planning application is designed to remove these rights;
- currently offers benefits of safe (traffic-free) recreation on the paths within this locality;
- walkers, runners and Caerleon running club make extensive use of the 2010 pathways and river bridge;
- the beautiful scenery is invaluable to ones mental and physical well-being. Being a safer path to take away from traffic is surely a better option than the Old Usk road which often sees speeding cars;
- it is understood that the routes through the course were envisaged pre-2010 as being an extension of the cycle networks and public use was a positive consideration encouraged by the Celtic Manor;
- people would welcome the opportunity to work with the Celtic Manor to agree a mutually agreeable arrangement, which offers no liability or risk to the Resort;
- As an active participant in meeting the goals of the Well-being of Future Generations (Wales) Act, Caerleon running club's members voluntarily assist in programmes to help people improve their health (physical and mental), fitness and confidence by offering programmes such as Couch 25K, which takes complete

beginners through a nine week course that prepares them to be able to run 5 kilometres or further. At least three hundred people join this course each year and we commit to guiding them in running in safe areas of Caerleon. If they can no longer use this site, options will become very limited for future programmes;

- Harassment experienced by users from intimidating Estate Warden;
- The bridge was opened by Carwyn Jones, first minister for Wales as part of our national pride to host the Ryder Cup;
- The bridge forms a circle from the Usk road to the Bulmore road and back into Caerleon, giving a really nice route for walkers to see such beautiful countryside;
- villagers put up with months of trucks carrying mud and dirt to build up the area for the golf course. The access across the bridge was a reward but this is now being taken away;
- Perhaps increasing Security in the area (which there is never any sign of) or introducing some CCTV would resolve problems experienced;
- Suggest netting is used to prevent ball strikes of public;
- Query as to why no neighbour consultation was carried out;
- The path has allowed an increase in the valuable recreational and health giving “free” activity of walking, opening up access to the river corridor and picturesque views of the Usk valley, and sightings of the varied bird life;
- a wonderful place for local people to escape the village tourism and meet their health needs without having to run too far (cycle path) or by the road side;
- Proposal does not promote a good relationship between the public and the Golf Club;
- Allows mental health goals to be achieved;
- The benefits of the bridge were also a fundamental part of the public funding that was provided via Transco and the ambition to continue the cycle path through to Wentwood Forest;
- Taking away the rights to access these routes are in opposition to promoting health and well being of your residents;
- Proposal is contrary to key principles of Planning Policy Wales 10 (PPW10) and the Newport Local Development Plan (LDP) It is essential that decisions are not made that would, effectively reduce the amount of accessible safe recreational facilities that contribute directly to the health and well-being of Newport’s citizen;
- the removal of poorly managed ‘controls’ in the way of signs, gates, fences etc. would actually encourage more users which, in turn would reduce the levels of anti-social behaviour through natural surveillance;
- Clarification sought as to why the gate has been erected to stop access when it is understood that currently public access has not yet been revoked and this represents a breach of planning control;
- Few other walks within reasonable distance are as pollution free as this. Users will now be forced to endure the poor air quality of the streets in Caerleon which will have an impact on health and Belmont Hill which is dangerous;
- With the university campus now closed and the cycle path being blighted with street-lighting switched off or not working, the only option is take running groups onto estate roads and footpaths, or abandon classes altogether due to the inherent risks;
- All of the incidents referred to in 2018/19 by the Director of Security relate to transgressions by ‘young persons’. Sadly, this is a reflection of modern times and describes scenarios which are not only confined to Celtic Manor grounds, and a wholesale ‘ban’ on everyone would be counter-productive;
- Many respondents cannot recall any golfing activity taking place;
- Public money was used to build the bridge and so in my eyes it should be available for public use;
- the gates are unsightly and should be removed as soon as possible so the people of Caerleon can enjoy the countryside;

- people who regularly visit the location are highly responsible and respectful and these people range from walkers, joggers, cyclists, young families with children who can safely use scooters or pedal cars, nature lovers, berry pickers, nut pickers, dog walkers etc.

6.2 WARD COUNCILLORS:

COUNCILLOR GILES: has requested that this application is referred to Planning Committee on the grounds of the detrimental effect on hundreds of people and the community and has requested to speak at committee. Councillor Giles' objections are summarised below:

- The path and bridge have been available to the community for over eight years, as far as I am aware, without any adverse effects or issues. This indicates the value placed on this amenity and the consistent respect with which it has treated;
- Over the years, hundreds of people and various groups, including Caerleon Running Club and the Breeze Women's cycling group, have enjoyed the use of the path as a safe and traffic free route;
- Access has not only provided pleasure but also contributed to health and wellbeing. This is particularly important given the significantly limited access to open space and countryside in the Caerleon ward;
- In addition, Caerleon Running Club runs programmes assisting people to improve their health (physical and mental) and confidence through programmes such as Couch 25K, which takes complete beginners through a nine week course that prepares them to be able to run 5 kilometres or further. At least three hundred people join this course each year and includes running in safe areas of Caerleon;
- There has never been any issue with the safety of cyclists as the driving range, when in use, does not face the cycle track. Cyclists have caused no nuisance to golfers, as they follow the path. It was understood that the path was part of the cycle network
- access has been blocked without first obtaining permission;
- no anti-social behaviour has been experienced by users of the path;
- The alternative is an unsafe route which will have an adverse impact on the running and cycling clubs and their ability to run their programmes, and
- Residents are willing to work with the Celtic Manor to reach an agreeable arrangement

COUNCILLOR HUGHES: Requests that the application is refused and has objected to the application for the following reasons:

- People, including myself, are therefore bemused as to why such a popular amenity, which has been available for many years without incident, and provides benefit to hundreds of people and our community as a whole, has been so suddenly removed;
- The original application noted the important contribution the path and bridge would have as a public amenity for local people and it was suggested strongly at the time that this would be part of the long term legacy of the application and Ryder Cup on the local community;
- The path provides an important facility for the community in accessing a safe route into the countryside and several running and cycling groups use the path on a regular basis;
- Caerleon has a recognised traffic and pollution issue and being able to access safe open spaces is important and promotes the local health and well-being of the community;
- Safety has been cited as a reason for removing this facility yet as far as I am aware there has been no reported incidents involving local residents. Most research points out that areas used frequently by the public are likely to face less not more incidents of vandalism.
- It is disappointing that the Celtic Manor have not sought to find local solutions to any concerns they may have and work with local groups. Removing the amenities without consultation or planning shows a lack of understanding as to the importance

of the path locally and shows a disregard for the local community. It has had a profound negative response locally and has left many genuinely disappointed.

- 6.3 CIVIC SOCIETY: The Civic Society strongly regrets that the Celtic Manor wishes to revoke permission for public access to the current permissive path between the Usk Road and Bulmore Road, including the footbridge over the River Usk.

Many genuine people regularly use the path with no intention of causing damage, with only a small minority abusing the trust the Celtic Manor have placed in the public.

It seems unreasonable that the Celtic Manor cannot do more to protect their property. Flags, bunker rakes, markers and unfixed equipment should be safely stored when not in use. Golf buggies, if stored correctly, would never suffer damage

7. ASSESSMENT

Status of the Path

- 7.1 Condition 02 of planning permission 01/0356 was attached primarily to ensure that the interests of nature conservation were protected in the construction of the permissive path. It states:

02 Notwithstanding the information accompanying the planning application before any work is started pursuant to this permission full details of the permissive path, including its alignment, construction, landscaping, management, and controls over its usage shall be submitted to and approved in writing by the Local Planning Authority, and the development shall then be implemented fully in accordance with the details as agreed.

Reason: To ensure that details of the development are satisfactory, and in the interests of nature conservation.

- 7.2 This condition was partially discharged on 1 October 2004 under application 04/0769. The officer report considers the information submitted, which includes a plan of the route of the path and states:

(Condition) No 02 requires that details of the permissive path be submitted for approval. The submitted drawings indicate this footpath/cycleway running from Usk Road across the river via the new bridge, then running parallel with the river towards Bulmore Road, and then alongside Bulmore Road to the rear of the gardens of the residential properties located along this road, to emerge onto Bulmore Road near Abernant Farm. This will be 4m in width of crushed limestone construction. A number of directional signposts and markers will be located along the length of this permissive path, with standard field gates provided at each end. Because it is a permissive path, the applicant will be able to control access along its length, and there will be no right of public access. However, it is envisaged that apart from tournaments and maintenance, it will remain open throughout the year.

- 7.3 The 'permissive path' referred to in condition 02 was proposed by the applicant i.e. the Celtic Manor in supporting information accompanying application 01/0356. The submitted Environmental Statement refers to the proposed path and reveals:

'A new permissive path for pedestrians and cyclists is proposed from Caerleon Road, where the site abuts the road, through to Bulmore Road. The path runs to the north of the Practice Area and crosses over the River Usk via the new bridge. The path runs parallel with the bank of the Usk for a short distance before turning north-east and parallel to Bulmore Road through most of the length of the site. In total, the new path would be some 1.35km in length and when its landscaped setting has matured, it would have an attractive parkland character'.

- 7.4 The officer report for 01/0356 reveals the aspiration of the path to link in with the Sustrans national cycle network. This aspiration was not realised and the path does not enjoy the same legal protection as a public right of way. The Head of City Services (Public Rights of Way) has confirmed this, although acknowledges the situation is unfortunate. There was no legal agreement made or condition imposed at the time of the original consent which

specified that the permissive route should be provided for a minimum period or kept available at all times for the public to pass and re-pass. The officer report for 04/0769, under which the details for condition 02 were originally approved, also confirms that there is no public right of access. Furthermore, the wording of the condition does not specify a time for the completion of the proposed path or indeed that any path which is completed should be retained for public use for any length of time. This effectively means that had the landowner not completed the path, the Local Planning Authority would have been limited in terms of what it could require of them in terms of implementation. The wording of the condition does not require the long term protection of the pathway and whilst the management details previously agreed by the Council in discharging the condition stated that it would likely remain open most of the year for public use, this was a likelihood not a certainty. Nonetheless, the current closure of the route at the bridge is a clear contradiction of the information previously supplied to and agreed by the Council, hence this submission.

Justification for Ceasing Public Access

- 7.5 As identified above, when details of a 'permissive path' were originally proposed as part of application 01/0356, the intention was to allow public access and for the path to potentially become part of the Sustrans cycle network. However, it has always been at the discretion of the landowner that access would be controlled by the landowner and the route does not enjoy the status of a public right of way or any legal restrictions on its closure in part or in full.
- 7.6 Several statements have been submitted with this application, including those from Celtic Manor Employees and a local resident, which provide the justification for seeking to alter the details originally approved under application 04/0769 by blocking access over the 2010 suspension bridge through the erection of gates at either end. Signs and warnings displayed at various locations have not proved to be a sufficient deterrent. A risk assessment has also been carried out and a schedule confirming that there have been 12 separate security incidents in the last 12 months which can be attributed to unauthorised access to the golf course by people and vehicles. There are reported incidents of anti-social behaviour, criminal damage, theft and a tournament was suspended on one occasion. The resort is also experiencing problems with dog walkers not cleaning up after their dogs and there is a general health and safety concern for both staff and members of the public. The gates which have been erected either end of the bridge are identified as an essential control within the submitted risk assessment.

Public Amenity and Representations Received

- 7.6 There is no doubt that since its creation, the permissive path has provided a significant benefit to its public users and is highly valued by many, including dog walkers, running and cycling groups and residents of the surrounding area. There are public footpaths which provide access over the Celtic Manor estate between Catsash and Bulmore Road but the overriding advantage that the permissive path has over these other routes is that it provides access from Bulmore Road to Usk Road with a crossing over the River Usk. Without this, pedestrian access has to be through Caerleon village.
- 7.7 Over 100 representations have been received objecting to this application. Caerleon Civic Society and the Local Councillors have also objected on the basis on the loss of the route. Many respondents are, as identified above, incorrectly under the impression that they have a right to use the existing permissive path. Many cite the advantages to public amenity and vitality that the route provides and this is acknowledged. Other representations identify how gates have been erected without having first applied for planning permission and have looked to the Local Authority to confirm that they can still access the land. Respondents state that they have not experienced any anti-social behaviour or health and safety issues through their regular use of the path, despite the supporting information submitted by the applicant. Beyond the cessation of a popular and well-enjoyed route, there is general annoyance that the applicant has not sought to seek a resolution to their concerns with the local community.

Discharge of Condition 02

- 7.8 Ultimately, the purpose of this submission is to consider whether the information submitted to re-discharge condition 02 is acceptable or not. The condition has previously been discharged and there is nothing to prevent any developer seeking approval of the Local

Planning Authority to amended details related to a condition. The reason for the condition was to safeguard ecological interests and ensure details are satisfactory and there is no intention to alter the construction or route of the pathway, only to effectively restrict those using part of it. There are considered to be no nature conservation considerations arising from this so it therefore must be considered whether the new details of the pathway are satisfactory. In planning terms, the permissive path was considered a merit of the 2001 project but even then, a right of public access was not confirmed or assumed. Whilst information to originally discharge the condition said it 'envisaged' the path would be open apart from tournaments and maintenance requirements. There was nothing to prevent the landowner from closing it for maintenance and tournaments for the majority of the year. Control over who can access and when ultimately rested with the landowner both legally and in planning terms.

- 7.9 No objections have been received from external consultees and the approval of application 01/0356 does not rely on provision of this permissive path albeit that it is considered a merit of the project.
- 7.10 The current proposal has no implications in terms of nature conservation and there are no proposals to physically remove the track. The gates across the suspension bridge are not visible from outside of the site and are not considered to have an adverse impact upon the character and appearance of the area when viewed in the context of the structure of the bridge. The effect of the bridge closure is regrettable but having regard to the above and the reason stated for the condition in the first instance, there is no robust reason to refuse the discharge of the condition. On this basis, the information submitted in respect of condition 02 of planning permission 01/0356 is considered acceptable.

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. Whilst the impact of the partial route closure has been noted and considered above, the fact remains that the pathway is provided at the discretion of the landowner and only with landowner permission can it be used by the public. Such permission can be retracted at any time in legal terms and in planning terms no right of public access has been or can be assumed. It is considered that whilst the blockage of the route may have an adverse impact upon the public enjoyment of this area, other public routes do exist within the locality and pleasant local landscape can still be enjoyed by the existing public rights of way and other public routes over which the public have legal rights to pass and re-pass. Furthermore, parts of the permissive path remain open albeit that there is no through route between Usk Road and Bulmore Road. Consequently, 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 information submitted in respect of condition 02 of planning application 01/0356 are considered acceptable and it is recommended that the details are therefore approved.

10. **RECOMMENDATION**

APPROVED

NOTE TO APPLICANT

01 This decision relates to plan Nos: photo of gates across bridge, site plan, risk assessment matrix, Health and Safety Matrix, Security Statement, Estates Statement, Estate Warden Statement, Resident Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2, GP7 and T5 were relevant to the determination of this application.

03 As consideration of this request did not raise significant additional environmental matters over and above those previously considered as part of the original application, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

APPLICATION DETAILS

No: 19/0145 Ward: **CAERLEON**

Type: Discharge Conditions

Expiry Date: 07-APR-2019

Applicant: **R PHILLIPS THE CELTIC MANOR RESORT, THE COLDRA, NEWPORT, NP18 1HQ**

Site: **Land Known As Twenty Ten Golf Course, The Coldra, Newport**

Proposal: **DISCHARGE OF CONDITION 02 (PERMISSIVE PATH) OF PLANNING PERMISSION 01/0356 FOR THE EXTENSION OF EXISTING GOLF COURSE ONTO AGRICULTURAL LAND AND DEVELOPMENT OF NEW CLUBHOUSE, CAR PARK, ACCESS DRIVE AND FOOTBRIDGE OVER THE RIVER USK AFFECTING PUBLIC FOOTPATHS 389/44A/44/53/54**

1. LATE REPRESENTATIONS

- 1.1 APPLICANT (RUSSELL PHILLIPS): Following a query noting the presence of 'no entry' signs at Usk Road and the absence of signs at Bulmore Road, the applicant has confirmed that the intention is to stop members of the public entering the 2010 golf course from Bulmore Road and this has been the case for many years, Warning signs have been removed by others.

The gates at Bulmore Road are locked from around 5PM (earlier in the winter) and opened at around 6:30am for members of staff to gain access to the course and later in the day for members/visitors playing golf.

- 1.2 COUNCILLOR WATKINS: Sends apologies for not being able to attend the Committee meeting. Fully endorses the comments made by Cllr Hughes. This bridge is widely used by the public for recreational and access reasons and Councillor Watkins is personally unaware of any vandalism issues in the area as cited by the Celtic Manor. She states that the Celtic Manor could put better security arrangements in place. Furthermore, Caerleon is blighted by serious air pollution and so far there has been no progress in addressing that, this bridge therefore must be retained for public use. Objects to the proposal.
- 1.3 COUNCILLOR HUGHES: Sends apologies for not being able to attend the committee meeting but reiterates that he stands by his original objection and supports Councillor Giles in any comments made on the day.
- 1.4 HEAD OF CITY SERVICES (PUBLIC RIGHTS OF WAY OFFICER): With regards to any problems with routes through Celtic Manor we currently have one report of a blocked footpath between Priory Wood and Catsash road. I've asked the wardens to investigate this as it's not clear from the complaint whether it's deliberate or overgrown/fallen vegetation etc. The other routes will also be looked at to check there are no issues. The majority of these are checked and cut back annually as they are fairly well used. Footpaths 389/40 and 389/45 have effectively been cut off as a result of the construction of the A449 as no diversion or provision for crossing it was made. In terms of legal diversions in the Celtic Manor area; Footpath 389/44A was diverted in 2006 and then again in 2016 Footpath 389/53 was diverted in 2008 Footpath 389/43 through Priory Farm was subject to a modification order in 1999 It may be worth noting also that in 2014 the Celtic Manor Resort made a statutory declaration (Highways Act 1980 Section 31A) indicating which ways they recognised as Public Highways (the ones shown on the definitive map) and that no other ways would be dedicated as Public Highways.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

- 2.1 Comments received from Russell Phillips seek to clarify the nature of the proposal. The intent is to prevent public access along the length of the entire route between Bulmore Road and Usk Road not just across the bridge. The gates installed on the bridge are one of the tools used for doing this. The officer report was contradictory on this point as indicates that parts of the route will remain open in some sections of the report. This is technically incorrect and whilst the public may continue to use the pathway, they do not have the consent of the landowner to do so. Notwithstanding this, the officer assessment does include evaluation of the path's status and the parameters of the relevant condition and this does not change. The officer recommendation therefore remains the same.
- 2.2 The section relating to the Wellbeing of Future Generations Act is updated and section 8.7 of the published report is hereby amended to the following:

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. Whilst the impact of the partial route closure has been noted and considered above, the fact remains that the pathway is provided at the discretion of the landowner and only with landowner permission can it be used by the public. Such permission can be retracted at any time in legal terms and in planning terms no right of public access has been or can be assumed. It is considered that whilst the blockage of the route may have an adverse impact upon the public enjoyment of this area, other public routes do exist within the locality and pleasant local landscape can still be enjoyed by the existing public rights of way and other public routes over which the public have legal rights to pass and re-pass. Consequently, there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

- 2.2 The issues raised in Councillor Watkins' objection are adequately considered in the officer report as are Councillor Hughes' original comments.
- 2.3 The Head of City Services (Public Rights of Way Officer) was consulted as part of the application process and confirmed the status of the permissive path. The comments reported here have no impact on the officer recommendation but do confirm the location of other rights of way through the Celtic Manor Estate, although none provide a link between Bulmore and Usk Road. Only the permissive path under consideration did this owing to the River Usk crossing.

3. OFFICER RECOMMENDATION

- 3.1 APPROVED

APPLICATION DETAILS

No: 18/1239 **Ward:** LLISWERRY

Type: FULL (MAJOR)

Expiry Date: 28-FEB-2019

Applicant: MASON, MASON & REYNOLDS HOLDINGS LIMITED

Site: LAND TO NORTH EAST OF ALAN R JONES & SONS LTD, NASH MEAD, NEWPORT

Proposal: CREATION OF SECURE 24 HOUR LORRY PARK, CANOPY STRUCTURE, OFFICE UNIT AND SECURE COMPOUND WITH ASSOCIATED CAR PARKING, LANDSCAPING AND ENGINEERING WORKS AND RETENTION OF UNAUTHORISED ENGINEERING WORKS COMPRISING THE IMPORTATION OF MATERIAL

Recommendation: Granted with Conditions**1. INTRODUCTION**

- 1.1 Planning permission is sought for the creation of a lorry park, canopy structure, office unit and secure compound with associated parking, landscaping and engineering works. The application also seeks to regularise the importation of soil to the site for the purpose of raising land levels.
- 1.2 The site is bounded by Meadows Road to the west and Nash Mead to the north. It is surrounded by existing industrial type uses with the exception of the adjoining land to the south which is vacant and whilst it is undeveloped, it is allocated in the Newport Local Development Plan as Employment land for B1, B2 and B8 uses. The proposals are therefore acceptable in principle subject to all relevant considerations, the most pertinent of which are considered to be design, amenity, parking/highway safety, flooding, ecology and landscaping.
- 1.3 The application is being reported to Planning Committee as the proposals fall within the 'major' category as the floor space being created exceeds 1000 square metres.

2. RELEVANT SITE HISTORY

89/0702	DEVELOPMENT OF SITE FOR STORAGE AND DISTRIBUTION DEPOT	Granted with Conditions
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3. POLICY CONTEXT

- 3.1 *-Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.*
- Policy SP9 Conservation of the Natural, Historic and Built Environment protects habitats and species as well as Newport's listed buildings, conservation areas, historic parks and gardens, scheduled ancient monuments, archaeologically sensitive areas and landscape designated as being of outstanding historic interest.*
- 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 GP4 General Development Principles – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

-Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

-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.

-Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health.

-Policy EM3 Alternative Uses of Employment Land protects existing employment sites against development unless it can be demonstrated that the site has been marketed unsuccessfully for 12 months; there remains a sufficient range and choice of employment land to meet LDP requirements and local demand; there is no adverse impact on existing or allocated employment sites; and the proposal has no adverse impact on amenity or the environment.

Relevant Supplementary Planning Guidance

Wildlife and Development, August 2015

Parking Standards, August 2015

Archaeology and Archaeologically Sensitive Areas 2015

4. CONSULTATIONS

- 4.1 GLAMORGAN GWENT ARCHAEOLOGICAL TRUST: No objection.
- 4.2 NATURAL RESOURCES WALES: Recommend planning permission is only granted subject to conditions relating to surface water disposal and finished floor levels.
- 4.3 DWR CYMRU – WELSH WATER: Request drainage conditions.
- 4.4 WALES AND WEST UTILITIES: Provide details of equipment in the area.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (LANDSCAPE OFFICER): No further information is required.
- 5.2 HEAD OF CITY SERVICES (ECOLOGY OFFICER): It is unfortunate that the above application site has been cleared and extensive preparation works carried out prior to the application coming. Although it is an allocated site, the LDP clearly states that development of the site will result in the loss of habitat (and disturbance of adjacent habitats) and potentially impact local reens and designated sites which should be appropriately assessed and mitigated for. It is evident from the aerial photograph record of the site, that although the site had in part been occupied previously, semi-natural habitats had developed and were well established. It is likely that the site supported priority habitat and may have met the criteria to be considered as a Site of Interest for Nature Conservation (SINC) under the Post-Industrial Land category. The site could have supported protected species similar to the neighbouring SINC at the Alpha Steel Site (LIS3) where scarce moths, birds such as Cetti's warbler, and plants including several orchid species have been recorded.
Despite the site preparation works carried out, I would still expect an ecological assessment be provided to support the application that addresses the issues identified in

the LDP and for the scheme to incorporate mitigation and compensation for the loss of priority habitat. I recommend that the application is supported by a Preliminary Ecological Assessment, supported by a desk study including local records data search and habitat survey, that identifies ecological constraints and how they may be overcome, including potential of boundary vegetation to support protected species, potential impacts on protected species recorded near the site, and nearby designated sites. The report also needs to address how loss of priority habitat can be compensated for within the scheme, or off-site if necessary. A revised landscape strategy is required that provides compensatory habitat planting, and protects and strengthens habitat connectivity along Meadows Road, in line with LDP policy GP5.

5.3 HEAD OF CITY SERVICES (HIGHWAYS): No objections.

5.4 HEAD OF CITY SERVICES (TREES): The landscape plan should be amended to reflect the naturalist planting /landscaping already in the area, as this site is at the edge of the countryside. Given the amount of vegetation that was originally cleared from the site the buffer planting should be increased in width to accommodate appropriate compensatory planting.

5.5 HEAD OF LAW AND REGULATION (NOISE): I can advise that while there may be the potential for noise from HGV activity at the site to be audible at the nearest dwellings on occasions, particularly during late night hours, I do not envisage a level of impact which would merit this section objecting. Therefore, there is no objection providing any grant of permission is subject to a condition requiring the provision of a close boarded fence in accordance with the details provided.

5.6 HEAD OF LAW AND REGULATION (POLLUTION): Having reviewed the contaminated land report by Terra Firma dated February 2019 I agree with the findings and recommendations. No objection is offered subject to conditions.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 100m of the application site were consulted (9no properties), a site notice displayed and a press notice published in South Wales Argus. No response received.

7. ASSESSMENT

7.1 As noted above, the primary use of the site would be for lorry storage which is sui generis, however the proposed warehouse/canopy structure and containers would serve as offices and have a B8 use. The proposed use of the site is considered to be compliant in policy terms with the allocation of the site for employment use.

7.2 The site layout plan shows a total of 114 truck bays around the edge of the site and also within its centre. The canopy building would be located to the west of the site and would measure 35m x 55m x 11m in height. It would be finished in metal cladding with a white material membrane roof and would have three large roller doors in the eastern elevation. Situated alongside the canopy building would be the container building which would measure approximately 33m x 13m x 3m in height with a flat roof. It would have the appearance of a portacabin.

7.3 Design/Landscaping

The proposed utilitarian design and large scale of the structures is considered to be in keeping with the neighbouring buildings and the character of the area. As previously noted, soil has been imported to the site and the levels have been altered. The changes in the levels are not significant in visual amenity terms and do not result in an adverse visual impact.

7.4 Whilst within the urban area and allocated for employment purposes, the site is located on the periphery of the open countryside and Meadows Road is characterised by wide landscape buffers and boundary trees/planting giving the area a pleasant character. The proposed buildings would be situated at the western end of the site at the furthest point from Meadows Road which helps limit the visual impact of the development from this

aspect. Planting buffers are to be retained along the eastern edge of the site adjacent to Meadows Road and along the northern perimeter adjacent to Nash Mead and the width of these buffers has been the subject of negotiation given their importance in terms of both ecology and visual amenity. A comprehensive landscaping scheme has been submitted and the Council's Landscape officer subsequently confirms no objections are offered to the proposals. A 2.4m high wire security fence is proposed around the site. This is in keeping with boundary treatments in the vicinity and is considered acceptable.

7.5 Ecology

In response to the proposals the Council's Ecology officer states it is unfortunate that the site had been cleared and extensive preparation works carried out prior to the application being submitted and it is evident from the aerial photographic records of the site, that although the site had in part been occupied previously, semi-natural habitats had developed and were well established and despite the site preparation works carried out, an ecological assessment should be provided to support the application that incorporates mitigation and compensation for the loss of habitat.

- 7.6 Whilst the loss of habitat is regrettable, the nature of the ecological requirements is not in line with the pre-application enquiry response provided by the Council and given that the site is now considered to offer very limited ecological potential, it is considered that it would be onerous to require further ecological mitigation. However, the landscape buffers have been enhanced so that they provide compensatory habitat planting and protect and strengthens habitat connectivity along Meadows Road. This in itself can be viewed as ecological enhancement.

7.7 Amenity

The proposed buildings would be approximately 50m away from the nearest neighbouring buildings which are of an industrial nature. Given this it is not considered that the proposals would result in an overbearing impact or a loss of privacy to neighbouring occupants.

- 7.8 As noted in the description of the application, a 24-hour use is proposed. The nearest residential properties are located to the north east, approximately 110m from the site boundary. The Head of Law and Regulation (Noise) considers that there is potential for noise from HGV activity and associated site operations to potentially be audible at the residential properties, particularly during late night hours and therefore requested that a noise assessment be provided prior to the determination of the application. The applicant duly provided this and in response, the Council's Environmental Health officers advise that subject to noise mitigation in the form of a close boarded fence along part of the northern perimeter of the site, no objection is offered. The fence would be located adjacent to Nash Mead which is an inner estate road and less prominent than Meadows Road. The fence would be screened by the planting buffer around the site perimeter. As such it is not considered that the proposed fence would result in a detrimental visual impact.

- 7.9 Contamination conditions are requested by the Council's Pollution officer in view of the material that has been imported to the site.

7.10 Parking/Highway Safety

The application is accompanied by a Transport Statement, swept path analysis details and a parking layout. In addition to the truck parking, 11 vehicle spaces are to be provided. The Head of City Services (Highways) has advised that the level of parking provision is acceptable and the proposals do not give rise to any highway safety concerns.

7.11 Flood Risk

The proposal site lies entirely within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). NRW Flood Map, which is updated on a quarterly basis, confirms

the site to be within the 0.5% (1 in 200 year) and / or 0.1% (1 in 1000 year) annual probability flood outlines.

7.12 **Overview of Technical Advice Note 15: Development and Flood Risk**

TAN 15 sets out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone C), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas. The Council is expected to consult Natural Resources Wales (NRW) when considering development in Zone C1. Where a planning authority is minded to go against the advice of NRW it should inform NRW prior to granting consent allowing sufficient time for representations to be made.

7.13 **TAN 15 Tests**

Section 6.2 of TAN 15 refers specifically to justifying the location of development and that such development should only be permitted within zone C1 if determined by the planning authority to be justified in that location and demonstrated that:

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
 - ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region;
- and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
 - iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.

7.14 **Test 1 – Justification**

Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement

Located within the settlement boundary and allocated within the Local Development Plan for Employment use, Officers consider that the development is necessary as part of a local authority strategy required to sustain an existing settlement.

7.15 **It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1)**

PPW defines previously developed land as:

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.

Whilst allocated within the Local Development Plan for Employment use, the development site does not constitute previously developed land.

7.16 **Tests 2 to 12 – Consequences of Flooding**

Moreover, criterion (iv) of paragraph 6.2 of TAN 15 refers specifically to the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable. These are referred to as tests 2 to 12 below.

Test 2 - Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).

NRW have not objected to the development on the basis of inadequate flood defences.

Test 3 - The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.

No flood mitigation measures proposed as part of the development.

Test 4 - The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.

It is intended to notify the developer of this by way of an informative to the planning consent.

Test 5 - Effective flood warnings are provided at the site

NRW identify that whilst they seek to provide timely and robust warning they cannot guarantee their provision. No objection is offered by NRW on this basis.

Test 6 - Escape/evacuation routes are shown by the developer to be operational under all conditions

Escape/evacuation routes could flood to depths of 1.73m and has a maximum velocity of flooding of 0.67m/s which is outside of the tolerable limits prescribed in A1.15 for access purposes. Rate of rise and speed of inundation would also exceed the tolerable limits in TAN15. TAN 15 specifies a maximum depth of 1m for industrial developments. It can therefore be concluded that at least in part, the evacuation route would not be operational under all conditions and this test is failed.

Test 7 - Flood emergency plans and procedures produced by the developer must be in place

NRW advise that if, as the planning authority, you are satisfied that the proposed location is the only possible location in planning terms, only then should you consider whether the above risks and consequences can be managed through measures such as emergency planning and evacuation.

A Flood Emergency Management Arrangement document has not been submitted.

The local planning authority does not have the in-house expertise to judge the effectiveness of the emergency plan. Planning Officers are therefore not in a position to comment upon the effectiveness of the flood emergency management arrangements document is acceptable and effective. These procedures would be the responsibility of the developer.

Test 8 - The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters and Test 9 - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.

The proposed buildings have been designed to be compliant with A1.15 of TAN 15. Tests 8 and 9 are therefore satisfied.

Test 10 - No flooding elsewhere.

NRW do not object to the development on this basis.

Test 11 - Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.5) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.

NRW do not object to the development on this basis.

Test 12 – In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 1000mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.45m/second in properties and the maximum rate of rise of floodwater would not exceed 0.3m/hour (refer to table at paragraph 7.7.41).

The development has been designed with slab levels set at 7.38m so that over its assessed lifetime of 75 years in an extreme (1 in 1000 chance) event the building would not flood beyond the tolerable limits set out within TAN 15. However, as noted under test 6 escape/evacuation routes could flood to depths of 1.73m and a maximum velocity of flooding of 0.67m/s which is outside of the tolerable limits prescribed in A1.15 for access purposes. However, the rate of rise and speed of inundation would likely be below the tolerable limits in TAN15 given the tidal nature of the flooding threat.

- 7.17 In summary, when assessing whether the risks and consequences of flooding can be satisfactorily managed, the proposals have been shown to satisfy all but two of the tests in part A1.15 of TAN 15. Test 6 – “*Escape/evacuation routes are shown by the developer to be operational under all conditions*” cannot be complied with and test 12 in respect of residual risk of development. Despite this, no objection is raised by NRW as the buildings are predicted to be flood free subject to a minimum floor level which can be controlled by condition.
- 7.18 The source of potential flooding is from the tidal river Usk or Severn Estuary and there is predicted to be a 13 hour lead in time for a flood event which would give sufficient time to evacuate the site prior to the onset of flooding. The tidal predictions including for surge conditions are undertaken on a 24hr/7days a week basis by the NRW. The current flood forecasting models underpinning NRW’s Flood Warning Service should be able to provide up to 12 hours advance notice of a significant tidal event. Whilst advance flood notice should not be relied upon in isolation, it is considered that due to the tidal nature of the flood risk in this instance, some weight should be attributed to this in conjunction with all other considerations. The proposed use is ‘low vulnerability’ and TAN15 acknowledges the differences in terms of different types of development and associated vulnerability. Furthermore, the proposals have significant merit and include the regeneration of this prominent brownfield site and it has welcomed economic benefits.
- 7.19 On balance, when considering the associated flood risk together with the fact that the proposed use is low vulnerability in its nature, and that the proposals are in line with key growth strategies of the Local Development Plan, it is considered that the social and economic impacts of the site, outweigh the flood impact.
- 7.20 **Drainage**

Surface water is to be discharged via SUDS. In response to this Natural Resources Wales advise that whilst it appears that the applicant’s preferred option is for an attenuated discharge into the watercourse, this is not clear from the information provided and a

condition for the submission for approval of a surface water scheme is required due to the proximity of the site to a SSSI, in order to ensure potential for pollution is minimised.

Subject to the submission of further drainage details which can be required by condition, it is not considered that the proposals would result in an adverse drainage impact.

7.21 **Archaeology**

The site is archaeologically sensitive and Glamorgan Gwent Archaeological Trust advise that as there is unlikely to be an archaeological restraint to this proposed development and they offer no objections to the positive determination of this application.

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 proposals represent the development of land allocated for employment use and are conducive to key growth strategies within the LDP. The proposed buildings are considered to be in scale and keeping with their surroundings and would not result in a detrimental impact to neighbouring amenity. Subject to conditions requiring the development to be carried out in accordance with the landscaping details provided with the application, it is considered that the proposals would preserve the visual amenity of the area and are acceptable in ecological terms.
- 9.2 The proposals include sufficient parking provision and would not result in an adverse highways impact.
- 9.3 Taking into consideration the low vulnerability of the nature of the proposed use in flood risk terms and subject to a finished floor level condition, the consequences of a potential flood event are deemed to be acceptable.
- 9.4 It is recommended that the application is granted subject to the following conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: SUB-106 revision C, SUB-03 revision K, SUB-102 revision C, SUB-103, 01 Revision G and Commercial Noise Assessment by dated 20/03/2019.

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 No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of the following during development:

- dust suppression measures, having regard to BRE guide 'Control of Dust from construction and demolition activities;
- construction site compound;
- contractor parking and
- wheel washing facilities.

The development shall be carried out in accordance with the approved CMP.

Reason: In the interests of highway safety in accordance with Policy GP4 of the NLDP.

03 No development shall commence until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no surface water shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage and in the interests of the SSSI and in accordance with Policies SP1 and GP5 of the Newport LDP.

04 No development shall commence until

- A) Gas monitoring boreholes are installed in the vicinity of any building to gather gas monitoring data that shall be used to determine appropriate gas protection measures. The gas risk assessment shall be submitted to and approved by the Local Planning Authority. Once agreed evidence of installation of the gas protection measures shall be provided to the Local Planning Authority.

- B) To determine if the material in the Stockpiles identified in the Geo Technical Report is suitable for reuse on site, and the soils beneath the stock pile do not pose a risk to human health it shall be subjected to chemical testing and risk assessment. The assessment shall be submitted to and approved by the Local Planning Authority.
- C) Any imported material shall be chemically tested to prove it does not pose a risk to human health and or the environment. The results of which along with the risk assessment shall be submitted to the Local Planning Authority.

Reason: In the interest of human health in accordance with Policy GP7 of the NLDP.

Pre –occupation conditions

05 Prior to the first beneficial use of the buildings hereby approved, the vehicle parking spaces other than for the heavy goods vehicles as shown on drawing number SUB-03 Revision K shall be demarcated as per the approved plans and shall remain available for parking in perpetuity. A minimum of 10% of the parking spaces shall be installed with electric vehicle charging points.

Reason: To ensure the development is served by adequate parking provision in the interests of highway safety in accordance with Policy GP4 of the NLDP and PPW.

07 Prior to the first beneficial use of the site as hereby approved, a 2m high close boarded solid timber fence shall be erected in accordance with drawing no: SUB-106 Revision C and shall be retained in perpetuity.

Reason: In the interests of neighbouring residential amenity in accordance with Policy GP2 of the NLDP.

General conditions

08 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 and the Town & Country Planning Use Classes Order 1987, as amended (or any order revoking and re-enacting those Orders with or without modification) the premises the subject of this permission shall not be used other than for purposes falling within Class B8 of the Use Classes Order.

Reason: To ensure that the use remains compatible with surrounding land uses in the area in accordance with Policy SP7 of the NLDP.

09 Finished floor levels for the containers/office units hereby approved shall be set no lower than 7.38 metres above Ordnance Datum (AOD) (Newlyn).

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Policy SP3 of the NLDP.

10 The security fencing hereby approved shall only be erected in accordance with the approved details as shown on drawing no. SUB-106 revision C.

Reason: In the interests of visual amenity in accordance with Policy GP2 of the NLDP.

11 The development hereby approved shall be carried out fully in accordance with the approved landscaping scheme as detailed on drawing numbers 01 revision G and Landscape Strategy 1895/18/RP01F.

Reason: In the interests of visual amenity in accordance with Policy GP2 of the NLDP.

12 The containers hereby approved shall be removed from the site in their entirety by no later than five years from the date of this planning permission.

Reason: Due to their temporary nature and in the interests of visual amenity in accordance with Policy GP2 of the NLDP.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP9, GP2, GP4, GP5, GP6, GP7 and EM3 were relevant to the determination of this application.

02 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 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

APPLICATION DETAILS

No: 18/1152 **Ward:** GRAIG

Type: FULL

Expiry Date: 03-FEB-2019

Applicant: WILLIAMS

Site: CWM HEDD LAKES, PENYLAN ROAD, BASSALEG, NEWPORT, NP10 8RW

Proposal: CHANGE OF USE OF FISHING OFFICE TO HOLIDAY LET.

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for the conversion of an office used for the former fishing business into holiday accommodation. The office formed part of the complex known as Cwm Hedd. Cwm Hedd is part of Croesheolydd Farm and previously comprised a fisheries and a camping and caravan complex which has developed since 2001 as a result of farm diversification. The site is located on Penylan Road some 100m west of Bassaleg. The building comprises a wooden lodge structure which would be converted into holiday accommodation and would comprise a three bedroom unit. No external changes are proposed as part of the proposal.

2. RELEVANT SITE HISTORY

00/0818	Creation of fishing lake	Granted with conditions.
16/0250	3no. holiday accommodation cabins	Granted with conditions

3. POLICY CONTEXT**3.1 Newport Local Development Plan 2011-2026 (Adopted January 2015)**

SP1 – Sustainability favours proposals which make a positive contribution to sustainable development.

SP5 states that development in the countryside will only be permitted where the use is appropriate in the countryside, respects the landscape character and biodiversity of the immediate and surrounding area and is appropriate in scale and design. Housing development, rural diversification and rural enterprise uses, beyond settlement boundaries, will only be appropriate where they comply with national planning policy.

Policy SP8 states that proposal will contribute positively to the area through high quality design, materials and management schemes that demonstrate a clear appreciation of the areas special features.

GP2 – 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.

GP3 – Service Infrastructure states that development will only be provided where necessary and appropriate service infrastructure either exists or can be provided. This includes power supplies, water, means of sewage disposal and telecommunications.

GP4 – Highways and Accessibility states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway

capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

GP6 – 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.

CF8 relates to tourism, and states; that new and improved tourism related developments, including hotel and other visitor accommodation, conference and exhibition facilities, heritage interpretation facilities, rural tourism and activity tourism in the countryside will be permitted, particularly where regeneration objectives will be complemented.

T4 Parking states that development will be expected to provide appropriate levels of parking.

EM3 Alternative Uses of Employment Land protects existing employment sites against development unless it can be demonstrated that the site has been marketed unsuccessfully for 12 months; there remains a sufficient range and choice of employment land to meet LDP requirements and local demand; there is no adverse impact on existing or allocated employment sites; and the proposal has no adverse impact on amenity or the environment.

M1 relates to safeguarding of Mineral Resource and states that development that would be incompatible with safeguarding hardrock or sand and gravel resources within the mineral resource areas as shown on the proposals map will not be permitted unless:

4. CONSULTATIONS

4.1 DWR CYMRU – WELSH WATER: No Objections.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): No objections. The proposal is considered acceptable on the basis that existing office is a viable fall back and would generate vehicle movements in association with staff and visitors.

5.2 HEAD OF LEGAL AND REGULATION (TOURISM OFFICER): supports the application in that it does give additional accommodation in the area in support of the visitor economy. This type of accommodation is suited to the location giving the option of an activity style holiday with fishing. Newport does not offer much of this rural, family friendly type of accommodation. It is a larger type with 3 bedrooms.

5.3 PLANNING POLICY MANAGER: The application is within the countryside, special landscape area, mineral safeguarding area - however it is for the conversion of an existing office building into a holiday let. National and local policy is supportive of tourism related development within the countryside. Application 16/0250 for 3 holiday cabinets was approved in October 2016, and it is understood that this conversion will make it four. Policy EM3 would usually be considered for the conversion of office space to alternative uses, however it is not considered relevant in this instance as this is a specific office use directly related to the fishery business.

There are no planning policy objections to the conversion of this building to a holiday let. It is recommended that a condition is imposed to limit the occupancy for holiday occupancy only.

6. REPRESENTATIONS

6.1 NEIGHBOURS: A site notice was displayed no response has been received.

6.2 COUNCILLOR WILLIAMS: Requested that the application be determined by Planning committee as he has a vested interest in the site.

7. ASSESSMENT

- 7.1 As mentioned previously consent was granted in 2000 for the construction of a fishing lake and complex. It has developed as a tourist destination with a camping and caravan site. In 2016 consent was granted for the construction of 3 lodges to support the tourist activities. These have not been constructed to date. The former fishing lodge is sited within 150m of the access of the site from Penylan Road and some 35m west of the fishing lake. The applicant has confirmed that the previous uses of the site as a fishing lake and caravan site are being disbanded and that he wishes to convert the fishing office into a holiday let. Policy EM3 would usually be considered for the conversion of office space to alternative uses, however it is not considered relevant in this instance as this is a specific office use directly related to the fishery business.
- 7.2 The site is located within open countryside and is designated a special landscape area. As it involves the conversion of an existing Lodge style building, it would not involve the introduction of a new structure which could impact adversely upon the character of the area. Also, it is of a timber construction and of a simple lodge style building which would not be at odds with the character of the area. Application 16/0250 for 3 holiday Lodges were approved in October 2016. The fishing office is sited some 100m to the north west of these cabins which have not yet been constructed.
- 7.3 Policy CF8 relates to tourism, and states; that new and improved tourism related developments, including hotel and other visitor accommodation, conference and exhibition facilities, heritage interpretation facilities, rural tourism and activity tourism in the countryside will be permitted, particularly where regeneration objectives will be complemented. It clearly supports the principle of development of tourism related facilities, as is proposed as part of this application. The area in question is not well served by local facilities or public transport links, although it is very close to a number of Public Rights of Way (PROW). The nearest bus route/stop is some 1000m on the A468 in Bassaleg. The nearest local facilities are within Bassaleg, where there are shops, take ways and public houses. Although the site is not served by public transport or suitable pedestrian access, the priority set by PPW for securing sustainable tourism facilities in rural areas and the LDP policy which supports tourism facilities weigh in favour of the development. The nature of the proposed use as a holiday let which accommodates short term stays would govern the nature of the vehicle movements from the site. Being a tourist facility, the occupants are likely to be travelling to various local tourist attractions, which would inevitably be undertaken by private car. Although this aspect in itself is not sustainable, the other sustainability factors identified and the proximity to various PROWs and cycle routes would outweigh the harm arising from the private car use in this instance. It is also considered that the proposal will provide economic benefit to the area. The Tourism Officer is fully supportive of this proposal and has stated that it does give additional accommodation in the area in support of the visitor economy. This type of accommodation is suited to the location giving the option of an activity style holiday with fishing. Newport does not offer much of this rural, family friendly type of accommodation. It is a larger type with 3 bedrooms and is therefore welcomed.
- 7.4 The clear support for such schemes by policy CF8 is also a determining factor in assessing this application. Such support would not normally be offered to schemes for new residential dwellings in such areas, despite similarities in the schemes in terms of use of private car and access to local facilities. A condition is suggested restricting the use of the lodge to holiday accommodation only.
- 7.5 In terms of access, the Head of Street Scene and City services Highways Engineer initially raised concerns about the intensification of use of an access where visibility is substandard. The access is via the existing farm entrance and then off a gated road into the trout lakes. Visibility onto Penylan Road is slightly poor to the right and the internal access road is fairly narrow and not 4.1m which would be required. The applicant has confirmed that the cabins are proposed as an alternative to the fishing, camping and caravan business. In light of the vehicular traffic associated with the fishing office, the Highways Officer has stated that the proposal is considered acceptable on the basis that existing office is a viable fall back and would generate vehicle movements in association with staff and visitors.

- 7.6 The site is located within a Sand and Gravel Minerals Safeguarding Area under Policy M1 of the LDP. The policy seeks to safeguard the recognised mineral resources to ensure that the finite resource is not sterilised for future consumption. The proposal involves the conversion of an existing building and so it is not considered that it would sterilise the mineral resource. It is considered on this basis that Policy M1 has been complied with.

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 in this instance, the proposal is supported by tourism policies and is welcomed. The impact upon the character of the special landscape area and countryside is acceptable. Having regard to the relevant policies of the LDP, it is concluded that the proposed development would be acceptable. It is recommended that Planning permission be granted subject to the conditions listed below.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents Site Plan, SD278-01, SD 278-02 and 03

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

General conditions

02 The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year.

Reason: The provision of permanent residential accommodation would not be acceptable in the open countryside.

03 An up to date register containing details of the names, main home address, dates of arrival and departure of occupants using the holiday accommodation shall be made available for inspection by the Local Planning Authority upon request.

Reason: To ensure the accommodation is used as holiday let accommodation.

NOTE TO APPLICANT

01 This decision relates to plan Nos: planning statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP8, SP9, GP2, GP3, GP4, GP5, GP6, T4, T7, CF8 and M1 were relevant to the determination of this application.

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

APPLICATION DETAILS

No: 19/0112 **Ward:** *ROGERSTONE*

Type: FULL

Expiry Date: 12-APR-2019

Applicant: *ROGERSTONE COMMUNITY COUNCIL*

Site: *SITE OF FORMER PUBLIC TOILETS, CEFN ROAD, ROGERSTONE, NEWPORT*

Proposal: *ERECTION OF 4NO. DISPLAY PANELS WITH ASSOCIATED LANDSCAPING AND PUBLIC SEATING*

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for the erection of four display panels containing murals depicting the Chartist March and 'Rising' together with hard and soft landscaping and seating, located on the site of Former Public Convenience, Cefn Road, Rogerstone. The applicants are Rogerstone Community Council.
- 1.2 The application is brought before Planning Committee as it relates to a Council owned site.

2. RELEVANT SITE HISTORY

97/1195 REMOVAL OF EXISTING BASE PROVISION OF NEW BASE Granted with
AND PAVEMENT CROSSING/DROPPED KERB SITING OF Conditions
RECYCLING BANKS

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 GP4 (Highways and Accessibility) states that development should provide appropriate access for pedestrians, cyclists and public transport along with appropriate car parking and cycle storage. Development should not be detrimental to the highway, highway capacity or pedestrian safety and should be designed to enhance sustainable forms of transport and accessibility.

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 No external consultation was undertaken.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF CITY SERVICES (LANDSCAPE OFFICER): No representations received.
- 5.2 HEAD OF CITY SERVICES (HIGHWAYS ENGINEER): The display panels would be erected on land which is set back behind a lay-by and footway. There is no mention of the panels being lit and it is considered the panels would not constitute an undue distraction to motorists. Therefore I would offer no objection to the application.

6. REPRESENTATIONS

- 6.1 SITE NOTICE (Displayed 14 February 2019): No representations received.

7. ASSESSMENT

- 7.1 This application seeks full planning permission for the installation of public artwork on a vacant parcel of land situated to the north of a layby on Cefn Road, and to the south of Ruskin Avenue on the site of the former public toilets. The toilets were demolished some time ago. The area has become overgrown and un-kempt. The application site is a prominent point on Cefn Road and is visible within the wider street scene.
- 7.2 Rogerstone Community Council (the applicant) seeks permission for the erection of mural depicting the Chartist March, the mural itself will be created from acrylic mounted on a metal framework with a maximum height of 1.8 metres. The vertical supports (part aluminium part galvanised steel) will be finished in Gun Metal Grey
- 7.3 The existing retaining wall (approximately 1metre high) will be cleaned and the area of the former public toilets will be levelled to that of the pavement and resurfaced with soft and hard landscaping. The hard landscaping will be a Grey Tegular Paving and a planting schedule has been provided. A bench is proposed parallel to the footpath. It would be of a simple design made of recycled materials in a dark grey colour.
- 7.4 There are no alterations proposed to the existing steps to the west of the site or to the footpath to the south. The Highways Officer has no objection to the proposal.
- 7.5 The application site is prominent and currently not visually pleasing. It is considered that the proposed mural and associated landscaping, by virtue of size, design and location would relate sympathetically to its surroundings and enhance the surrounding area.

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, GP4 and GP6 of the Newport Local Development Plan 2011-2026 (Adopted January 2015), it is considered that the proposed display boards and associated landscaping would be acceptable in terms of its size, design and impact on the character of the local area. There is not considered to be any detrimental impact on highway and pedestrian safety. 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: 1806-PL-02, 1806-PL-03, 1806-PL-04, Planting Schedule PS-1 and Cover Letter from Louis Chicot dated 24th January 2019

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 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies GP2 GP4 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.
