

Report

Planning Committee – Hybrid Meeting

Part 1

Date: 1st June 2022

Subject Planning Application Schedule

Purpose To take decisions on items presented on the attached schedule

Author Head of Regeneration and Economic Development

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

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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.

The Socio-economic Duty, part of the Equality Act 2010, was also enacted in Wales on the 31st March 2021. This requires the Planning Committee, when making strategic decisions, to also pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage. Inequalities of outcome are felt most acutely in areas such as health, education, work, living standards, personal security and participation.

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 11 (February 2021)
Development Management Manual 2016
Welsh National Marine Plan November 2019
Future Wales - The National Plan 2040 (February 2021)

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 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) (updated October 2021)
Archaeology & Archaeologically Sensitive Areas (adopted August 2015)
Flat Conversions (adopted August 2015) (updated October 2021)
House Extensions and Domestic Outbuildings (adopted August 2015) (updated January 2020)
Houses in Multiple Occupation (HMOs) (adopted August 2015) (updated January 2017)
New dwellings (adopted August 2015) (updated January 2020)
Parking Standards (adopted August 2015)
Planning Obligations (adopted August 2015) (updated January 2020)
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)
Waste Storage and Collection (adopted January 2020)
Sustainable Travel (adopted July 2020)
Shopfront Design (adopted October 2021)

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 Growth Strategy (and associated Economic Growth Strategy Recovery Addendum) 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: 21/0854 **Ward:** Allt-yr-Yn
Type: Full Application
Expiry Date: 22nd June 2022
Applicant: M Taylor
Site: 2 Spencer Road Newport NP20 4LB
Proposal: **CHANGE OF USE OF 6 BEDROOM DWELLING TO CREATE 5 APARTMENTS AND ASSOCIATED WORKS**

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the conversion of a six bedroom house to create 5 no. self contained flats. Associated works include the provision of cycle and bin stores.
- 1.2 The application property is a semi-detached, two storey building, with a lower ground floor and an attic conversion. It is located on Spencer Road in the Allt Yr Yn ward.



- 1.3 The application has been called to committee by Councillor Fouweather.

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 **SP13 Planning Obligations** enables contributions to be sought from developers that will help deliver infrastructure which is necessary to support 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 **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 **W3 Provision for Waste Management Facilities in Development** states that where appropriate, facilities for waste management will be sought on all new development.

3.2 The following Supplementary Planning Guidance is also relevant:

- Parking Standards
- Flat Conversions
- Waste Storage and Collection
- Sustainable Travel

4. **CONSULTATIONS**

1.1 DWR CYMRU – WELSH WATER: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

1.1.1 The proposed development site is crossed by a public sewer with the approximate positions being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of any building will be permitted within 3 metres either side of the centreline of the 150mm public sewer.

1.1.2 The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB

application process and will provide comments to any SuDS proposals by response to SAB consultation.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): The applicant has submitted a parking survey which demonstrates that 5 parking spaces may be accommodated on street which will be acceptable and will mitigate the shortfall in parking on the site.

5.1.1 I would therefore offer no objection to this application on highway grounds.

5.2 HEAD OF CITY SERVICES (WASTE): No response.

5.3 HEAD OF CITY SERVICES (DRAINAGE): No response.

5.4 HEAD OF LAW AND REGULATION (ENV.HEALTH): I have reviewed the submitted information and the proposal will allow the building to be renovated and provide a beneficial and efficient reuse of the building. The applicant will have to ensure the renovation will be of a standard to ensure noise transfer.

5.4.1 To ensure compliance prior to commencement of the development, details should be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

5.5 HEAD OF LAW AND REGULATION (AIR QUALITY): The proposed site is in continuity with areas that experience heavy trafficking and for which AQMAs have been declared for exceedances of the nitrogen dioxide air quality objective in 3 nearby. NCC are actively seeking reductions in emissions across its area and in particular within and near AQMA localities and areas in continuity with them.

5.5.1 I would only be able to support this development where it could be demonstrated that it would provide a nett benefit to local air quality through mitigation that contributes towards reducing emissions and achieving compliance with the air quality objective for nitrogen dioxide in our 11 AQMAs. Examples of mitigation approaches that contribute to reducing emissions include car free development, EV infrastructure, sustainable heating systems, active travel infrastructure.

5.5.2 Where this development is granted permission the a condition is recommended given the need to encourage cleaner and more sustainable forms of travel like electric vehicles. This would be seen by Environment & Community as making a contribution towards reducing emissions in the locality. Where the apartments are likely to be student households then the provision of electric bicycles or bicycles generally would be encouraged where they can be safely stored.

5.6 HISTORIC BUILDINGS AND CONSERVATION OFFICER: From the external appearance I very much doubt the building has sufficient historic interest to affect the determination of the application, but could you ask the applicant for some internal photographs to confirm?

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties sharing a common boundary and opposite the application site were consulted (10 properties).

- The area surrounding this property already has a considerable amount of houses converted into flats, HMOs and supported living. With each of these properties comes a plethora of recycling and refuse bins, cars that don't have parking spaces and general strains on the surrounding infrastructure. If too many of these types of dwelling exist you erode the character of the existing neighbourhood and generally create a transient population with less care for it.
- The house currently has one parking space on site and space for one car on road so it is easy to conclude that parking issues will be created. I also have concerns for the

neighbours of the property. I believe the house adjoining the building has already got flats on their other side. We are neighbours to six adjoining flats and can testify that noise and rubbish has multiplied significantly since the development of these flats on Caerau Road. I think there has to be a limit to the amount of developments like this that are passed in one area.

- The standard of living of future residents would be poor. To squash six flats in to the property is unreasonable. If you need to cut a bay window in half to create two rooms then you are simply putting in too many rooms! I hope this is a red flag for the planning committee and that at the very least they insist on a smaller number of apartments so ensure the quality of living of the neighbours and the residents is considered.
- An increase in traffic in the road resulting in an adverse affect to the free flow of traffic and causing obstruction to the detriment of highway safety.
- There are bus routes on both Careau Road and Oakfield Road and the proposed site is in continuity with areas that experience heavy traffic.
- Spencer Road is known as a rat run during commuter hours and we already have an abundance of vehicles speeding up and down the very steep road and around the corner with lower Llanthewy Road which is 2 doors down from the proposed site.
- There is a one way system with speed reduction bumps in place for the top of Llanthewy Road already and indeed those road signs are visible from No 2 Spencer Road. Clearly the authority is aware of traffic issues in the area.
- We are in continuity with areas where AQMA's have been declared for exceedances of the nitrogen dioxide air quality objective. I would expect any new occupiers to be tenants and I question if a tenant could afford the cost of an electric vehicle even if provisioning for an electric vehicle re-charging point could be provided. Any additional vehicles would almost certainly be petrol or diesel run and would constitute an unacceptable loss of air quality to those already resident and an increase in danger to the health of those residents not least the younger generation nor the elderly already resident in the nursing home. I would not expect the cost of a used electric vehicle to become competitive with a used petrol or diesel vehicle for at least 10 or 15 years. Should the plans go ahead existing residents would have to breathe the dirty air from at least another 4 vehicles for a period of years that could run into decades.
- There is the fire hazard to contend with as there is no provision for a fire escape on the plans.
- Concerned as to the sort of tenants that would be in these proposed flats. The garden backs onto the side of my garden (35c Llanthewy Road) and my safety is my main concern. I am becoming hemmed in by flats front, rear and now proposed side.
- The house is not in any state of disrepair and does not require any significant investment. It is perfectly serviceable for continued use as a family home.
- There is a great interest in properties of this nature in the area and the market for these properties is very lively with very many properties changing hands for continued use as originally planned as family homes.
- Clearly the application if allowed would result in on street parking problems. The plans themselves state that the house at present requires 3 parking spaces. The plans then go on to state that should the plans be allowed then 7 parking spaces would be required but states that only 1 space is available at the property. I ask where will the other 6 parking spaces come from? What loss of amenity will be caused by the other 6 cars, vans or whatever other vehicles may be resident at the property?
- With a potential for 4 x 1 bedroom and 1x 2 bedroom flats at the property there is in fact a potential for 12 adults to be resident there with the equivalent potential for 12 cars to need parking.
- There is a nursing home directly opposite the property that requires unhindered access 24 hours a day for deliveries, ambulances, doctors visits, family visits etc and I could only guess at the mayhem that could be caused if this change of usage from a family home to a very concentrated block of micro-apartments is allowed.
- Policy H8 of the LDP identifies that proposals will only be permitted if: ii) the proposal does not create an over concentration in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock.
No 4 Spencer Road, two doors up is already 2 flats for Newport City Homes.
36 Llanthewy Road, three doors down has been converted into 6 flats.
34 Llanthewy Road is 2 flats for Charter Housing
32 Llanthewy Road has been converted into 4 flats.

Directly opposite the property is a nursing home.

The property itself overlooks 4 other properties that have been converted into flats on Careau Road.

- I would argue that there is already an overconcentration of flats in the area and that this house needs to be preserved as a family home in order to maintain the character of the neighbourhood.
- In the plans 7.15 it states that the proposal will result in significant improvement to the overall level of accommodation provided and that the accommodation would be light, spacious and airy. I do not understand how conversion from a generous family home into micro-apartments could be considered an improvement or how such small flats could be described as being spacious or airy and I would argue that there would be a considerable loss of amenity for any future occupiers of those flats when considered against the continued use of the property as it was intended originally as a family home. I would argue further that should the house change use to allow 6 adults or a potential of 12 adults living there then that would constitute an unacceptable loss of amenity in itself to neighbouring occupiers and that this would be grounds enough to refuse the application.
- With the conversion of No 1 Careau Crescent into Cwrt Pencraig the sheltered housing and the development of that site we in Spencer Road have lost sunlight from falling on to the front of our houses for 6 months of the year and are now directly overlooked by a great number of apartments and I would consider that a considerable loss of amenity already suffered.
- We have suffered a loss of amenity with having the nursing home operating day and night in the street with all the noise and disturbance that has brought us, having lived with that I can not imagine what chaos could be caused if these plans are allowed.
- I measured the space required for me to put my bins out for collection and when I place my bins outside I need 7'6" of wall space. 5 flats would therefore require 37'6" of wall space yet there is only 27'6" of wall space available, enough for 3 sets of bins. Where would the bins go?
- Natural springs have been known to appear in the basements of houses in the area and I think in fact that one has appeared previously in No 2. At No 4 Spencer Road Newport City Homes has in fact blocked off one basement room due to water ingress and a previous tenant left the property mainly due to damp in the basement. We at No 3 also suffer issues with damp in the basement.
- (Only yesterday morning) a car left the junction of Llanthewy Road and Spencer Road without stopping or even checking to see if any other traffic was in the area causing me to brake sharply and it was only my awareness that this happens often that prevented an accident from happening.
- I also do not see any documents relating to the request from the Environmental Health Noise and Neighbourhood Department where they have requested that plans for noise abatement should be submitted regarding the application though I am not aware that this would be required at this stage or not.
- The concerns of Environmental Health Air Quality appear to have been overlooked by the developers also as I do not see any plans to offer an EV charging point for example or any other mitigation towards the increase in pollution that would come with an increase in the number of vehicles using and parking on the road that they are so concerned with.
- Clearly the submission of the parking survey indicates that the developers are aware that the development would be far from car free.
- I would add to that the proposed change of use as far as I am aware would increase the number of gas boilers from 1 to 5 and that this also is not mitigation towards improved air quality in any way or means.
- It would be good to be aware of any plans the developers may have to provide a sustainable heating system of course.
- Although Welsh Water do not mention anything about adverse effects of water supply to the property I would add that since the development of the old Insurance offices at 45 Careau Road that the water supply to my top floor shower has already been adversely affected by a pulsating effect when the shower is in use and that I am looking at solutions to this that are not insignificant in cost. I can only assume that any further development would increase the urgency of this.
- The flats would not have enough light due to there not being sufficient natural light entering them.

- I occupy the top floor at number three and having done so for a number of years the cramped conditions are quite straining during continued use without the addition of large dormer windows to the rear.
- It must be that any increase in on street parking will lead to issues regarding traffic safety, something that will not be changed by a sustainability survey which in fact states that, yes, we want to park more cars here therefore increasing the risk to all users of this road regardless of the ability of the road to accommodate those vehicles. The road is barely safe now and will no doubt be much riskier if there are more vehicles blocking views across the junction. I would add that primary school children cross Llanthwy Road at busy times of the day and I do not think that I can overstate the importance of this matter. I cannot accept that the original objection has been lifted without an explanation as it is clearly stated that it is the on street parking that will cause the issues not the ability of the road to accommodate vehicles.

6.2 COUNCILLOR FOUWEATHER: I am concerned that this property could become yet another HMO. Therefore I would like a condition placed on the application that they cannot do this. If this cannot be agreed then I would like the application to go to the planning committee.

6.3 Based on the objections raised by a neighbour, which are reasonable, if this application is granted I would like it to go before the planning committee

7. ASSESSMENT

7.1 The proposals

7.1.1 The existing dwelling has a garden room, kitchen, sunroom, utility room and WC on the lower ground floor. A dining room, kitchen, lounge, breakfast room and WC on the ground floor. There are six bedrooms and a bathroom across the first floor and attic space.

7.1.2 It is proposed to provide a self contained flat on the lower ground floor. It would have 1 bedroom, lounge, kitchen, WC and ensuite. It would have a floor area of 67 sq.m. It would be accessed independently from a side entrance. It would have access to a private garden area.

7.1.3 On the ground floor there would be two self contained flats. Flat 2 would be in the rear portion of the building. It would have 1 bedroom, lounge, kitchen and bathroom. It would have a floor area of 46.6 sq.m. Flat 3 would be in the front portion of the building. It would be a studio flat with a combined bedroom, lounge and kitchen and a separate bathroom. It would have a floor area of 35.8 sq.m. Both flats would be accessed through the front entrance, via a communal corridor.

7.1.4 On the first floor there would be a 2 bedroom flat, with a floor area of 76.9 sq.m. In the attic space there would be a 1 bedroom flat, with a floor area of 45 sq.m. Both flats would be accessed via the communal staircase, accessed from the ground floor.

7.1.5 Externally it is proposed to demolish front and rear walls of a flat roof structure which is positioned at lower ground level. The front would be replaced with an open steel gate (powder coated black). The rear would be left open. This would provide access to the side entrance of the lower ground floor flat and to the communal garden to the rear of the site. There would also be a timber cycle shelter in the rear communal garden, with space for 5 cycles. It is also proposed to create four covered bin storage areas, constructed in timber, positioned with the front, hard paved, garden. It is proposed to retain the hardstanding parking space at the front of the property.

7.2 Principle of development

7.2.1 The site is previously developed land within the settlement boundary. The surrounding area is predominantly residential and its continued residential use remains to be compatible with the surrounding area. The proposal is considered to be consistent with the general brownfield strategy within the Local Development Plan, subject to satisfying a number of general planning policies and material considerations, which are considered below.

7.3 Residential amenity

7.3.1 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 to 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 building and 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.

Character of the area

- 7.3.2 The surrounding area is generally residential. Properties are often generous in size and as such a number of been converted into flats. Comments from local residents are noted however, there is no evidence that these flats cause harm to the character of the area. Evidence might include poorly maintained buildings, rubbish accumulation or anti-social behaviour. None of this is evident and as such it is considered that the proposed flats would cause demonstrable harm to the character of the area.

Existing amenity

- 7.3.3 It is considered that a continued residential use, albeit a more intense residential use, would continue to be compatible with the predominantly residential character of the area. No additional windows opening are proposed and it is considered that the proposed flats would not result in a loss of privacy or general amenity. Neighbour comments concerning parking are addressed in section 7.4.

Future occupiers

- 7.3.4 In terms of the residential amenity of future occupiers the Flat Conversions Supplementary Planning Guidance (SPG) seeks to ensure that flats provide reasonable living conditions and it recommends a minimum internal floor space standard of 32 sq.m for a studio flat, 45 sq.m for 1 bed flats and 58 sq.m for 2 bed flats. All of the flats meet or exceed this standard.
- 7.3.5 Comments raised by local residents regarding the standard of living for future occupiers are noted. The layout of the proposed flats has been amended since these comments were made and it is now considered that each flat would have adequate space, daylight, ventilation and outlook. Furthermore, there would be access to either a designated garden in the case of the lower ground floor flat, or a communal amenity area, along with cycle and bin storage space.
- 7.3.6 The Councils Environmental Health Officer has no objection to the proposal but recommends a condition is imposed that requires details of enhanced sound insulation above that which is required by Building Regulations. No justification is provided as to why the application building requires greater sound insulation above those required by building regulation and as such it is considered that such a condition would not be reasonable or required to make the proposed development acceptable.

7.4 Highways

- 7.4.1 The application site is located within parking zone 3. The existing use creates a demand for 3 parking spaces. One space is currently provided on a drive. The remaining demand would need to be accommodated on-street. There is unrestricted parking along Spencer Road except for double yellow lines at the junctions with Llanthewy Road and Caerau Road.
- 7.4.2 The proposed flats create a demand for 6 parking spaces (1 space per bedroom) and 1 visitor space, creating a total of 7 spaces. It is proposed to retain the drive and as such 1 off-street space is proposed. The remaining 6 spaces would need to be accommodated on-street which results in a worsening of 4 spaces when compared with the existing situation.
- 7.4.3 The Councils Highways Officer initially raised an objection to the proposal however, the applicant has submitted a parking survey of the area. The survey considers the availability of on-street parking within 200m of the application site. The survey was undertaken in the early hours of the 22nd and 23rd September 2022. 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). Lengths of kerb with parking restrictions or across driveway entrances/garages were not included within the calculation. The results of the survey are set out below:

| Street | Available kerbside parking - Length (m) | Available kerbside parking spaces - Parking Spaces Number | 22 nd September 2021 at 00:30 No of cars (% occupied) | 23 rd September 2021 at 00:30 No of cars (% occupied) |
|----------------------------|---|---|--|--|
| Spencer Road (north side) | 60 | 10 | 8(80%) | 7(70%) |
| Spencer Road (south side) | 48 | 8 | 4 (50%) | 4 (50%) |
| Hill Road (north side) | 42 | 7 | 5(71%) | 5 (71%) |
| Hill Road (south side) | 42 | 7 | 5(71%) | 5 (71%) |
| Llanthwy Road (North side) | 136 | 22 | 19 (86%) | 20(91%) |
| Llanthwy Road (south side) | 132 | 22 | 19(86%) | 20(91%) |
| Bryngwyn Road (east side) | 72 | 12 | 11(92%) | 11 (92%) |
| Bryngwyn Road (west side) | 68 | 11 | 10 (91%) | 10 (91%) |
| Burleigh Road (north side) | 38 | 6 | 4 (67%) | 4 (67%) |
| Burleigh Road (south side) | 44 | 7 | 2(29%) | 2(29%) |
| Caerau Road (east side) | 140 | 23 | 18 (78%) | 19(83%) |
| TOTAL | 822 | 135 | 105 (78%) | 107(79%) |

- 7.4.4 It is noted that the results refer to Hill Road. This is taken to be Hilla Road. The results show that on both survey visits there were between 28 and 30 on-street spaces available. The applicants survey has therefore demonstrated that there would be sufficient capacity on-street to accommodate the additional parking demand. The Councils Highways Officer has reviewed the survey and no longer has an objection.
- 7.4.5 With regards to comments raised by local residents. The parking survey does not include parts of the road where parking is restricted, such as double yellow lines. On-street restrictions are in place where parking is deemed unsuitable for highway safety. In unrestricted places on-street parking is both lawful and deemed safe. As the parking survey has demonstrated that there is sufficient on-street capacity, where parking is deemed lawful and safe, it is considered unreasonable to withhold permission on the grounds of harmful impacts on highway safety.
- 7.4.6 In addition to the parking survey it is recognised that the site is in a sustainable location. When assessed against the sustainability criteria in the Parking Standards SPG, the proposal would score maximum points and it is therefore recognised that future occupiers would be less reliant on private vehicles. Furthermore, the proposals include storage provision for cycles, in line with the Sustainable Travel SPG, which would encourage occupiers to adopt more sustainable modes of transport.
- 7.4.7 Overall, while the comments of local residents are noted, it is considered that the proposed development is in a sustainable location, with adequate facilities to encourage occupiers to use more sustainable transport and notwithstanding this, there is evidence to show that adequate on-street parking provision is available. It is considered that there would be no harm to highway safety nor residential amenity.

7.5 Design

7.5.1 Limited alterations to the building are proposed. It is proposed to demolish the front and rear walls of a small side extension. It is considered that these alterations would not be visually harmful. It is also proposed to construct covered bin storage areas in the front garden. These would be constructed of timber with a felt roof. They would be relatively small scale, with a maximum height of 1.1m. It is considered that these stores would suitably conceal the amount of bins required to serve the proposed flats. They would offer a neat solution and it is considered that they would not be visually harmful to the surrounding area.

7.6 Air Quality

7.6.1 The Council's Scientific Officer notes that the application site is in continuity with areas that experience heavy trafficking and for which AQMAs have been declared. The site itself is not within an AQMA or a buffer zone. The Scientific Officer states that they can only support the application if it can be demonstrated that it would provide a net benefit to local air quality through mitigation that contributes towards reducing emissions and achieving compliance with the air quality objective for nitrogen dioxide. Examples of mitigation approaches that contribute to reducing emissions include car free development, EV infrastructure, sustainable heating systems, active travel infrastructure. They recommend a condition requiring the submission of a scheme of ultra low energy vehicle infrastructure or provision.

7.6.2 For a development of this scale there is no policy requirement to provide such infrastructure. It is considered that a future occupier might install such infrastructure if they were to own an electric vehicle. The proposal includes cycle storage provision and this is considered suitable to encourage the uptake of more sustainable modes of transport. A condition requiring its provision before the flats are occupied is recommended.

7.7 Waste management

7.7.1 The Waste Storage and Collection SPG requires bin storage suitable to accommodate 1 x 120ml residual waste bin and kerbside recycling boxes, for each flat. It is proposed to provide four storage areas, with enough space to accommodate the residual bin and kerbside boxes. It is noted that four storage areas are proposed rather than five however, given that the flats are mainly 1 bedroom, this is considered to be adequate to serve smaller households.

7.8 Section 106 Planning Obligation matters

7.8.1 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, section 106 planning obligations are required to mitigate the impact of the development in accordance with the table below.

| Service Area that requires planning obligation | Purpose of planning obligation | Planning obligation initially sought by Planning Authority | Summary Heads of Terms agreed by applicant(s) | Viability Issues? |
|---|--|---|--|--------------------------|
| Regeneration, Investment and Housing | To provide a contribution towards affordable housing | A commuted sum of £13,728 in accordance with policy H4 of LDP and the formulae in the adopted Affordable Housing SPG. | £0 | Yes |

7.8.2 S106 planning obligations are normally required to either carry out works or contribute financially towards measures that mitigate the impact of the development i.e. to make an unacceptable proposal acceptable in land use planning terms. However, economic viability is an important material planning consideration on the potential scope and scale of planning obligations.

7.8.3 Developer profit on open market housing will normally be a range between 15% and 20%, depending on risk and market conditions. An 'open book' viability appraisal has been

undertaken, which shows that profit would fall well below 15% (even without S106 contributions). The appraisal concludes that “given the information provided and the data from comparable evidence it is clear the scheme is unviable in terms of making a contribution to the section 106 payments”.

7.8.4 The outcome of the viability appraisal is accepted and it is considered appropriate that the S106 obligations should be waived.

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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

8.6 ***Newport’s Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport’s Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport’s Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

9.1 The proposed development is considered acceptable and in accordance with policies SP1, SP13, GP2, GP4, GP6, GP7, H4, H8, T4 and W3 of the Newport Local Development Plan. Planning permission is granted with conditions and subject to a legal agreement.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: 3930.PL.01, 3930.PL.02 rev A, 3930.PL.03, 3930.PL.04, 3930.PL.05 rev C, 3930.PL.06, 3930.PL.07, 3930.PL.08

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 –occupation conditions

02 Prior to the occupation of the flats hereby approved the bin and cycle storage shall be provided in accordance with the details shown in drawing 3930.PL.05 rev C. The bin and cycle storage shall be retained thereafter.

Reason: In the interests of sustainability and residential amenity, in accordance with policies SP1, GP2, GP4, H8 and W3 of the Newport Local Development Plan.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP13, GP2, GP4, GP6, GP7, H4, H8, T4 and W3 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.

2.

APPLICATION DETAILS

No: 21/1228 **Ward:** Pillgwenlly

Type: Full Application

Expiry Date: 26th January 2022

Applicant: D Sheals

Site: Land West Of Nexus House Lower Dock Street Newport South Wales

Proposal: **RETENTION OF USE OF LAND FOR, AND SITING OF, 15NO MODULAR ACCOMMODATION UNITS AND 1NO WARDEN UNIT FOR A TEMPORARY PERIOD**

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the retention of the use of land for, and the siting of, fifteen modular accommodation units and one warden unit for a temporary period of up to three years.
- 1.2 The accommodation would continue to be used for those that have previously led a street based lifestyle.
- 1.3 The application is brought before the Planning Committee because the application site consists of Council owned land and the application has been submitted on behalf of Newport City Council.

2. RELEVANT SITE HISTORY

2.1

| Application No: | Address: | Proposal: | Decision: |
|-----------------|--|--|-------------------------|
| 06/1069 | Lower Dock Street | Four storey office development with associated car park | Granted with conditions |
| 05/1692 | Southern Plot - George Street Development Site George Street/Lower Dock Street Newport | Office development with associated undercroft and surface level car park | Granted with conditions |
| 05/0572 | Land at George Street/Lower Dock Street | Erection of three storey office building and associated car park | Granted with conditions |
| 04/0702 | Land at George Street/Lower Dock Street | Provision of infrastructure including new access road, surface water drainage and landscape bund to allow development of site for office and Magistrates Court use | Granted with conditions |
| 96/0849 | Gwent Coal Distribution Centre, Lower Dock Street, Newport | Demolition of wall, removal of fencing and landscaping of site | Withdrawn |
| 91/0193 | Gwent Coal Distribution Centre, Lower | Demolition of Coal Depot | Withdrawn |

| | | | |
|--|-------------------------|--|--|
| | Dock Street, Newport | | |
|--|-------------------------|--|--|

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** seeks to maximise positive contributions to health and wellbeing and minimise any negative effects.

Policy **SP3 Flood Risk** ensures development is directed away from flood risk areas.

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 **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 **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 **H2 Housing Standards** indicates that residential development should be built to high standards of environment and sustainable design.

Policy **H3 Housing Mix and Density** sets out appropriate density levels for housing developments.

Policy **CE7 Conservation Areas** states that development should be designed to preserve or enhance the character and appearance of the Conservation Area.

4. CONSULTATIONS

4.1 DWR CYMRU WELSH WATER: **SEWERAGE**

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

The proposed development site is crossed by public sewers with the approximate positions being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of any building will be permitted within 5 metres either side of the centreline of the 890 x 760 mm public brick egg sewer. It is important to note that we would not permit a new direct connection onto a brick egg sewer as this is a strategic asset. Our strong recommendation is that your site layout takes into account the location of the assets crossing the site and should be referred to in any master-planning exercises or site layout plans submitted as part of any subsequent planning application. Further information regarding Asset Protection is provided in the attached Advice & Guidance note.

The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore may require approval of Sustainable Drainage Systems (SuDS) features, in accordance with national standards, and is strongly recommended that the developer engage in pre-application consultation with the Local Authority, as the relevant SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. Should it be determined that SAB consent is not required, we request that if you are minded to grant Planning Consent for the above development that the following Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions

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

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

Advisory Notes

The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

Sewage Treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

4.2 HEDDLU GWENT POLICE: No response received.

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): It is understood this use has been ongoing for some 18 months under permitted development. The application is silent as to vehicle parking but given the site is located in parking zone 1, within easy reach of services and facilities, and the specific use, I would offer no objection to this application on highway grounds.

5.2 HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): Having considered the details of the development as submitted, I confirm the Noise and Neighbourhood Team have no objections to the application.

5.3 HOUSING STRATEGY MANAGER: I welcome the proposal for the retention of these units for a further temporary period.

This is a safe, secure site which has been successful in accommodating people who have previously led a street based lifestyle. Trauma informed support is provided on site which aims to prevent residents from returning to rough sleeping by allowing them to develop or regain basic living and life skills as well as receiving support to address substance misuse and mental health issues or criminal offending behaviour.

To date over 60 people have been accommodated at Mission Court with residents welcoming the opportunity to transition from life on the streets in a way that isn't overwhelming. Partner organisations have praised the scheme as a safe, transitional step into accommodation for those who would otherwise have been left to sleep on the streets during the pandemic.

Mission Court has provided an opportunity for service providers to engage with residents in a joined up way that has never been possible before and that supports objectives in "A Healthier Wales" the Welsh Government plan for how health and social care organisations can work together. Mission Court plays a vital role in the local authority's broader plan to address homelessness and housing need. It provides much needed short term accommodation whilst additional solutions being funded by phase 2 homelessness funding and the Social Housing Grant programme.

5.4 HISTORIC BUILDINGS AND CONSERVATION OFFICER: I have looked through this application and conclude that whilst the development would be 'temporary', it is clear that it would have a negative impact on the setting of the conservation area. The grey high hoarding which surrounds the site and the small metal units within would reduce the openness of this part of Lower Dock Street, creating an unappealing boundary which fails to reflect the character of the conservation area. The units lack any form of architectural design or structure and have been selected with no special regards to the sensitive location of the site to which they are placed. The visibility of the proposed development, which is on a prominent junction of Lower Dock Street, would cause disturbance to the views and landscaping within the historic area.

Whilst a heritage impact document has been provided, it highlights that the high hoarding conceals the units from the conservation area thus resulting in no impact on the character and appearance of the conservation area. Various photographs of the existing site indicate otherwise, proving that a proportion of the units are visible above this high hoarding. I should also note that the entrance gate to the site is open frequently, making these unsightly units highly visible when viewing from within the conservation area.

Therefore, I can only suggest that the development would have a negative impact on the setting of the conservation area, failing to provide a sympathetic, desirable boundary to the designated heritage asset.

6. REPRESENTATIONS

- 6.1 NEIGHBOURS: All properties within 50 metres of the application site were consulted (49 properties) and a site notice was displayed. One letter of representation was received from Her Majesty's Courts & Tribunals Services which reads as follows:

On behalf of Her Majesty's Courts & Tribunals Services (hereafter referred to as 'HMCTS') we write in relation to a current planning application for the retention of modular accommodation units at the site adjacent Nexus House.

We are not opposed to the continued use in principle and highly supportive of the role in providing essential accommodation to vulnerable individuals. However, it is not detailed how long the temporary use is anticipated and there is little information with the application available.

Whilst generally supportive, staff locally have advised that there have been frequent examples of anti social behaviour, noise and refuse. Some of the refuse has been drug use related and there has also been human waste on occasion. The Magistrates Court is close to the subject site and we are also opening a new office directly adjacent in Usk House. Whilst some of the issues we experienced were directly related to the temporary housing we recognise that some is unrelated. Staff and members of the public have expressed anxiety and concern at having to travel to and from the Court, particularly in the dark evenings. We would ask that in continuing to operate the site, greater emphasis is placed on the management, security and the impact on neighbouring users as far as reasonably possible within the planning process.

We would be grateful if the above comments and concerns could be taken into account as part of the consideration and determination of the planning application.

- 6.2 COUNCILLORS: Councillor Hayat and Councillor Holyoake were consulted on the proposal. No comments were received.

7. ASSESSMENT

7.1 The application site

- 7.1.1 The application site consists of approximately 1400 square metres of formally vacant land. The site is positioned within the settlement boundary directly adjacent to Lower Dock Street. There are various office buildings to the site's north and south, including Her Majesty's Passport Office, and Newport Magistrates' Court is sited to the east further along Mission Court.

- 7.1.2 The planning history shows that there has been mainly office development within the vicinity of the site over the past twenty years or so. The application site itself appears to have been vacant for the duration of this time.

7.2 The proposal

- 7.2.1 The application seeks consent for the retention of fifteen modular accommodation units to be used to house those who otherwise would be homeless, as well as for the retention of one warden unit. The units have been in situ since May 2020 when they were placed on the site under the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2020. The Applicant, Newport City Council, seeks to retain the units on the site for a temporary period of three years.

- 7.2.2 The submitted Site Plan shows that there are a total of sixteen units positioned in a C-shaped formation within the application site, which are labelled alphabetically. Unit A is the warden's unit and is positioned on the northern side of the site, adjacent to the access. It is the largest of the units, measuring approximately 6.8 metres in length and 2.7 metres in width, and it contains an office space, utility area and separately accessed W.C. The remaining units are no greater than approximately 3 metres in width and 3.8 metres in length, with each containing a bedroom and bathroom. Domestic foul waste arising from the site is currently stored within effluent tanks, which are emptied once a week, with the waste then taken off site.

7.2.3 The site is fully enclosed by timber hoarding, other than at the point of access off Mission Court on the northern side.

7.3 *Principle of the proposal*

7.3.1 The application site consists of unallocated brownfield land within the defined limits of development. The proposal is therefore acceptable in principle and complies with the general brownfield strategy of the LDP.

7.4 *Character and appearance*

7.4.1 The area is of mixed character with modern office buildings and commercial premises positioned closest to the application site, however there are also residential properties within the site's vicinity. The site itself consists of previously developed land that was vacant prior to the commencement of the current use. The site is well enclosed on all sides by timber hoarding, however from the outside there is some visual indication that the accommodation is being provided within its confines.

7.4.2 The site is located outside but adjacent to the Lower Dock Street Conservation Area, the boundary of which runs along the northern edge of Lower Dock Street in this location. Policy CE7 of the LDP requires development to either preserve or enhance a conservation area. It is considered that the units are visually unattractive and have a utilitarian appearance. Whilst the timber hoarding does act to screen the wider site, it is noted that the units are partially visible from above the hoarding.

7.4.4 The Council's Historic Buildings and Conservation Officer has raised concerns regarding the proposal, concluding that the development would have a negative impact on the setting of the conservation area, failing to provide a sympathetic, desirable boundary to the designated heritage asset.

7.4.3 Whilst the above is acknowledged, it is considered that in this instance there are several factors that mitigate the concerns identified. Firstly, the proposal is temporary in nature and is therefore entirely reversible. Should planning permission be granted, a condition requiring the use to cease and the site restored to its former condition can be implemented. The identified harm would therefore not be permanent. Secondly, the proposal would go some way to address homelessness and housing need in Newport, whilst long term solutions are being made possible. The scheme has been in existence since approximately May 2020 and has so far helped in excess of sixty people transition from life on the streets. It has provided a safe step for individuals to take into accommodation whilst also providing the opportunity for residents to engage with service providers. The Council's Housing Strategy Manager has praised the scheme and welcomes the proposal for the retention of the units for a further temporary period. It is therefore considered that the proposal has a wider social benefit. Furthermore, whilst it is recognised that the proposal would be visible from within the adjacent conservation area, the site itself does not form part of the Lower Dock Street conservation area. It is also noted, following a review of historical street scene images, that the hoarding has been in situ since at least May 2011 and was not erected in association with the current application.

7.5 *General amenity*

7.5.1 Properties nearby generally consist of offices and commercial premises. The nearest residential dwellings are those located on Lower Dock Street and South Market Street, to the west of the application site. As the site was previously vacant, the proposal has intensified the use of the land. It is not considered that the residential occupation of the site causes an acceptable impact on neighbouring residential amenities. The continuous presence of the site warden helps manage the site. Furthermore, the proposed use and development of the land is for a temporary period only.

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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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 To conclude the proposal is considered to be acceptable in principle. In addition, the use of the site for a temporary period for the intended purpose as well as the siting of the accommodation units is regarded to have an acceptable impact upon the character and appearance of the site and surrounding area, as well as upon the amenities of neighbours. Furthermore, the proposal would not prejudice highway safety.

It is considered that the proposal provides a short term solution to address homelessness and housing need in Newport, whilst long term solutions are being made possible. The scheme has so far provided the opportunity for Newport residents to begin the transition away from a street based lifestyle. It has also provided an opportunity for service providers to engage with those residents and the scheme has played a vital role in the Local Authority's broader plan to address homelessness and housing need. Through the granting of this permission, these positive impacts can continue.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The use and accommodation units hereby permitted, including any associated paraphernalia, shall be discontinued and removed from the land in their entirety on or before 01 December 2025 and the land shall be restored to its former condition within three months of this date.

Reason: In the interests of amenity, in order to secure the restoration of the land upon extinguishment of the use and development, for which permission can be justified only on the basis of a special temporary need.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan, Site Plan, Building A – Elevation A, Building A – Elevation B, Building A – Elevation C, Building A – Elevation D, Building A – Floor Plan, Building B, D, H & J – Elevation A, Building B, D, H & J – Elevation B, Building B, D, H & J – Elevation C, Building B, D, H & J – Elevation D, Building B, D, H & J – Floor Plan, Building C, E, F, G, I, K, O & P – Elevation A, Building C, E, F, G, I, K, O & P – Elevation B, Building C, E, F, G, I, K, O & P – Elevation C, Building C, E, F, G, I, K, O & P – Elevation D, Building C, E, F, G, I, K, O & P – Floor Plan, Building L, M & N – Elevation A, Building L, M & N – Elevation B, Building L, M & N – Elevation C, Building L, M & N – Elevation D, Building L, M & N – Floor Plan.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP3, SP9, SP18, GP2, GP3, GP4, GP6, GP7, H2, H3 and CE7 were relevant to the determination of this application.

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

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

LATE REPRESENTATIONS REPORT

APPLICATION DETAILS

No: **21/1228** Ward: ***Pillgwenlly***
Type: **Full Application**
Expiry Date: **26TH JANUARY 2022 (extension requested but not confirmed)**
Applicant: ***D SHEALS NEWPORT CITY COUNCIL CIVIC CENTRE GODFREY ROAD NEWPORT***
Site: **Land West Of Nexus House Lower Dock Street Newport South Wales**
Proposal: ***RETENTION OF USE OF LAND FOR, AND SITING OF, 15NO MODULAR ACCOMMODATION UNITS AND 1NO WARDEN UNIT FOR A TEMPORARY PERIOD***

1. LATE REPRESENTATIONS

1.1 Councillor Adan has submitted objections on behalf of residents and businesses to this proposal.

- The site is literally meters away from the Lower Dock Street Conservation Area and the Council's Historic Buildings and Conservation Officer has raised concerns regarding the proposal concluding that the development would have a negative impact on the setting of the conservation area (Page 31- 7.4.2 and 7.4.4 of the proposal).
 - As part of the representations on page 30 (6.1) of the proposal: It notes all properties within 50 meters of the application site were consulted (49 properties) and a site notice was displayed. However, there are no reports to suggest if these properties were commercial or residential. Moreover, there is no indication reflecting responses received from these properties that were contacted, other than evidence from HMCTS. The findings do not present clarification that the consultation was carried out effectively.
 - The excessive concentration of homeless pods, hostels, halfway houses, drug services and HMOs are in close proximity in one of the most poverty-stricken wards in Wales and the most deprived ward in Newport. In Page 30 (6.1) in the planning application representations, The Magistrates Court in their evidence emphasise the that the staff and public have expressed anxiety and concern at having to commute back and forth to the court. Staff have also reported human waste, frequent examples of ASB, noise and refuse. Some of the waste has been drug use related.
 - Asda opposite the pods has been forced to remove its clothing banks as residents from these pods and the hostels nearby were constantly climbing into these clothing banks and rummaging through the contents in Asda car park.
 - Statement of Police Officer of Gwent Police currently based at Pill has been included. My role includes identifying repeat calls and locations, victims and offenders of crime and anti social behaviour, identifying the causes and developing sustainable solutions. I also monitor persistent offenders whose behaviour impacts on the quality of life of the general public within the Newport Area, more specifically the Western side of Newport, this includes the Pill Area. In relation to the application of a Public Space Protection Order, I can provide the following calls in relation to the Violence, Drug taking, Street Drinkers and ASB in the Pill area during the period from 1st August 2020 and 8th January 2021. During this time period there has been:
 - 1 171 calls relating to Violence without Injury
 - 2 102 Public Order Offences
 - 3 32 Drugs offences
 - 4 8 possession of weapons
 - 5 8 Robberies.
 - 6 The following stats relate to soliciting within the area of the Pill Ward. Since 31/8/20 there have been 35 persons arrested for Soliciting of which 28 have been charged and 1 cautioned. 6 arrests for street sexually exploited adults (non-prostitution offences) 10 Arrests from Misuse of Drugs Act Warrants.
 - 7 There have been 13 vehicles seized under Section 59, one under section 165 RTA no insurance.
- It is significant that the Local crime & disorder officer for Pillgwenlly attends a public meeting to give evidence anonymously as he is concerned about being identified, showing the risk to the businesses/residents of Pillgwenlly. Most of the matters raised/evidence provided are linked to the hostels/Pods/halfway houses etc. street prostitution & 'sex work' are nearly entirely related to these premises discussed in this proposal.
 - Pillgwenlly ward has more children and young people in the city than any other ward within Newport and there have been concerns from traumatized residents in relation to the homeless pods in Mission Court, Hostels and HMOs. As part of the planning material/relevant considerations the Wellbeing of Future Generations Act 2015 had not been effectively considered. An assessment of local well-being had not been considered, as crime hotspots, i.e. Commercial Road have a toll already on residents. This application does not include an up-to-date effective equality impact assessment nor an assessment of the social economic duty as part of the planning consideration. Approximately 50% of residents are BAME (Black, Asian, Minority Ethnic) in Pillgwenlly. As part of the assessment to consider the likely impact on different groups of people, no stakeholders to represent BAME were consulted as part of the process.
 - Pillgwenlly has more than double the crime figures for the city, particularly violent crime, and drug crime etc. and yet there are NO comments by Gwent Police which is concerning,

considering the statement of the anonymous police officer (Crime and Disorder Reduction Officer) who raised concerns about risk to businesses/residents on 8th January 2021 (Proposed PSPO).

- Under the Newport Council adopted LDP - plan 2011 -2026, Commercial Road is considered an important District centre. The concentration of these modular homes and hostels in the Pillgwenlly, undermines the Masterplan, compromises the thriving economy of local businesses and lacks regards for the physical characteristics, and social and economic conditions of the area.
- The residents occupying the modular homes are vulnerable and the proposal indicates that these modular homes will hopefully improve their situation (page 29) and lead the residents away from a street-based lifestyle, however the evidence noted in the objection above proves otherwise.
- Some residents who live adjacent to the site have reported cases of their bins being rummaged through/ food waste eaten and have confirmed this to be vulnerable individuals who live in Mission Court. This is of course a welfare concern!
- The recommendation of the proposal suggests granted with conditions and the use and removal of the until will end on or before December 2025, though there is no clear housing strategy reflected in the application. There are also concerns regarding the use of the term 'temporary', as 5 years would not constitute short term.
- Please take all the above evidence into consideration and lastly kindly consider a planning committee site visit if you do decide to approve this proposal.

1.2 HOUSING AND ASSETS MANAGER: In response to the concerns expressed by the local councillor, the following comments are made:

Mission Court sits outside the border of a conservation area. The boundary of the conservation area runs along the external side of the site. It is surrounded by high rise office buildings (Newport City Homes, Whiteheads Construction, the Passport Office) and is contained and barely visible from the outside from high hoarding. No changes are proposed to the existing layout of the site as it is intended to continue to provide temporary accommodation for a limited period. It is therefore considered to be no negative visual impact on the conservation area. The pods will be removed once the temporary planning period ceases so there will be no permanent impact from a conservation point of view.

Any issues raised by the Magistrates Court have been dealt with promptly via colleagues in Street scene and security staff have been alerted to ensure monitoring and appropriate actions are taken to offer support and help manage behaviour.

Concerns about crime relate to the wider area of Pillgwenlly and have not been attributed solely to those occupying the pods at Mission Court. It is not understood how these statistics compare to crime rates prior to 2020, or crime rates within the city more widely.

The homelessness team has not received reports of residents (including children) being 'traumatised' by occupants from the pods at Mission Court.

Prior to the site being developed, the following stakeholders were consulted with:

- Building Control
- Environmental Health
- Planning
- Procurement
- Insurance
- Fire Service

Partners, including the police have provided positive feedback about the site and service provision, recognising Mission Court as providing a safe, transitional step into accommodation for those who would have been vulnerable if left to sleep on the streets during the pandemic and beyond.

In the absence of night shelters in accordance with Welsh Government guidelines, it is anticipated that without accommodation such as that provided at Mission Court, those who have been accommodated at the site would return to sleeping on the streets and parks within

the city. This is likely to result in increased costs to the authority in securing alternative temporary accommodation.

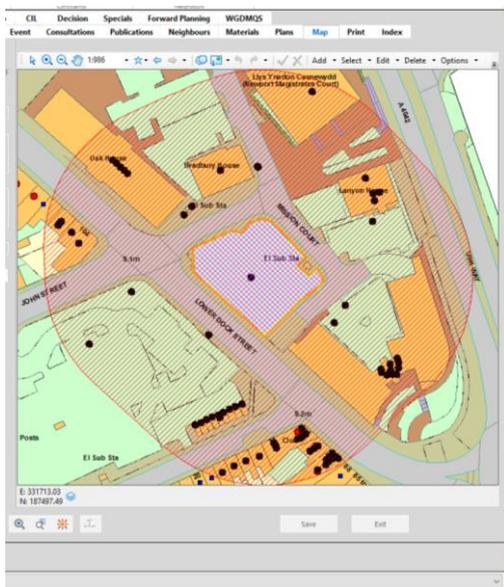
The central location of Mission Court allows vulnerable people to access support services both on-site and within the immediate area and behaviours are managed on site via the provision of 24/7 security services.

Welsh Government is in the process of drafting legislation which relates to local authorities' duties to house homeless households and the types of accommodation that are suitable for such a provision. A strategy to meet the needs of the increasing number of homeless households in the city will be developed in accordance with this legislation, when it is passed.

2. OFFICER RESPONSE TO LATE REPRESENTATIONS

2.1 It is acknowledged that there is an adverse impact on the conservation area, but there is mitigation, in terms of the use being temporary, the site not actually being within the conservation area, and the access being off Mission Court and so set away from Lower Dock Street, reducing visibility of the site where it lies adjacent to the conservation area.

2.2 As well as the erection of a site notice, occupiers within 50 metres were sent a letter, and this distance for consultations accords with the Council's consultation policy for urban areas. The buffer used to decide on consultations is shown below:



It is acknowledged that given the mixed commercial and residential character of the area, a number of these consultations were sent to commercial occupiers, but a number were also issued to neighbouring residential occupiers, including the flats of 89, 90, 91, 92 and 105 Lower Dock Street and 14, 15, 16, 17 and 18 South Market Street.

2.3 Mission Court is providing a role in the Council's plan to address homelessness and housing need, providing temporary accommodation whilst additional solutions are sought. In this sense, it is considered that the facility directly improves the well-being of homeless people.

2.4 Whilst the concerns regarding pre-existing issues relating to crime and disorder are acknowledged, there is no firm and clear evidence that the facility and occupiers have directly exacerbated these matters. Gwent Police were consulted and did not comment on the planning application. The site has on-site management which should help manage issues of anti-social behaviour.

2.5 Whilst the concerns regarding pre-existing issues relating to deprivation in the Pill ward are acknowledged, there is no evidence to support the claim that the facility has had a detrimental impact upon equalities of outcome resulting from socio-economic disadvantage.

2.6 There is no evidence to support the claim that the facility has adversely affected the viability of the Commercial Road District Centre.

2.7 Contrary to the comments above, the use is not for a 5 year period, but a 3 year period, expiring December 2025.

3. OFFICER RECOMMENDATION

3.1 The recommendation remains unchanged, which is that the application should be granted subject to conditions.

3.

APPLICATION DETAILS

No: 22/0052 **Ward:** St Julians
Type: Full Application
Expiry Date: 3rd June 2022
Applicant: L Gregory
Site: 215 Caerleon Road Newport South Wales NP19 7HA
Proposal: **CHANGE OF USE FROM A DWELLING (C3 USE) TO A 5NO. BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4 USE)**

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for the change of use of a 2no. bedroom residential property (C3) to a 5no. bedroom House in Multiple Occupation (HMO) at 215 Caerleon Road in the St Julians ward.
- 1.2 A HMO is a house occupied by people who are usually unrelated and have private bedrooms but shared facilities such as kitchens, living areas and bathrooms. The proposed 5no. bedroom HMO falls into the C4 Use Class which allows between 3 and 6no. unrelated occupants to reside and share amenities.
- 1.3 The application is reported to Planning Committee at the request of Councillor Carmel Townsend.

2. RELEVANT SITE HISTORY

- 2.1 None.

3. POLICY CONTEXT

3.1 The Newport Local Development Plan (NLDP) 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 proposals should make adequate provision for car parking and ensure that development would not be detrimental to highway or pedestrian safety.

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

Relevant Supplementary Planning Guidance

Parking Standards SPG (Adopted August 2015)

Houses in Multiple Occupation (HMO) SPG (Updated January 2017)

4. CONSULTATIONS

4.1 GWENT POLICE: No response.

4.2 SOUTH WALES FIRE: No response.

5. INTERNAL COUNCIL ADVICE

5.1 THE HEAD OF CITY SERVICES (HIGHWAYS):

Initial Response

The site is located on Caerleon Road, the B4596 Classified Road which is subject to a 30mph speed limit.

The existing dwelling has 2 bedrooms for which at this location the Newport City Council Parking SPG requires 2 parking spaces. A 5 bedroom house in multiple occupation would require 1 parking space per bedroom plus 1 visitor space, a total of 6 spaces. The existing dwelling has no on-site parking and none is proposed. Accounting for the existing shortfall the net parking requirement is therefore 4 spaces.

A parking survey based on an accepted methodology has been submitted. The survey was carried out on 18 and 19 November 2021 and show that at 00:30 on both days the average parking stresses on roads within approximately a 200m radius of the site were 87.52% and 86.25% respectively. I would conclude that the parking requirement of 4 spaces can be accommodated on roads local to the site.

I would therefore offer no objection to this application on highway grounds.

Final Comments

I have given this application further thought. The parking stresses are 87.5% and 86.25%. A 90% stress level would be the tipping point based purely on parking stress. I hear what you say about surveyed roads to the east of Caerleon Road and I'm mindful of the highway response to application 21/1222. I would agree to a consistency of approach. The question then becomes whether Caerleon Road is of a sufficiently different nature between the locations of 287 and 215 Caerleon Road in terms of pedestrian safety for those wishing to cross the road. To the south of the latter Caerleon Road is wide and there are parking restrictions. In the vicinity of the Richmond Road junction there is a splitter island providing pedestrian refuge and near York Road there is a signal controlled pedestrian crossing. To the north of the site there are lengths of double yellow lines up to the Orchard Street junction. I therefore consider Caerleon Road to be of a different nature between the two sites.

I have no information regarding weekend parking.

Given the above I am of the view that a highway objection would be unlikely to be sustained at appeal.

5.2 THE HEAD OF CITY SERVICES (WASTE): No response.

5.3 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): The development would be subject to HMO licensing regulations. In light of this I have no objections to the applications

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (51no. properties) and a site notice displayed.

12no. responses have been received including 3no. in support and 9no. objecting, which includes an objection letter signed by 9no. residents from St Julians Court. Comments are summarised below:

Support

- Great for the area and will be a nice change from seeing rubbish outside all the time. Reports of rats, due to the amount of rubbish left there.
- Young professionals living there will be a welcome change from the current situation especially as the property used to be a brothel.
- I totally agree with this property being put to good use. At the moment it is an eyesore and the mess outside is disgusting. It would be an improvement to the area;
- Most people think HMOs are halfway homes, which isnt the case. I work away a lot and use a HMO. It is a lot nicer than a lot of hotels;
- HMOs offer a good opportunity to save and gain eligibility to gain a mortgage whilst renting;
- Newport needs to see the struggle of young people and those with low salaries, with all the difficulties in current times, I think parking is the last concern on the list.

Object

- Overdevelopment of a single terraced plot and would be detrimental to the environment of the area;
- Possible for double beds meaning double occupancy for up to 10 persons in total;
- No off road parking facilities;
- Significant concerns raised regarding existing parking on Caerleon Road and surrounding streets which is at capacity and no room left for increase;
- Caerleon Road is a busy main road with lots of people parking to go to the Spar, two GP surgeries, two dentists and pharmacies etc. This causes issues for delivery vehicles servicing these uses;
- Insufficient bathroom and toilet facilities;
- There is adequate existing provision of HMOs in this ward;
- Difficulty for emergency services to access nearby homes, of whom there are many elderly residents;
- Impact on social cohesion by bring high levels of transient residents and fewer long terms households and established families. This in turn leads to long term communities which are not balanced and self-sustaining;
- The application says there will be parking for bikes and recycling to the rear. Pool Lane is blocked off with a gate, which was put in place to deter anti social behaviour;
- Waste collection provision must be in place and not left to clutter the road beside the Spar;
- Concerns with management of HMO in future;
- Concerns regarding existing Antisocial behaviour, drug use and gangs of youths in the area which often makes it unsafe or difficult to walk to local shopping facilities;
- Over the last few years there has been at least 26 HMOs approved with 12 on Caerleon Road alone, this is totally unacceptable and at some point must stop.

Non Material Considerations Raised

- Impact on property value;
- The status of tenants residing at the proposed HMO.

6.2 COUNCILLOR CARMEL TOWNSEND: I should like the application to be considered at the planning committee, if you are likely to approve it. Caerleon Road is a busy thoroughfare.

The properties are terraced, with some parking to the rear, but otherwise a "nightmare" for anyone trying to park one vehicle, let alone any additional cars. As I have pointed out, previously, St Julians is getting more than its fair share of HMOs and it isn't a fair distribution, when areas such as Allt-yr-yn, Caerleon, Marshfield et al, are not so encumbered. Not all HMOs bring problems with them, but they do cause problems with parking, with litter - both bins and recycling - sometimes anti-social behaviour and the removal of family properties from the neighbourhood.

7. ASSESSMENT

- 7.1 The site is an end of terrace dwelling house which has a layout comprising of hallway, lounge, living room and kitchen/dining room at ground floor and landing, 2no. bedrooms and bathroom at first floor. The property fronts onto Caerleon Road (B4596) which is one of the main arterial routes into the City Centre and is closely linked to Junction 25a of the M4 Motorway. The property offers a small front forecourt and rear enclosed garden.
- 7.2 The proposed layout would comprise of 2no. bedrooms, kitchen and communal lounge at ground floor and 3no. bedrooms, bathroom and W/C at first floor. Externally a communal garden which is accessed through the kitchen is offered to the rear and the small forecourt is retained to the front.
- 7.3 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.
- 7.4 Policies SP1 (Sustainability), GP2 (General Amenity), GP4 (Highways and Accessibility), GP7 (Environmental Protection and Public Health), H8 (Self Contained Accommodation and Houses in Multiple Occupation), T4 (Parking), T5 (Walking and Cycling) and W3 (Provision for Waste Management Facilities in Development) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application. As are the Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (Updated January 2017), the Parking Standards Supplementary Planning Guidance (Adopted August 2015) and the Waste Storage and Collection SPG (Adopted January 2020).

Impact on Character, Appearance and Residential Amenity

- 7.5 Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) states; 'within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation 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 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;
 - iii) adequate noise insulation is provided;
 - iv) adequate amenity for future occupiers.'
- 7.6 The main considerations of this application are the potential impact of the change of use on parking provision, the amenity of future occupiers and the potential impact on the character and amenity of the surrounding area and neighbouring properties, taking into account any HMO's within close proximity to the site.
- 7.7 A number of the objections received relate to issues surrounding an overconcentration of HMOs, particularly along Caerleon Road, and how this might have social impacts on the area and its character, owing to the often transient nature of HMO residents, as well as the visual impact that may occur due to a lack of care and attention at a HMO property. The SPG states that 'clusters of HMOs can alter the composition of a community and detract from local visual amenity. The guidance introduces a threshold above which HMOs are considered to detract from the character of the area. In general, the Council will not support a planning application that would take the number of HMOs, considered as a proportion of the local housing stock, above a specified limit. In "defined areas" this limit is 15%, in other areas, 10%. This site is

located within the 10% threshold area. When taking a 50m radius from the address point of the application site, the full front elevations of 14no. properties are caught. (NB as per the SPG any properties converted into flats counts as one property for the purposes of the test). There is 1no. existing registered HMO within the 50m radius. Therefore, if the application were to proceed, the 2no. HMOs would constitute 14.3% of the selected housing stock and is therefore greater than the 10% threshold.



Figure 1 – 50m Radius (16th May 2022)

- 7.8 Whilst contrary to the Council's SPG it is necessary to identify the harm that would occur as a result of the proposals. A planning application (Ref.16/0968) seeking to change the use to a house in multiple occupation was refused on 10 November 2016 for the reason that the proposal would result in an over-concentration of HMO's to the detriment of the character of the area and residential amenity. A subsequent appeal (APP/G6935/A/17/3168984) was allowed and planning permission granted by the Planning Inspectorate on 23 May 2017. In that case, the proportion of HMO's would have risen to 23.5%. The Inspector stated that an exceedance of the threshold was not sufficient to refuse a scheme; it was also necessary to demonstrate harm. In that case, the Inspector was not convinced that there was much physical evidence of problems associated with HMO's, such as inadequate refuse storage arrangements or poorly maintained frontages, or quantified evidence of impacts on community cohesion.
- 7.9 In this instance the property has the benefit of a small front forecourt set behind a wall whereby refuse could be stored without spilling onto the footway. A recent site visit indicates that the property is generally well maintained and it has been suggested in neighbour objections that illegal or illicit activity has previously been undertaken at the property. Bringing the property forward for renovation to an acceptable use is considered a positive action. Properties within the nearby vicinity are generally in an acceptable condition, albeit due to their age some are in need of some updating and general maintenance. Refuse receptacles are stored behind the front boundary walls within the forecourt areas
- 7.10 An internal research paper (unpublished) was prepared by Newport Council's planning team as a background report to the SPG to evaluate any evidence of harm caused by concentrations of HMO's within the city. The number of HMO's was compared to the actual number of households within a defined geographical area, namely lower layer super output areas (LSOA), which are used for the Census. Information was pulled together relating to complaints linked to licenced HMO's and crime rates within these areas.

- 7.11 The application site falls within Lower Super Output Area (LSOA) St Julians W01001680, which is shown to have the 19th highest concentration of HMOs (1.176%) out of the 44 Lower Super Output Areas and the 13th highest complaints (7) directly relating to HMOs between the period April 2015 to October 2017. The paper concludes that the evidence collected does demonstrate that there is a correlation between high concentrations of HMOs and negative complaints made to the Council, and recorded crime and that therefore the Council should continue to try and control the concentration of HMOs. The Council has refused planning permission for a HMO (18/0459 3 York Place) based on the findings of this paper which showed that in that particular instance, despite not exceeding the threshold within the SPG, the ward in which the HMO was located was shown to have the highest concentration of HMO's (7%), the highest number of complaints (33) and the highest numbers of recorded crime (1441 incidents) in the city. This decision was subject to an appeal which was allowed. On the matter of such data the Inspector noted that whilst local residents and the Council have genuine concerns about the potential for an increase in anti-social behaviour, there is no firm evidence to attribute this to existing HMO's within the vicinity. In the current application the change of use would result in an exceedance of the 10% threshold up to 14.3% which is considered to be a marginal increase above the threshold and it is considered that the Council would struggle to identify harm resulting from the presence of a further HMO in the area and it is not considered that the addition of a HMO in the area would be detrimental to the character of the area and the amenity of neighbouring residents contrary to policies H8 and GP2 of the Council's LDP.
- 7.12 The House in Multiple Occupation (HMO) Supplementary Planning Guidance (SPG) states 'HMO's should provide outdoor amenity space in which residents can relax, dry their clothes and store refuse and recycling bins. Shared amenity spaces will be acceptable so long as they can accommodate every resident of the properties they serve.' The plans submitted with the application indicate that the property would benefit from an outdoor amenity area to the rear of the property that will be accessible for residents. The Council's HMO Licensing Officer has not provided a response to the consultation request. The HMO standards state that a single bedrooms should be at least 6.51m², shared kitchens and living rooms for up to 5 persons should be 7m² and 10m² respectively. All bedrooms exceed the required space standard and contain windows providing adequate light and ventilation for occupiers. Objections have raised concern regarding more than one person residing in each room. The maximum number of occupants can be controlled via planning condition and the applicant would also have to obtain a HMO Licence from the Council's Environmental Health HMO Licencing Department which would limit occupants. The living room and kitchen meet or exceed the required standards also. It is not anticipated that waste storage and collection would cause any potential issues and there is sufficient space within the front forecourt for the required size of bin store. It is therefore considered that the proposal complies with the aims of Policy H8 and GP2 of the NLDP 2011-2026 (adopted January 2015) and the Supplementary Planning Guidance on Houses in Multiple Occupation (adopted August 2015, updated January 2017).

Highway Safety and Parking

- 7.13 The site is located on Caerleon Road, the B4596 Classified Road, which is subject to a 30mph speed limit. The existing dwelling has 2no. bedrooms and this generates a parking demand of 2no. spaces. There is no parking on site. The proposed 5no. bedroom HMO would require 1no. space per bedroom and 1no. visitor spaces. A total of 6no. spaces, which is a net gain of 4no. spaces and would need to be accommodated on the highway.
- 7.14 Existing parking problems and concerns regarding a worsening of the existing situation and subsequent highway safety matters have been raised as significant concerns within the resident objections and also the Local Councillor response. The application has been accompanied by the submission of a Parking Assessment, which was undertaken at 00:30 and 13:30 on 18th November and 00:30 and 12:30 on 19th November. The survey area was taken from the application site and includes a radius of 200m. However, it should be noted that it is best practice for a parking survey to cover a 200m (2 minute) walking distance from the site. As such, a number of streets that are located outside of this walking distance have been discounted by officers. The streets given consideration include the following;

- Caerleon Road;

- Orchard Street;
- Stafford Road;
- York Road;
- St Julians Avenue;
- St Julians Road;
- Richmond Road;
- Somerset Road.

- 7.15 It is clear from the survey results that there are many streets within the 200m survey area that have a high level of parking stress. This is also consistent from the findings of a parking survey submitted in support of application 21/1222 for a change of use to a HMO at 287 Caerleon Road. Caerleon Road and Stafford Road have been surveyed in both that application and the current application. Indeed, Stafford Road showed 100% capacity within the previous parking survey and similar capacity as part of the current parking survey. Caerleon Road also averaged 87% capacity in the previous survey and 93% in the current survey. It is therefore apparent that there is extremely limited capacity on these two roads.
- 7.16 Application 21/1222 was refused on highway safety and parking grounds with the Highways Officer commenting the following;
- “Caerleon Road is the only road identified in the survey as having any capacity to accommodate additional on street parking. Caerleon Road is a busy B classified road where vehicles are already partially parked on the footway on both sides of the carriageway to accommodate 2 way traffic flows. Any further reduction in pedestrian crossing space on Caerleon Road as a result of additional on street parking would be detrimental to highway safety, in particular for pedestrians that can’t see over parked vehicles and can’t be seen by drivers waiting to cross between parked vehicles i.e. children, wheel chair users etc.”*
- 7.17 The Council’s Highways Officer has confirmed that section of Caerleon Road at the location of 215 Caerleon Road is sufficiently different to that at no.287 in terms of pedestrian safety for those wishing to cross the road. To the south of Caerleon Road is wide and there are parking restrictions. In the vicinity of Richmond Road there is a splitter island providing pedestrian refuge and near York Road there is a signal-controlled pedestrian crossing. To the north of the site there are lengths of double yellow lines up to the Orchard Street junction. As such, this difference means that along the section of Caerleon Road at and nearby the application site there is sufficient visibility and opportunities for pedestrians to cross the road which would not be impacted by on street parking; a clear difference than that at no.287.
- 7.18 Although there are some variations depending on survey times, the Parking Survey indicates that there is sufficiently available on street parking at St Julians Road, St Julians Avenue, Somerset Road and St Julians Court. The Highways Officer has identified a 90% stress level as being the tipping point based purely on parking stress. Site visits have been undertaken at these locations on weekdays, weekends and during evening hours to try and understand the parking situation and to cross reference against the survey data. It is clear to officers that particularly on St Julians Road and St Julians Avenue parking is available. Within St Julians Court, there is only a small area where vehicles could park and site visits suggest that this tends to be busier during daytime hours when people are visiting the District Centre, however is generally quieter during evenings with some parking available. The Highways Officer has stated in their response that they have no weekend parking information. However site visits have been undertaken by the Planning Officer to review parking on weekends and it is considered that through the submission of the parking survey and also the officers own site visits, there is sufficient parking availability within the survey area, and this is what makes the findings of this assessment different to that of 21/1222, where the only reasonable parking availability was on Caerleon Road.
- 7.20 Whilst the LPA understands the resident’s frustrations in relation to parking availability, the fact on street space is not plentiful has proven to not be a robust reason to refuse planning permission. Inspectors assume that car ownership in HMO properties will be lower and most notably in sustainable locations, such as this. When taking account of the recent appeal

decisions, the generally positive attitude of the Welsh Inspectorate to HMOs in sustainable locations irrespective of whether they have off street parking, the parking survey undertaken by the applicant and the lack of objection from the Council's Highway officer, it is considered that there is sufficient on-street capacity in the area to accommodate the additional demand that the proposed HMO would result in without significant and demonstrable adverse effect on neighbouring amenity. Given the highly sustainable nature of the site officers recommend that there is no demonstrable harm resulting from the proposals in terms of either highway safety or neighbouring amenity.

- 7.21 The applicant would be required to provide cycle parking in accordance with Newport City Council SPG Sustainable Travel (July 2020) which requires that 1 secure and covered cycle parking space is provided per 2 bedrooms. A bike store is not proposed on the plans, however there is sufficient space to the rear of the property to accommodate this and it is recommended that a condition is applied to any permission requiring details of location, design and capacity to meet the requirements of the SPG.

Air Quality Buffer Zone

- 7.22 The site is located inside the Caerleon Road Air Quality buffer zone, however when taking into account the pre-existing residential use it is not considered that the proposal results in any significant increase in vehicular movements that would result in a direct adverse impact on this matter.

Other Matters

- 7.23 A number of issues that have been raised within the objections received by local residents relate to the perception of HMOs and who the occupants would be, that the proposal would devalue house prices within the vicinity and surrounding the existing circumstances of the property which has apparently been used in conjunction with crime and having experienced issues of anti-social behaviour.
- 7.24 The future occupants of a HMO or their socioeconomic background is not a material planning consideration, as is the concern regarding property values. The existing use of the property and whether there has been illegal or antisocial issues associated with it is not something that can be given weight either. It would be speculation that these issues would arise again at the property should a HMO be granted planning permission and in any case, this would be a matter for the police to deal with should these activities occur.
- 7.25 An objection has also raised concerns with the ongoing management of the HMO should planning permission be approved. This would fall under the requirements of the separate HMO Licence with a nominated person being allocated to manage the property.

8. OTHER CONSIDERATIONS

8.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

8.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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 change of use would not result in an exceedance of the threshold set out in the Council's Guidance and it is not considered that the proposals would result in a demonstrable impact to the character of the area.

9.2 Whilst the proposals would result in an increased demand for parking, the site is located within a sustainable location within close proximity to shops and services with good transport links. Furthermore, the applicant has provided information to demonstrate that the parking associated with the development can be accommodated on street within the survey area and no objection is raised by the Council's highways officers to parking or other highway safety matters. As such, it is not considered that the proposals would result in an adverse impact to highway safety or neighbouring amenity.

9.3 It is recommended that planning permission is granted subject to the following conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

Approved Plans and Documents

01 The development shall be implemented in accordance with the following plans and documents; Drawing No. KD1831/1 – Existing and Proposed.

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 –occupation conditions

Scheme of Waste Storage and Recycling

02 Prior to first occupation of the development hereby approved, a scheme for the provision of waste storage and recycling shall be implemented in accordance with details that have

first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.
Reason: In the interests of amenities in accordance with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

Details of Secure Cycle Store

03 Prior to first occupation of the development hereby approved, a scheme for the secure storage of bicycles shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.

Reason: In the interests of promoting sustainable travel in accordance with Policy SP1 and GP4 of the NLDP 2011-2026 (adopted January 2015).

General conditions

Maximum Bedrooms and Occupants

04 The property shall have a maximum of five bedrooms and five persons occupant.

Reason: To protect the amenity of adjoining and future occupiers and highway safety in accordance with Policy GP2 and GP4 of the NLDP 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Drawing No. KD1831/1 – Existing and Proposed.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, GP6, GP7, H8, T4, T5, W3 are relevant to the determination of this application.

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

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

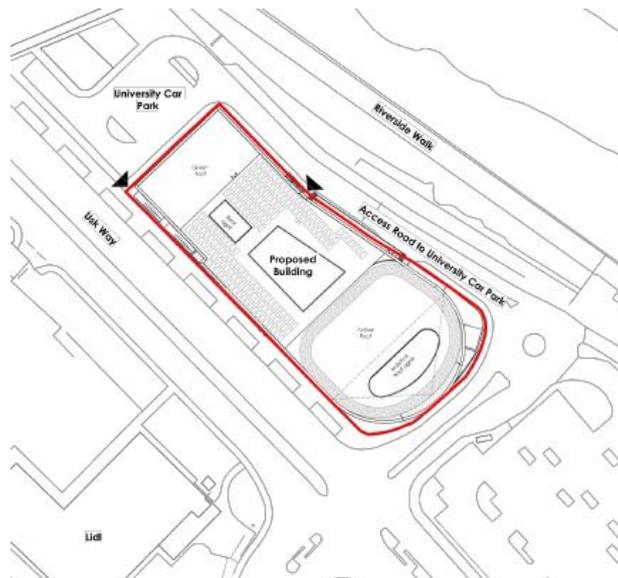
4.

APPLICATION DETAILS

No: 22/0155 **Ward:** Stow Hill
Type: Advert Consent
Expiry Date: 26th April 2022
Applicant: P Jones
Site: Land To South East Of University Of Wales Newport City Campus Usk Way Newport South Wales
Proposal: 2 NON ILLUMINATED INFORMATION SIGNS ATTACHED TO EXISTING HOARDINGS
Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 This application seeks advertisement consent for the installation of two non-illuminated information signs, to be attached to existing hoarding around the future new leisure centre site on Usk Way (granted under permission 21/0893).



1.2 The application is brought before planning committee as the Council has an ownership interest in the land.

2. RELEVANT SITE HISTORY

| | | |
|---------|--|-------------------------|
| 21/0893 | CONSTRUCTION OF A NEW LEISURE CENTRE (D2) AND COMMUNITY HEALTH AND WELLBEING CENTRE (D1), INCLUDING A SWIMMING POOL HALL | Granted with conditions |
|---------|--|-------------------------|

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 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.

Policy **CE1 Routeways, Corridors and Gateways** lists routes/corridors (M4, London to South Wales Railway, A449, A4042, A455, A4042, A48, A48(M), Monmouthshire and Brecon Canals) (plus other principal transport routes in the area) which are important main routes in the area. Any proposals that are located on or highly visible from these routes must seek to improve the general environment and help to create attractive gateways into the City.

4. CONSULTATIONS

4.1 None

5. INTERNAL COUNCIL ADVICE

5.1 HEAD OF CITY SERVICES (HIGHWAYS): No cross section has been submitted to show the relationship between the hoarding and the highway and the depth of the sign is not stated. It is noted that the application states the advertisements would not project over the highway but the applicant should be requested to confirm the same by submission of a cross sectional drawing.

6. REPRESENTATIONS

6.1 None

7. ASSESSMENT

7.1 It is proposed to install two non-illuminated signs to the existing hoarding which surrounds the future new leisure site. The signs would be mounted to 10mm thick board, which would be fixed to the hoarding at two positions facing Usk Way. They would measure 2.4m wide and 1.2m high. They would display graphics of the future leisure centre building and partner logos.

7.2 In addition to the policies referred to in paragraph 3.1, Technical Advice Note (TAN) 7 (Outdoor Advertisement Control) and the Town & Country Planning (Control of Advertisements) Regulations 1992 are also relevant to the determination of this application. Part 4 of the Regulations states:

(1) A Local planning authority shall exercise their powers under these Regulations only in the interests of amenity and public safety, taking account of any material factors, and in particular

(a) In the case of amenity, the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, disregarding, if they think fit, any advertisement being displayed there:

(b) In the case of public safety-

(i) The safety of any person who may use any road, waterway, dock, harbour or aerodrome.

(ii) Whether any display of advertisements is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air.

7.3 The proposed signage provides information about the forthcoming new leisure centre. The signage would face towards Usk Way, which is a principal route in the urban area. Policy

CE1 states that development proposals should protect and enhance the appearance and connectivity of existing and future main route corridors and gateways into the city.

- 7.4 The signage is considered to be of a design and scale which is inconspicuous and would protect the appearance of the route. Overall they are considered to not result in harm to the visual amenities of the surrounding area. The signage would not be illuminated and as such the amenities of residential properties nearby would be protected.
- 7.5 The Councils Highways Officer has requested that confirmation be provided, through a cross sectional drawing, that the signage would not project over the highway. A cross sectional drawing has not been provided but the depth of the sign has been confirmed as 10mm thick. At this depth, the signage would not project over the highway and as such pedestrian and highway safety is protected.
- 7.6 The proposed signs are not illuminated and are considered to be of a design which would not distract motorists, nor hinder any existing road signage.

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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.5 *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

8.6 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without

compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

9.1 The proposed signage is considered acceptable. It would not cause harm to amenity nor highway safety. The proposals are in accordance with policies GP2, GP4, GP6 and CE1 of the Newport Local Development Plan, Technical Advice Note (TAN) 7 (Outdoor Advertisement Control) and the Town & Country Planning (Control of Advertisements) Regulations 1992.

9.2 It is recommended that advertisement consent is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: NPS-PB-CH-DR-A-(HS)-PL-01 P0, site location plan and email from Newport Norse dated 4th May 2022.

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, GP6 and CE1 were relevant to the determination of this application.

5.

APPLICATION DETAILS

No: 22/0231 **Ward:** Gaer
Type: Full Application
Expiry Date: 5th May 2022
Applicant: Newport City Council Flying Start
Site: Maesglas Community Centre Bideford Road Newport NP20 3XT
Proposal: CREATION OF NEW EXTERNAL DOOR OPENING TO BOILER ROOM
AND FILLING IN EXISTING DOOR OPENING TO CREATE WINDOW

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

1.1 The application seeks permission for full planning consent to create a new external door opening and replace an existing door with a window at Maesglas Community Centre in the Gaer Ward. The Community Centre is owned by Newport City Council.

2. RELEVANT SITE HISTORY

| | | |
|---------|---|-------------------------|
| 10/0890 | SITING OF 2NO. METAL STORAGE CONTAINERS | GRANTED WITH CONDITIONS |
| 14/0304 | SINGLE STOREY EXTENSIONS TO MAESGLAS COMMUNITY CENTRE FOR FLYING START FACILITY WITH SECURE EXTERNAL PLAY AREA, RELOCATION OF EXISTING ANCILLARY OFFICES AND ASSOCIATED EXTERNAL WORKS FOR ACCESSABLE ENTRANCES | GRANTED WITH CONDITIONS |
| 18/0702 | INSTALLATION OF 400MM ANGLED MESH PANEL FIXED TO EXISTING TIMBER FENCE | GRANTED WITH CONDITIONS |
| 21/0623 | INSTALLATION OF EXTERNAL CANOPY TO ALLOW OUTSIDE SPACE FOR CHILDREN | GRANTED WITH CONDITIONS |

3. POLICY CONTEXT

3.1 Newport Local Development Plan 2011-26 (Adopted January 2015)

3.1.1 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 and promote inclusion.

3.1.2 Policy GP4 (Highways and Accessibility) explains that development proposals should not be detrimental to highway or pedestrian safety and suitable, safe access arrangements should be provided.

3.1.3 Policy 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.

3.2 Planning Policy Wales

3.2.1 National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

3.3 Future Wales: The National Plan 2040

3.3.1 Future Wales is our national development framework, setting the direction for development in Wales to 2040. Future Wales' 11 Outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

4. CONSULTATIONS

4.1 None.

5. INTERNAL COUNCIL ADVICE

5.1 None.

6. REPRESENTATIONS

6.1 NEIGHBOURS: 46 neighbouring properties were consulted and no representations were received.

7. ASSESSMENT

7.1 The single storey detached community centre is located on the southern side of Bideford Road in the Gaer Ward. There are houses to the east and south and shops to the west. The community centre car park separates the building from Bideford Road. The external doors on the north and western elevations require steps or ramps for access. The building has a brick finish and pitched roof clad with tiles.

7.2 The application seeks to create a new external door opening on the northern elevation and replace an existing glazed door on the western elevation with a window. Steps would be built to provide access to the door. The proposed powder coated aluminum brown fenestration would match existing.

7.3 There are a number of different doors and windows on each elevation so the proposed alterations would not look out of place. The materials would match existing. Views of the window would be reduced by an existing canopy. It is therefore considered that the proposed door and window would comply with policy GP6.

7.4 The proposed window would face the rear of the shops that are located approximately 15m away (west). The existing door is glazed so no new views would be achieved. It is therefore considered that the proposed development would preserve the amenity of the area, in accordance with policy GP2.

7.5 The proposed door and steps would be accessed in the car park. However, they would be positioned away from the designated parking spaces so there would be no loss of parking or highway impact. It is therefore considered that the development would comply with policy GP4.

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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

- 8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.5 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

8.6 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

9. CONCLUSION

- 9.1 The proposed development would preserve visual and neighbouring amenities and would not have a harmful impact on parking or highway safety. It is therefore considered that it would comply with policies GP2, GP4 and GP6 of the Newport Local Development Plan 2011-26 (Adopted January 2015).

10. RECOMMENDATION

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: Application Form, Location Plan, Site Plan, Existing & Proposed Elevation and Email from Federico Putzu at Newport Norse (13/05/22).

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

02 The external surfaces of the development hereby permitted shall only be of materials to match those of the existing building.

Reason: To ensure the development is completed in a manner compatible with its surroundings, in accordance with policy GP6 of the Newport Local Development Plan 2011-26 (Adopted January 2015).

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 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.
