

Report

Planning Committee

Part 1

Date: 4th December 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

Background

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

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

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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

Welsh National Marine Plan November 2019

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

“Newport City Council Retail Study by Nexus Planning (September 2019) “ 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

1.

APPLICATION DETAILS

No: 19/0724 **Ward:** ALLT-YR-YN

Type: FULL

Expiry Date: 02-SEP-2019 (EXTENDED 04-DEC-2019)

Applicant: E COX

Site: 6, OMBERSLEY ROAD, NEWPORT, NP20 3EE

Proposal: CHANGE OF USE OF A FOUR BEDROOM DWELLING (C3 USE) TO A SIX BEDROOM HOUSE OF MULTIPLE OCCUPATION (C4 USE)

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the conversion of a four bedroom dwelling, known as 6 Ombersley Road, to a six bedroom house in multiple occupation.
- 1.2 The building is a three storey, mid terrace property.
- 1.3 The application is reported to Committee at the request of Councillor Evans and Councillor Ferris.

2. RELEVANT SITE HISTORY

- 2.1 None relevant.

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 **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 **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.

4. CONSULTATIONS

- 4.1 HEDDLU – GWENT POLICE: No response.

5. INTERNAL COUNCIL ADVICE

- 5.1 HEAD OF LAW AND REGULATION (ENV. HEALTH): No objection subject to a condition restricting the use of machinery and deliveries to specified hours.

5.2 PLANNING POLICY: No objection. According to GIS, there are no other HMOs within a 50m radius of this property. The application site falls within Lower Super Output Area W01001605 – Allt yr Yn. In the Council's own research, this LSOA is ranked 9th in terms of complaints and 38th in terms of crime. There's not sufficient evidence to demonstrate an over concentration of HMOs in this area.

5.3 HEAD OF CITY SERVICES (HIGHWAYS): The site is located in parking zone 3. In accordance with the Newport City Council Parking Standards SPG the existing 4 bedroom house requires 3 off-street parking spaces. The site has no off-street parking resulting in an existing parking shortfall of 3 spaces. A 6 bedroom HMO requires 6 residents spaces plus a visitor parking space. Taking into account the existing parking shortfall the development proposal requires 4 off-street parking spaces. The Planning Statement cites sustainability credentials for the site but Appendix 5 of the Parking SPG states that for residential units any reduction in parking shall not result in less than one space remaining. Each individual HMO bedroom is a separate residential unit and no parking reduction would be appropriate.

5.3.1 The application states that parking would be accommodated on street. It must be for the applicant to demonstrate that adequate on-street parking is available. A parking survey using the Lambeth Methodology is required. The applicant should note that this methodology must be strictly applied to include the early morning surveys when parking demand is likely to be at its peak. In the absence of the applicant being able to demonstrate that adequate on-street parking is available by the required method a recommendation of refusal will be forthcoming.

5.3.2 *Following the submission of a parking survey:* No objection. The parking survey submitted by the applicant demonstrates that sufficient on street parking is available to accommodate the additional spaces generated by the proposal in accordance with the Newport City Council Parking Standards.

5.4 HEAD OF LAW AND REGULATION (HOUSING): Provides advice about HMO licensing requirements.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All neighbours within 50m of the application site were consulted (94 properties). 9 representations have been received raising the following:

- Already enough properties with multiple occupancy, with drug problems, dealers and the related anti social behaviours. Another HMO may exacerbate this issue.
- Parking is already an issue on this road, with most households owning multiple cars. Residents from Bassaleg Road and Risca Road also use the road for parking. The addition of a multiple occupancy household could potentially increase the car count considerably.
- The application has used the incorrect address when searching for HMOs within a 50m radius of 6 Ombersley Road. It is considered that there may be a number of HMOs already registered within a 50m radius of the property meaning it would take the area over the 15% allowance.
- Concerns over the safety of residents, in particular young children, due to increased traffic of vehicles and visitors of residents who are likely to park unsafely and illegally due to the lack of parking available.
- The large number of HMO's and flats on this road and in neighbouring roads negatively impacts the local community and the social setting of young families in this area.
- Converting this property to a HMO would be a further loss of a family dwelling on Ombersley Road.
- Increase in general noise from an increased number of residents (volume of people coming and going) and the plans to create a large number of bathrooms. This will especially impact on the adjoining properties.

6.2 COUNCILLOR MATTHEW EVANS: I wish to strongly object to the change of use of 6 Ombersley Road from a four bedroom dwelling to a 6 bedroom HMO. There are already numerous properties in the vicinity which have been turned into HMO's, the applicant states there are none within a 50 metre radius but I would question this because the map provided is in Maindee not Allt-yr-yn. There would be no off street parking provided, in an area which

increasingly suffers from a lack of parking. It would not enhance the area at all, so should you be mindful to grant permission I would like the Planning Committee to hear it.

- 6.3 COUNCILLOR CHARLES FERRIS: I would like to object to the application as there are already too many HMOs in Ombersley Road which is changing the character of the neighbourhood for the worse.

7. ASSESSMENT

- 7.1 This application seeks full planning permission for the conversion of this mid terrace four bedroom house into a six bedroom house in multiple occupation. The conversion would result in a communal kitchen, bathroom and two bedrooms on the ground floor and four bedrooms and a bathroom on the first floor. Each bedroom would have an en-suite toilet room. The attic space would be used for storage.

- 7.2 The main considerations for this proposal 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 (General Amenity) 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 (Self Contained Accommodation and Houses in Multiple Occupation) 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.

7.3 Concentration of HMOs

- 7.3.1 The Houses in Multiple Occupation Supplementary Planning Guidance (SPG) 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.

- 7.3.2 Within a 50m radius of the property there are 19 residential units. Calculations indicate that there are no HMOs within a 50m radius of the property as defined by the methodology set out in the approved SPG. If the application is approved it would result in 5.2% 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.

- 7.3.3 Having regard to the above, it is considered that this proposal would not result in an over-concentration of HMOs in the area. In addition Councils research identifies that the application site falls with Lower Super Output Area W01001605 – Allt Yr Yn. The area is ranked 9th in terms of complaints and 38th in terms of crime. Overall it is considered that the proposal would not unduly harm the character of the area nor would it create an imbalance in the housing stock. In this respect the proposal satisfies Policies H8 and GP2 and the guidelines within the SPG. The comments of neighbours are noted.

7.4 Parking

- 7.4.1 In accordance with the Councils Parking Standards SPG, the existing house generates a demand for 3 off-street parking spaces. The property does not provide any off-street parking provision. The proposed HMO would generate a demand of 6 spaces at a ratio of 1 space per bedroom and 1 visitor space. The shortfall in parking at the property would therefore increase from 3 to 7, a worsening of 4 spaces.

- 7.4.2 The applicant has submitted a parking survey which considers the availability of parking on both sides of Ombersley Road and the western side of Bassaleg Road. The survey was undertaken in the afternoon and late at night on Thursday 1st August 2019 and Sunday 4th August 2019. These time periods were chosen as it was considered that most residents would be home and parking demand would be at its highest. On street capacity has been

calculated by measuring the length of the kerbside parking available and dividing this by the length of a parking space (6m). The results of the survey are as below:

Street	Available kerbside parking - Length (m)	Available kerbside parking - Parking Spaces Number	Thursday 1 st August at 13:15 No of cars (% occupied)	Thursday 1 st August at 21:30 No of cars (% occupied)	Sunday 4 th August at 12:20 No of cars (% occupied)	Sunday 4 th August at 21:00 No of cars (% occupied)
Ombersley Road (North side)	143	23	12 (52%)	17(74%)	16 (70%)	17 (74%)
Ombersley Road (South side)	165	27	15 (56%)	19(70%)	17 (63%)	19 (70%)
Bassaleg Road (West side)	150	25	13 (52%)	14 (56%)	14 (56%)	15(60%)
TOTAL	458	75	40 (53%)	50 (67%)	47 (62%)	51 (68%)

7.4.3 The survey shows that during the daytime visits there were 53% and 62% of spaces occupied (47% (35 spaces) and 38% (28 spaces) available). During the night time visits there were 67% and 68% of spaces occupied (33% (25 spaces) and 32% (24 spaces) available). The applicants survey has therefore demonstrated that there would be sufficient capacity on-street to accommodate the additional parking demand.

7.4.4 The Planning Officer has visited the site on a late Sunday afternoon (16:20) and a Thursday evening (20:40). During the Sunday afternoon visit 12 available spaces were identified. It is acknowledged that the western end of Ombersley Road had very little on-street availability however, the eastern end, near to the application site had availability. This count also included the east side of Bassaleg Road which was not included in the applicants survey however, as this stretch of road is just 30m from the application site, it is considered to be a reasonable distance to walk.

7.4.5 During the Thursday evening visit 11 available spaces were identified. These spaces were identified on the west side of Bassaleg Road, on Ombersley Road and on West Park Road, which was not included in the applicants parking survey. West Park Road was surveyed as this road is within 200m of the application site, with a short cut through a rear access lane, which reduces the walking distance further. 200m is considered to be a reasonable walking distance in a dense urban area such as this. Whilst it is acknowledged that Ombersley Road had limited on-street availability, there were sufficient spaces within a reasonable walking distance from the site.

7.4.6 Recent appeal decisions: It should be noted that there have been a number of appeal decisions in relation to HMO applications and these are material to the determination of this application. The results of those appeals are summarised below:

Site address and ref.	Appeal ref.	Parking concerns	Parking survey	On-street capacity	Sustainable site	Decision
66 Argosy Way – 18/1067	APP/G6935/A/19/3226987	Yes	Yes	Yes	Yes	Allowed
221 Chepstow Road – 18/1161	APP/G6935/A/19/3226311	Yes	Yes	Yes	Yes	Allowed
3 York Place – 18/0459	APP/G6935/A/19/3212158	Yes	Yes	Yes	Yes	Allowed

Eveswell Surgery, Chepstow Road – 19/0256	APP/G6935/A/19/3233372	Yes	No	No	Yes	Allowed
28 Lucas Street – 18/0711	APP/G6935/A/19/3230032	Yes	Yes	Yes – concluded by the Inspector	Yes	Allowed
Baneswell Community Centre – 18/1117	APP/G6935/A/19/3231977	Yes	Yes	Yes	Yes	Allowed with costs against the Council

7.4.7 In these cases the Planning Inspectors have considered the availability of on-street parking, where a parking survey had been submitted and in all cases except Eveswell Surgery, the Inspectors accepted that the availability of on-street parking meant that there would not be a harmful impact on highway and pedestrian safety. Further to this and crucially in all cases, the Inspectors attached significant weight to the sustainability of the sites. The Inspectors consider that there is no reason for HMOs to be exempt from consideration of their sustainability credentials. In all of the above cases it was concluded that they were located in sustainable locations and Inspectors have considered the aims of Planning Policy Wales (Edition 10) which states, that parking standards should be applied flexibly and informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car. Inspectors consider that HMOs represent a form of development which would be an attractive form of accommodation to those without regular access to a private car. Overall, Inspectors consider that HMOs are unlikely to generate the demand for on-street parking as recommended by the Parking Standards SPG.

7.4.8 In this case it is considered that the application site is located in a sustainable location. When assessed against Appendix 5 “Sustainability” of the Parking Standards SPG, which sets out sustainability criteria, such as proximity to local facilities and public transport, and awards points against these criteria which justify a reduction in the parking requirement, the proposal would score the following points:

- Shops within the Handpost District Centre within 200m – 6 points (double points are scored for access to a district centre)
- Two GP surgeries within 800m – 1 point
- Bus stop (Handpost) within 200m – 3 points
- Frequency of public transport – there are a number of services operating from this bus stop (56, 151, R1, 50 and 2C). According to Traveline Cymru, service 151 first stops at the Handpost at 06:17 with the last service at 22:54 with a few minutes between each bus – 3 points.
- TOTAL = 13 points

7.4.9 It is considered that the sustainability of the site can justify the maximum 30% reduction in parking provision, which equates to 1.2 spaces. This would result in a shortfall in three spaces, which would need to be accommodated on-street. Given the results of the parking survey it is considered that this demand can be accommodated within the surrounding. The Head of City Services (Highways) is satisfied with the applicants parking survey and as such it is considered that there would be no harmful impact on highway and pedestrian safety, nor residential amenity.

7.5 Other matters

7.5.1 The application does not propose any external alterations and as such there would be no impact on visual amenity.

7.5.2 In terms of the residential amenity of future occupiers the Houses in Multiple Occupation SPG does not provide guidance on room sizes and these are controlled by licensing standards. The SPG does advise that HMOs should provide outdoor amenity spaces in which

residents can relax, dry their clothes and store refuse bins. The application property has a reasonably sized rear garden which is accessed through the communal kitchen. There is also a front garden which is considered to be of a sufficient size to store refuse bins. It is therefore considered that the HMO would result in an acceptable level of amenity for future occupiers.

- 7.5.3 The Councils Environmental Health Officer has no objection to the proposal subject to a condition restricting the use of machinery and deliveries to specified hours. As the proposal is for a change of use to residential accommodation, it is not considered necessary to impose such a condition.

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 SP1, GP2, GP4, H8 and T4 of the Newport Local Development Plan (adopted January 2015). When considering the body of appeal decisions in relation to HMOs and specifically the Inspectors consideration of parking issues, it is considered that there would be no harmful

impacts on highway and pedestrian safety, nor residential amenity. It is recommended that planning permission is granted subject to conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

The development shall be implemented in accordance with the following plans and documents: Existing and Proposed Floor Plans, site location plan and parking survey (LRJ Planning, August 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 This decision relates to: Planning Statement (LRJ Planning, July 2019).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, H8 and T4 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.
