

# Report

## Planning Committee – Virtual Meeting

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### Part 1

Date: 7<sup>th</sup> September 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**

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

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

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

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

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

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

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

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

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

Where applicable as planning considerations, specific issues relating to sustainability and environmental issues, 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.

<b>Risk</b>	<b>Impact of risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect?</b>	<b>Who is responsible for dealing with the risk?</b>
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, Policy and Transformation**

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 31<sup>st</sup> 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

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1.

## **APPLICATION DETAILS**

**No:** 22/0526      **Ward:** Stow Hill

**Type:** Full (Major)

**Expiry Date:** 9<sup>th</sup> September 2022

**Applicant:** *Linc Cymru Housing Association*

**Site:** *Car Park Hill Street Newport South Wales*

**Proposal:** ***RETENTION AND COMPLETION OF 12 NO. RESIDENTIAL APARTMENTS (USE CLASS C3), WITH SOLAR PANELS, ASSOCIATED ACCESS, PARKING AND LANDSCAPING (RESUBMISSION FOLLOWING REFUSAL OF APPLICATION 21/1038)***

**RECOMMENDATION:**      **GRANTED WITH CONDITIONS**

### **1. INTRODUCTION**

- 1.1 The application seeks the retention and completion of 12 no. residential apartments (use class C3), with solar panels, associated access, parking and landscaping.
- 1.2 The scheme is using 'ZED POD' prefabricated units. This is a modular build system where the majority of the unit is manufactured offsite and then assembled on site. The units will provide 'move on' accommodation for single tenants and will be managed by Linc Cymru.
- 1.3 The scheme has been constructed under Covid-19 emergency permitted development rights. However, these rights are due to expire on 13 September 2022.
- 1.4 Planning permission for the scheme was refused in December 2021 by Planning Committee. Since then, the scheme has been amended to try and overcome Committee's concerns.

### **2. RELEVANT SITE HISTORY**

21/1038 – Planning permission refused at Planning Committee on 1 December 2021 for the retention and completion of 12no. self contained residential apartments (use class C3) with solar panels, associated access, parking and landscaping at the car park at Hill Street in Newport.

### **3. POLICY CONTEXT**

#### **3.1 Future Wales – National Plan**

*Policy 7 – Delivering Affordable Homes: The Welsh Government will increase delivery of affordable homes by ensuring that funding for these homes is effectively allocated and utilised. Through their Strategic and Local Development Plans planning authorities should develop strong evidence based policy frameworks to deliver affordable housing, including setting development plan targets based on regional estimates of housing need and local assessments. In response to local and regional needs, planning authorities should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing.*

#### **3.2 Local Planning Policy**

*Newport Local Development Plan 2011 – 2026 (Adopted January 2015). There are a number of relevant policies to this proposal, including:*

- SP1 – Sustainability
- SP4 – Water Resources
- SP9 – Conservation of the Natural, Historic and Built Environment
- GP1 – Climate Change
- GP2 – General Amenity
- GP3 – Service Infrastructure
- GP4 – Highways and Accessibility
- GP6 – Quality of Design
- GP7- Environmental Protection and Public Health
- CE6 – Archaeology
- T3 – Road Hierarchy

### 3.3 Relevant Adopted SPGs

- Archaeology and Archaeologically Sensitive Areas
- Sustainable Travel
- New Dwellings
- Parking Standards

## 4. **CONSULTATIONS**

### 4.1 DWR CYMRU / WELSH WATER (DCWW):

#### **ASSET PROTECTION**

The proposed development site is crossed by an 18 inch brickwork 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.

We note that the applicant has advised the sewer is non-operational and has engaged with a formal abandonment process of this sewer, in principle we have no objection to this however no development shall begin until this sewer is formally abandoned.

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.

#### **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.

#### **Surface Water Drainage**

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.

If you are minded to grant permission, the **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.

#### **Advisory Notes**

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

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

### **SEWAGE TREATMENT**

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

### **WATER SUPPLY**

Dwr Cymru Welsh Water has no objection to the proposed development.

#### **4.2 HEDDLU GWENT POLICE: Please ensure the requirements outlined in the Secured By Design Homes Guide are met, such as;**

- Avoiding the creation of windowless elevations and blank walls immediately adjacent to public spaces; this type of elevation, commonly at the end of a terrace, tends to attract graffiti, inappropriate loitering and ball games. The provision of at least one window above ground floor level, where possible, will offer additional surveillance over public areas.
- Ensure parking will be lit by way of lighting columns and overlooked from active rooms/side elevation windows.
- Footpaths should be lit and overlooked to support natural surveillance.
- Windows and doors to have PAS 24:2016 certification.
- For blocks of flats the main entrance front door will also need to be PAS 24:2016 and have a visitor door entry system and access control system with i.e. persons can be allowed to enter the building remotely from the persons flat, and access into the building by residents is by use of key fob/card etc. Please note that tradespersons buttons or time release mechanisms are not permitted.
- Door viewers and limiters should meet the Door and Hardware Federation specifications of TS003 and TS002.
- Dusk til dawn lighting should be installed to the front and rear of the properties.
- Street lighting should conform to BS 5489-1:2020 by way of columns.
- Walls/fencing and gates preventing access to the rear and sides of the properties must be robust, at least 1.8 metres high (2 metres high if the side or rear gardens are adjacent to open land or a footpath) to prevent it being climbed.
- Gates giving access to rear gardens need to be lockable and be operable by key from both sides of the gate.
- Garden sheds should be sited away from the rear fencing/walls to prevent assisting people in climbing over.
- If smart meters are not installed, meter boxes must be fixed to, or as near to, the front building lines of the properties as possible.

### **5. INTERNAL COUNCIL ADVICE**

#### **5.1 HEAD OF HOUSING AND COMMUNITIES (HOUSING MANAGER):**

- 5.1.1 The scheme will enable NCC to discharge homeless duties for those currently living in temporary accommodation or supported housing and who are ready to move onto more permanent accommodation. The pandemic has placed increased pressures on the local authority with many more households requiring temporary accommodation. Once a household has been placed in temporary accommodation there are currently limited options for them to move on to permanent accommodation. There is not sufficient housing association stock in Newport to meet this need and private rented sector properties are increasingly unaffordable. In its Programme for Government the Welsh Government have made clear their commitment to preventing homelessness and all local authorities are expected to support the vision that homelessness should be brief, rare and non-recurrent but this will only be possible if people are able to access appropriate and affordable accommodation.
- 5.1.2 There are currently over 9,000 households with active applications on the local authority managed common housing register and as of May 2022, there were 369 households in temporary accommodation with an average of 18 households moving onto permanent accommodation per month. There are currently between 15 – 20 households ready to move on from supported accommodation. This development is an important part of local authority plans to increase the supply of affordable social housing in Newport as detailed within NCC's Covid 19 strategic recovery aims and RIH service area plan. Working in partnership with Linc Cymru, the local authority has secured Welsh Government grant funding for this development as it will provide move on options specifically for households in temporary and supported accommodation. The construction method utilise in this development means that units can be delivered quickly in order to meet the pressing need for this type of accommodation.
- 5.2 HEAD OF CITY SERVICES (HIGHWAYS): satisfied that this development will not have an unacceptable impact on the local highways or its users.
- 5.2.1 Highway Comment  
The previously refused application 21/1038, received an in-depth assessment of the highway impact the development would have. I concur with the findings of that report. For ease of progressing this application (22/0526), the previous report has been copied below and can be seen in italics. I would however like to add the following comment.
- 5.2.2 The highways officer initially requested whether a continuous footpath from the residential block to the access points on Hill Street or Park Square could be provided, to avoid conflict with vehicles using the car park. However, it has been clarified that a zone has been hatched and on this basis the highways officer considers that future residents and visitors will have a safe means to access the dwellings, as they move through the car park. I am satisfied that all highway matters have been adequately addressed.
- 5.2.3 Previous Highway Report submitted for the 21/1038 Application Highway Officer: Anna Griffiths
- 5.2.4 I refer to the above outline planning application ref 21/1038 which was received on 13 October 2021.
- 5.2.5 The site is located between Hill Street and Park Square which are both residential roads with steep gradients within a residents parking zone. Vehicular access to the car park is gained from Park Square which will be acceptable. An additional pedestrian access is located off Hill Street which provides permeability and improves sustainability and is acceptable.
- 5.2.6 The proposed development of 12 x 1 bedroom units comprises zero resident parking and will therefore generate less vehicle movements than the existing car park and will have no impact on highway capacity or the local highway network.
- 5.2.7 The application proposes to provide 12 Zen Pod 1 bedroom units on the existing car park which will reduce the capacity of the pay and display car park. The existing car park comprises 56 parking spaces. Drawing Z18-ZP-A1-GF-DR-A-ST-002-S1-P02 Site Plan - Proposed Car Parking Level shows 31 spaces will remain. The applicant will therefore be required to provide details of alternative facilities or mitigation for the 25 displaced parking spaces.

- 5.2.8 The site is located in Parking Zone 1 which will require 0.5-1 parking space per bedroom and 1 visitor space per 5 units to comply with Newport City Council SPG Parking Standards (August 2015), a total of between 8 and 14 car parking spaces.
- 5.2.9 The application proposes a zero parking development and has submitted a Sustainability Assessment to comply with Appendix 5: Sustainability of the SPG which awards 11 points to the development which mitigates the zero parking provision and will be acceptable.
- 5.2.10 The Site Plan shows the car parking layout for the remaining parking spaces and is acceptable, however, due to the gradient of the site the applicant should provide details of road restraint barriers to prevent movement of vehicles down the gradient and off the parking area.
- 5.2.11 The remaining Pay and Display car parking provides 2 disabled spaces which will be acceptable. Motorcycle parking to comply with Appendix 4 of the SPG will be required. A minimum of 10% of the parking spaces should be fitted with Electric Vehicle charging points.
- 5.2.12 Newport City Council SPG Sustainable Travel (July 2020) requires that 1 cycle parking space per 2 bedrooms is provided. The site will provide a BDS cycle store which will accommodate 6 cycle spaces which will be acceptable level.
- 5.2.13 This application will generate additional vehicle movements during construction and therefore a Construction Environmental Management Plan (CEMP) will be required which should:
- Identify when HGVs visit the site, avoiding peak hours and school hours
  - Identify HGV routes
  - Identify the off street parking facilities for all vehicles linked to the site
  - Describe wheel cleaning facilities
  - Describe dust suppression methods
  - Identify on-site storage locations
  - Identify office and welfare facilities.
- 5.2.14 I would therefore be unlikely to offer an objection on highway grounds subject to the applicant providing information and drawings addressing the above comments.

### 5.3 HEAD OF CITY SERVICES (ACTIVE TRAVEL OFFICER):

- 5.3.1 There is some inconsistency within the submitted documents as to the amount of cycle space to be provided (6 in transport statement, 8 in Design and Access statement and 10 in the Proposed Site Plan drawing). While all meet the minimum requirement for the developments scale (6 spaces), clarity on provision should be sought.
- 5.3.2 The proposed cycle storage is covered, secure and protected by CCTV and so this is supported. The cycle storage facility is located at the furthest point from the main apartment complex entrance but is served by a secure pedestrian access point nearby. Given the overall developments scale, the location of the cycle storage is not considered a barrier to use and uptake of cycling. Furthermore, there is a pedestrian exit on to Hill Street, which if made suitable for cyclists would provide an ideal access and egress point.
- 5.3.3 Secure access points to the apartments (most importantly the one located close to the cycle storage) should be a minimum of 1.5m to prevent these gates being a barrier to cycle users. No details or designs for these gates were found within the submitted documents and so this should be clarified.

### 5.4 HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT (CONSERVATION OFFICER):

- 5.4.1 Thanks for consulting me on this application, which is a resubmission of 21/1038. The previous Conservation Officer had some concerns with the proposals, specifically the building's form, proportion, finishes and relationship to the street were all at odds with the character of the area. It's difficult to see how these elements have been considered and addressed within the new proposals, other than a few alterations to external materials, which are arguably still contrary to the general form of the area. The proposed form, proportions

and relationship to the street remain the same, therefore I will support and reiterate the conclusions made previously:

5.4.2 LDP policy CE 7 concerns Conservation Areas:

*Development within or adjacent to Conservation Areas will be required to:*

*i Be designed to preserve or enhance the character of appearance of the Conservation Area, having regard to the Conservation Area appraisal where appropriate.*

*ii Avoid the removal of existing historic features, including traditional shopfronts and joinery.*

*iii Use materials which are traditional, or appropriate to their context.*

*iv Complement or reflect the architectural qualities of nearby buildings which make a positive contribution to the character of the area.*

*v Pay special attention to the settings of buildings, and avoid the loss of any existing domestic gardens and open spaces which contribute to the character of the area.*

*vi Avoid adverse impact on any significant views, within, towards or outwards from the Conservation Area.*

5.4.3 I cannot see how the development could be considered to satisfy criteria (i), (iii) or (iv) of the above policy. As such, I am unable to support these proposals. I consider that they would fail to preserve or enhance the character of the conservation area or preserve the setting of nearby listed buildings. Whilst I acknowledge the merit in utilising this site to provide additional housing, I am of the opinion that good design based on an understanding of site context could provide a considerably higher density development whilst preserving or even enhancing the character of the conservation area and the setting of nearby listed buildings. I therefore find it difficult to understand why the proposed modular design is considered appropriate.

5.4.4 I'm happy to discuss this further with you if necessary, however I do not believe the new application has considered any of the previous comments made.

5.4.5 After further reviewing the application for the above site I would like to clarify and detail the concerns I have with the proposals. I understand that prior to the construction of the units at the site, the car park at Hill Street was not considered to be a 'positive' feature of the conservation area however along with the adjacent Park Square, the plot of land allowed for a large open space within a conservation area that is considered to be quite built up and developed. That being said, I do believe there to be room here for appropriately designed, small-scale development.

5.4.6 Furthermore, I recognise that attempts have been made to reflect the character and appearance of the area in the units with additional planting being incorporated into the scheme to contribute to the appearance of the historic area. However, as my previous comments stated, I do not believe these proposals would preserve or enhance the character and appearance of the conservation area for several reasons.

5.4.7 My main concerns lie with the proposed materials and design of certain elements within the scheme:

- The use of metal tiling would not be appropriate or sympathetic and would not follow the form of the area. The use of these tiles is not something I can support. They would not reflect the appearance of traditional slate tiles and would significantly contrast the clay and slate material found across the conservation area.
- The proposed solar panels would be a highly visible and prominent. My concerns for this lie with the precedent that would be set in the area with using panels on a principal roof pitch, visible from various public spaces around Hill Street and Park Square.
- Living wall/roof – whilst I understand this has been included in amended plans in an attempt to preserve the conservation area, I do not believe it to be appropriate. Simple render and roof tiling, in my opinion, would be better and more traditional appearing.
- There is a lack of information regarding fenestration materials.
- There would be an extensive amount of dark metal railings on the site which I believe does not create an attractive visual. The railings lack architectural design and character, appearing bulky and prominent on all elevations, particularly the large walkway balustrade.

5.4.8 I hope this clarifies the main reservations I have with the proposed development. I would be happy to see some of these concerns addressed where possible so to lessen the impact on the conservation area. However, as it currently stands, I cannot consider the application acceptable.

5.5 HEAD OF CITY SERVICES (LANDSCAPE OFFICER):

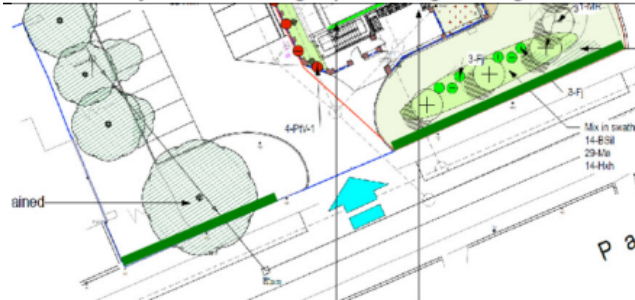
5.5.1 The site lies within St Woolos Conservation Area, proposals should comply with policy CE7 'Conservation Areas'.

5.5.2 Landscape Amenity & Biodiversity Strategy ref 527.01  
This has not been updated from the previous application. Living walls to pod elevations onto Park Square and Hill Street, sedum roofs to cycle store and bin store are all now proposed and there are likely to be other changes to the layout which should be reflected in an updated strategy. The strategy does not refer to or respond to the Conservation Area designation or character.

5.5.3 Planting & Management Plan 527.03  
The planting proposals should fit into the wider Conservation Area character, particularly along the sites public realm boundaries, Park Square to the south and Hill Street to the north. The public car park is not an attractive feature, but trees on grassed banks outside the site provide some green backdrop. Although outside the application boundary, is there is an opportunity for new hedge planting to provide some visual and physical separation between car park and public realm and to reflect wider Conservation Area frontage treatment. This landscape treatment could be continued along the application site boundaries and overall this would be an enhancement – see extent below.



*Potential for low hedge planting along Hill Street*



*Potential for low hedge planting along Park Square*

5.5.4 No planting is proposed to the public side of the railings along Hill Street. An evergreen low hedge may be appropriate as grass mowing on a slope up to the rendered block wall base will be difficult.

5.5.5 A landscape drawn section would help illustrate the level changes and proposals.

5.5.6 Proposed planting to Park Square should consider removal of the existing shrub bed. Proposed planting is on a grassed slope facing the street and away from residents and will be physically open to the public realm. Public views will be open through the railings to the external staircase and bin store. Proposed shrub planting is low and ornamental whereas Park Square has a strong landscape character of low hedges and trees. The introduction of a low evergreen hedge would better help define private from public space and a review of

Park Square species may help with achieving landscape continuity with the wider street scene.

5.5.7 A landscape drawn section would help illustrate the level changes and proposals. Pink crab apple is a small garden tree that may be more suited to areas away from the street scene. There may be more room for slightly larger scale street trees where space, service runs, and shading allows to soften views of the elevated building. The site also offers an opportunity to use tree canopies to soften elevated long views towards the city centre particularly on Park Square. Living walls and sedum roofs are proposed, these are technically difficult to maintain in a good condition and can become an eyesore if maintenance including irrigation fails. Tree and hedge planting to the public realm would achieve a similar impact and be easier to maintain with less risk of failure. A wildflower hedgerow mix for the shaded amenity space north and east of the pods is proposed. This is sown a low rate and is not a typical urban response, again this will be difficult to establish and maintain, benches indicate this will be a used space and the mix is not tolerant to foot traffic. A species rich shade mix which can be close mown and seeded at a high density to ensure early establishment would be more suitable to an urban conservation area – an alternative would be an equivalent turf. Very large areas of single species medium sized shrubs are proposed along the whole east boundary with an ecotex mulch mat. It is not clear how visible this will be, but a more varied planting scheme for visual interest and the use of ground cover rather than an extensive mulch mat would again be more suitable to an urban conservation area.

#### 5.5.8 Hard landscape

A hard landscape plan will be required. Levels are difficult. The perimeter wall details do not fully show how the high rendered pillars and railing infill would work on the slopes, elevations should be provided and could be conditioned. The wall and railing details require structural review. Is there an alternative to the reinstatement of an Armco barrier that would better reflect the Conservation Area status. Will the Armco barrier be removed along Hill Street - if so this would be a positive. A landscape section from car parking, through railing, terrace and building would help explain the proposed level and surface change, and the impact of landscape planting as this is a very long public facing elevation.

5.6 HEAD OF CITY SERVICES (TREE OFFICER): no objections.

5.7 HEAD OF ENVIRONMENT AND PUBLIC PROTECTION: I have no objections to the development in principle however the following conditions should be attached to any permission granted;

#### 5.7.1 **Construction Environment Management Plan (CEMP)**

I cannot see that a CEMP has been submitted for 22/0526 so am assuming that the CEMP for 21/1038 is being used for this application.

It is stated that the site working hours are Monday-Friday 8:00am-5:30pm. However, there is no confirmation whether works will be carried out on Saturdays, and no confirmation that works will not be carried out on Sundays or Bank Holidays. It is stated that deliveries will also be made within these hours, but again there is no clarification in regards to Saturdays, Sunday and Bank Holidays.

Within the CEMP, it is stated that piling works will be carried out via the method of bored piling. However, no information has been provided in regards to piling working hours.

I refer to our standard condition for Construction and Development Hours:

*To protect the amenity of existing residents, I would recommend that there is no arrival, departure, loading or unloading of vehicles, development and/or construction (including land raising and demolition if required) occurs outside the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. There shall be no development on Sundays or Bank Holidays.*

*And;*



*No construction work involving piling shall be carried out on the site other than between the hours of 08.00 and 17.00 Mondays to Fridays and no construction work involving piling shall be carried out on Saturdays, Sundays or Bank Holidays.*

**Reason:** *To protect the amenities of nearby residents.*

Therefore, can the applicant confirm constructions hours in regards to both non-piling and piling works.

#### 5.7.2 **Piling**

Within the CEMP it is stated that piling works will be carried out via the method of bored piling. Insufficient information has been provided. Please can the applicant provide further information in regards to the number of piling, type and make of equipment and the proposed mitigation measures to minimise noise and vibration, especially given the close proximity to residential properties.

#### 5.7.3 **External Lighting**

Can the applicant confirm that they will add and implement the following into the CEMP to minimise light nuisance:

- a. The orientation of the flood lighting will be facing inwards, towards the site, so as to prevent over spill outside of the site, and will not be directed into the homes or gardens of nearby residential properties.

#### 5.7.4 **Sound insulation**

In relation to sound insulation for the proposed residential dwelling, I have not commented. I assume that Building Control will ensure that the Building Regulations, Approved Document E is applied.

#### 5.7.5 **Solar Panels – Glint and Glare**

An assessment of potential glint and glare from panels and supporting structures shall be submitted, which includes the identification of any mitigation measures required in order to ensure there is no detrimental impact on sensitive properties. The assessment, together with details of any necessary mitigation measures, shall be submitted for approval prior to commencement of development.

Our response is based on the information provided at this time, should the proposal alter during the planning process, we kindly request that you re-consult and we reserve the right to make new representations.

### 5.8 HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT (S106 OFFICER)

#### 5.8.1 **Introduction**

Council policy stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. However, in order to safeguard any future Council infrastructure liabilities, there is a requirement to provide a S106 legal agreement in the event that any of the dwellings are sold or rented on the open market

Prior to commencement of the development, the Owner and/or Developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings. As such, the following formulas would apply:

#### 5.8.2 **Affordable Housing**

Provide minimum of 30% affordable dwellings on-site (mix and type to be agreed with the Council prior to commencement). Alternatively, in exceptional circumstances, an off-site commuted sum could be agreed (in accord with the Affordable Housing SPG) for the provision of affordable housing for the City of Newport.

Affordable Housing Sum will be index linked to the RPI and paid prior to occupation of 50% of the development

### 5.8.3 Education

The development falls within the catchment area of John Frost High School and St Woolos Primary School. Whilst it is recognised that no education contribution is requested for affordable housing, it is necessary to ensure that dwellings sold or rented on the open market will adhere to the following formula:

- Number of secondary pupils generated by market dwellings in excess of available capacity at John Frost High School (prior to commencement) x £29,741 = Secondary Education Sum;
- Number of primary pupils generated by market dwellings in excess of available capacity at St Woolos Primary School (prior to commencement) x £19,034 = Primary Education Sum.

Education Sums to be used to improve and/or provide educational facilities and services. Education Sum will be index linked to the BCIS and paid prior to occupation of 50% of the development

### 5.8.4 Leisure

There is a deficit of equipped and formal play provision within the Stow Hill Ward. However, one bed apartments are exempt from contributing towards equipped play.

Whilst it is recognised that no leisure contribution is requested for affordable housing dwellings, it is necessary to build-in safeguards to ensure that any dwellings sold or rented on the open market, will be subject to leisure planning obligation contributions. As such, any 'open market' dwellings will be subject to a financial leisure contribution, based on the following formula:

- Number of one bed 'open market' dwellings x £1,821 = Leisure Sum

Leisure Sum to be used to maintain and improve formal leisure facilities serving the development. Sum to be index linked to the RPI and paid prior to occupation of 50% of the development.

### 5.9 HEAD OF CITY SERVICES (WASTE): We note the waste management strategy document proposed and would anticipate the following requirements.

For recycling

- 1 x 660 Litre cans and plastics
- 1 x 660 Litre Card and paper
- 1 x 360 Litre Glass
- 1 x 240 Litre Food

Domestic residual waste collections require - 1 x 1100L + 1 x 360L bin

We note the presence of the bin store and ask that dimensions are checked to ensure accommodation of bins and to include manoeuvrability of bins for collection. The specified bin requirements in this response are different to those proposed.

From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse

Department collection vehicles safely. Failure to purchase correct bin(s) will result in collections being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

## **6. REPRESENTATIONS**

### **6.1 NEIGHBOURS:**

- 6.1.1 All properties within 50m of the application site were consulted (43 properties), 01 no. site notice was displayed and the application has been advertised in the press. The following comments have been received:
- 6.1.2 At Linc Cymru's most recent open event (24 March 2022), it was explained that there will not be a 24hr support worker on site, as previously promised, because the applicants now being considered for tenancies are considered less likely to need access to support services. This seems reasonable in the first instance, but we are nonetheless keen to find out what plans Linc Cymru have in place in terms of emergency support from remunerated professionals if it becomes apparent that a tenant requires it.
- 6.1.3 We note that there is a variation in the list of associated properties between the original application (21/1038) and this one (22/0526) with the multi storey car park, Park Square, also listed alongside the aforementioned car park on Hill Street. Would you be able to explain this?
- 6.1.4 As outlined by Councillor Kate Thomas, the developer has made no concessions towards designing in features to comply with and compliment the nature of the historic buildings in this significant conservation area of the city. This is especially disappointing, considering that the conservation officer rejected the original application at the planning meeting that took place on 1 December 2021.
- 6.1.5 We would also like to express deep concern about the following point raised by Kate Thomas: "Inexplicably a portion of the positive budget surplus supplemented the development's commissioner, Lync Cymru." This possible discrepancy requires urgent explanation.
- 6.1.6 Until the aforementioned open event (which didn't take place until March this year), there has been very little effort in terms of engaging with the community about the development. There has also been no consideration for the impact of the construction on residents. For example, we have never been provided with the construction site manager's name, have had to make noise complaints to the council (due to work taking place before 8am) and have also experienced our cars and windows being covered in dust due to construction activity. Along with this, we have endured the disruption of Sunday working (e.g. on 19 June and 17 July).
- 6.1.7 Now that the construction has taken place and we can see the window positions in the buildings and activity going on, we can say with certainty that there will be a considerable lack of privacy for all residents.
- 6.1.8 It was noted at the planning meeting on 1 December 2021 that the flats being constructed do not meet the existing Welsh guidelines on size. Is this in fact the case?
- 6.1.9 We have parking issues in this area on a daily basis, we have a constant problem with the anti-social behaviour of the drink, drug taking and drug dealing and we believe this project will only increase the problem.
- 6.1.10 On a more personal note I now have to live with the newly built block of flat that were built on the other side of my home where we now have many flats overlooking my our back garden which now makes us feel we are constantly being watched. These pods have been built right above my home with the rear balconies facing my home which I believe will add more noise and disturbance to the small amount of peace that we can look forward to, I know this may sound petty to many people but we have lived here for over 20 years and have had to put up with a lot of changes which have not improved the wellbeing of the area I know I will have a constant reminder 365 days of the year of being over looked from both sides and a worry of what kind of people and issues that will come with this project this makes us feel very

uncomfortable in our home which is not right. We have not been in favour of this build from the beginning and never will be.

6.1.11 Are the flats intended for homeless and quite possibly vulnerable people. What level of support will Linc Cymru be providing for residents?

6.1.12 We share the concerns of Laura Smith, the Historic Building Conservation Officer:

- *The use of metal tiling would not be appropriate or sympathetic and would not follow the form of the area. The use of these tiles is not something I can support. They would not reflect the appearance of traditional slate tiles and would significantly contrast the clay and slate material found across the conservation area.*
- *The proposed solar panels would be a highly visible and prominent. My concerns for this lie with the precedent that would be set in the area with using panels on a principal roof pitch, visible from various public spaces around Hill Street and Park Square.*
- *Living wall/roof – whilst I understand this has been included in amended plans in an attempt to preserve the conservation area, I do not believe it to be appropriate. Simple render and roof tiling, in my opinion, would be better and more traditional appearing.*
- *There is a lack of information regarding fenestration materials.*
- *There would be an extensive amount of dark metal railings on the site which I believe does not create an attractive visual. The railings lack architectural design and character, appearing bulky and prominent on all elevations, particularly the large walkway balustrade*

6.1.13 We see, from the planning application notice attached to a lamp post on the boundary of the development that residents without access to the internet are supposed to contact an unnamed “case officer” to view the documents and plans related to the application. This appears to us to be a vague and confusing instruction.

6.1.14 In response to the amended plans and additional information submitted by the applicant, a neighbour submitted further comments as follows:

Though we have not been personally contacted with any direct answers to our questions, we have read the '*Hill Street Comments & Responses*' document uploaded on your site and can confirm that we welcome the detail offered in response to our first point (about support) and also the assurance that the scheme has not been funded by Linc's budget surplus (in response to our third point).

We assume the second Linc response under the heading '*Representations (for which responses are requested)*' is in response to a different neighbour comment, as we can confirm we were asking why the multi-storey car park was initially listed as an associated property alongside Hill Street Car Park and **not** about the Pre-Application Consultation process and who was consulted.

Overall, we feel the summary of our third point and therefore your subsequent answer constitutes a misrepresentative generalisation, as we clearly acknowledged **the aforementioned open event (which didn't take place until March this year)**. We also take issue with the response to our comments about the disruption residents have endured (point 5), as this has still occurred regardless of whether "construction has been carried out to approved HSE standards" or the opinions of local businesses.

Finally, summarising a general question about "the space standards for apartments" and answering that "the apartments are the same size as those proposed in the original application" does not fully address whether either application has met the **existing Welsh guidelines on size**.

Bearing in mind Councillor Miqdad Al-Nuaimi's following comments, we are unable to support the resubmission:

*"What the comments from the Building Conservation Officers both past and present show, is that it was incorrect for the developers to commit to a solution and design that were singularly predetermined Z-pods or modules. They did that even when in the pre-planning stage they were informed strongly of objections from residents and organisations. Furthermore, the developers continued in committing resources through the installation of the pods following the refusal of 21/1038."*

6.2 COUNCILLOR KATE THOMAS: makes the following comments;

6.2.1 This response is made in my capacity as Councillor for Stow Hill Ward and reflects some of the comments which have been received from local residents and organisations, also my own observations about this application.

6.2.2 I have put in 2 responses to earlier applications and note that the concerns of the residents, which I reflected in my previous comments, may have been very different if Linc Cymru had not presented the different letting model regarding the tenant cohort they originally proposed housing. Frankly, this alarmed people living in the locality who have experienced episodes of disruptive behaviour from small numbers of the troubled individuals using homelessness support services locally. Linc Cymru originally described a model which anticipated that the lifestyles of tenants would have been considerably more unsettled, with far greater need of supervision than the cohort of tenants I was more recently been told about.

6.2.3 At the most recent open event they said the people being considered are far more likely to have work or prospects for stable jobs and are likely to have fewer problems maintain settled lifestyles. Applicants for tenancies are considered considerably less likely to need access to the support services currently provided in the city. I was also told that the properties do not now require the services of a 24hr support worker on site at all. The original proposals were extremely poorly received in the community and caused consternation and suspicion among the residents of Hill St and Park Square. It is to be hoped that some of these fears have now been alleviated.

6.2.4 There continue to be several issues which still need to be considered at Planning Committee that appear to have arisen through the change in legislation allowing the development to continue without challenge.

1. Permanent loss of a car parking spaces and the delay in restoring the remaining portion of the site sequestered during the construction phase. This has inconvenienced visitors and users of facilities in the area. It now appears that an area definitely exceeding half the previous space will be irretrievable. The reduced capacity of the car park meant that parking for visitors to local residents, the chapel and mosque are all disadvantaged.
2. There has, and will continue to be, a considerable loss of car park revenue from a council asset (the property of the people of Newport) because of the unjustifiably 250 year-long lease allocated to Linc Cymru.
3. Inexplicably, a portion of the positive budget surplus supplemented the development's commissioner, Linc Cymru.
4. The developer has made no concessions towards designing in features to comply with and compliment the nature of the historic buildings in this significant conservation area of the city.
5. The orientation of the flats gives their tenants a direct view of the majority of the residential addresses of Hill Street and where people previously felt their relative privacy was maintained, they feel this is now compromised by people being able to observe their comings and goings.

6.2.5 It is to be hoped that the Committee consider the issues and obligations of those disposing of rubbish because this area has experienced considerable issues with fly-tipping. It has been observed that in Stow Hill Ward this is often associated with occupants moving in and out of residential accommodation. It is to be hoped that Linc Cymru act responsibly in maintaining the grounds up to the wall of the chapel, and also in the Park Square garden area.

- 6.3.1 CLLR AL-NUAMI: This, being a resubmission of previous application 21/1038, which was refused by the Planning Committee on 1st December 2021, in my view has failed considerably in meeting the reasons for refusal, most notably in that its low quality modular design has adversely and significantly impacted on the Conservation area.
- 6.3.2 Amongst the comments I made on the previous application were these
1. Without doubt we have an issue with homelessness in Wales and in Newport, so generally speaking it's good to see a concrete proposal to address housing needs not only for those who are temporarily homeless, but also for those who might have special needs and require support.
  2. So it is imperative that any housing scheme must be of good quality and must be managed professionally and the clients are supported well. Supervision is of the essence if future occupants will be accepted by the surrounding residents, businesses and the community.
  3. The Scheme will be on the edge of the Conservation area. In that respect the design and landscaping have to be fully sympathetic to the St Woolos conservation area. In the information provided, the landscaping to be more substantial than what's in the proposed plans. In the light of Grenfell Towers tragedy, any cladding material must ensure fire risks and fire spread to be absolutely minimised
- 6.3.3 While acknowledging the need for dealing with homelessness, I hoped that following the refusal of 21/1038, that the developers will go back and really do their utmost to deal with adverse impacts of their proposed design.
- 6.3.4 But looking at the resubmission and taking that together with the comments of the Building Conservation Officer, that has not happened. Quoting from the new Officer's report:  
*"Thanks for consulting me on this application, which is a resubmission of 21/1038. The previous Conservation Officer had some concerns with the proposals, specifically the building's form, proportion, finishes and relationship to the street were all at odds with the character of the area. It's difficult to see how these elements have been considered and addressed within the new proposals, other than a few alterations to external materials, which are arguably still contrary to the general form of the area. The proposed form, proportions and relationship to the street remain the same, therefore I will support and reiterate the conclusions made previously:"*
- 6.3.5 Significantly, although the Building Conservation Officer has changed, the objections remain the same.
- 6.3.6 Significantly also The new Conservation Officer states:  
*"Whilst I acknowledge the merit in utilising this site to provide additional housing, I am of the opinion that good design based on an understanding of site context could provide a considerably higher density development whilst preserving or even enhancing the character of the conservation area and the setting of nearby listed buildings. I therefore find it difficult to understand why the proposed modular design is considered appropriate."*
- 6.3.7 What the comments from the Building Conservation Officers both past and present show, is that it was incorrect for the developers to commit to a solution and design that were singularly pre-determined Z-pods or modules. They did that even when in the pre-planning stage they were informed strongly of objections from residents and organisations. Furthermore, the developers continued in committing resources through the installation of the pods following the refusal of 21/1038. This caused more consternation with the residents.
- 6.3.8 I am unable to support the resubmission. Based on the objective assessment of the Building Conservation Officer, I confirm my objections to grant approval of 22/0526.

## **5 ASSESSMENT**

### **7.1 The Site & the Proposal**

- 7.1.1 The proposal is for a terraced development on the Hill Street Car Park. The site was previously developed for housing which consisted of terraced development fronting Hill Street and Park Square. It appears these buildings were cleared at some point in the 1960s or early 1970s for an inner ring-road scheme that was only partially completed (Queensway). The site was subsequently used as a carpark for many years. The site slopes from south west to north east and measures approximately 1,424m<sup>2</sup> (0.14Ha) in area.
- 7.1.2 The terrace is two storey measuring 5.44m to the eaves and 6.8m to the ridge. It would have a footprint of 9.96m by 26.9m and is being across the north eastern (downhill) end of the car

park with the gable ends facing the adjacent streets. The terrace would face into the car park with a clear front elevation looking up the hill. The six ground floor units would be accessed by individual front doors with the six upstairs units being accessed via a deck which would be reached by flights of steps at either end of the building. There would be no on-site support. The units are to provide accommodation for homeless persons that are currently in temporary accommodation but are seeking more permanent accommodation. The proposed occupants can live independently; they are not persons with extreme vulnerabilities, such as drug or alcohol dependencies.

- 7.1.3 Each unit will provide a kitchen diner, bedroom and washroom containing a WC, shower and wash hand basin with will have an internal floor area of 36.33-37.23m<sup>2</sup>. All habitable rooms are served by windows including a 'Juliet' style balcony for the lounge / diner area.
- 7.1.4 To the north of the terrace (facing Hill Street), an enclosed cycle store is proposed. The access gates to the cycle store will be controlled by fob entry by residents. It is proposed to install 2 floor mounted cycle racks with 4 spaces each (8 spaces total). To the south of the terrace (facing Park Square) a bin storage compound is proposed. The existing footpath to Hill Street will be maintained. Vehicular access off Park Square to the car park would remain. Two external lights and 3 No. CCTV cameras are proposed.
- 7.1.5 The application has been accompanied by an Occupancy / property management statement. This sets out the proposed method of allocating tenancies, which would be via an Assessment Panel in line with the Common Housing Allocations Policy. This sets out the principles by which applicants will be prioritised. Applicants will comprise those who are determined as either being owed a full housing duty (found to be homeless, in priority need and not homeless intentionally) by Newport City Council or are determined as homeless and are being assisted by the Council to relieve their homelessness, under Section 73 of the Housing (Wales) Act 2014.
- 7.1.6 The Assessment Panel would manage the development and meet monthly. Membership will comprise Housing Services (Newport City Council), Social Services (Newport City Council), Linc Cymru, Police / Probation Service, Local Health Board and the Voluntary Sector.
- 7.2 The key issues relevant to the determination of this application are:
- Impact on the Conservation Area / Scheme Design & Layout
  - Setting of Listed Buildings
  - Housing Need
  - Highway issues
  - Amenity of Future Residents: Space Standards & Amenity Space
  - Overlooking
  - Noise
  - Other amenity issues
  - Crime & Disorder
  - Boundary Treatments
  - Planting
  - Waste Storage
  - Ecological Net Benefit
- 7.3 Impact on the Conservation Area / Scheme Design & Layout
- 7.3.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory test for the consideration of development in a Conservation Area as follows:  
*With respect to any buildings or other land in a conservation area - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that (conservation) area.*
- 7.3.2 Additionally Section 62 of the same Act sets out the statutory test for developments affecting the setting of a Listed Building as follows:  
*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

- 7.33 In effect planning decisions in relation to Conservation Areas and Listed Buildings will give significant weight to any adverse impact on those conservation assets given the statutory tests that are in place.
- 7.3.4 The application site is within the St Woolos Conservation Area and is in close proximity to the Town Centre Conservation Area. In terms of Listed Buildings there are several close to the site, these being:
- Victoria Road United Reformed Church / Islamic Centre Wales
  - 13 and 14 Hill street
  - 13 and 14 Victoria Place
- 7.3.5 The St Woolos Conservation Area - Conservation Area Appraisal, April 2018 (consultation draft) identifies the junction of Victoria Place / Victoria Road and Hill Street as an important 360° viewpoint within the Conservation Area. The draft Conservation Area appraisal also identifies the former Mount Zion Chapel as a landmark building, but for clarity that building is outside the current Conservation Area boundary and is not Listed. The proposal would be prominent in views along Hill Street particularly when travelling down the hill towards the city centre. Views of the site from the Town Centre Conservation Area would be very limited and there would be no impact on views within this Conservation Area.
- 7.3.6 Although terraced developments are typical within the St Woolos Conservation Area, the form of this terrace is atypical since it does not face the street and does not sit within the typical grain of development within this area. Additionally the form of the build is unusual for residential properties, being relatively deep and having an abnormally low roof slope when compared to traditional terraced builds. The proposed materials include rendered walls and a standing seam metal roof finish. Painted render finishes are not unusual in the area but the roof materials are not typical and as already noted, the housing form is unusual as are the balcony / access walkway on the front of the building. Overall the development will be a distinctly different form of development within the context of the area.
- 7.3.7 However different design does not automatically equate to bad design. The utilitarian design is driven by the limitations of the modular build solution, in combination with the difficulties of applying a generic build type to a sloping site within a mid-Victorian Conservation Area. This type of modular unit is usually of standard design however the design of these units has been amended in an attempt to reflect the sensitivities of the application site. Nonetheless the Conservation Officer has objected to the development on the basis that “*the building’s form, proportion and finishes and its relationship with the street are at odds with the character of the area.*”. Aside from the design and finish of the building, the Conservation Officer has a fundamental issue with the orientation of the building within the street and notes that the building should face the road. However, to place the building directly opposite the existing properties in Hill Street is considered to be more overbearing and intrusive on those existing residents as there would be direct overlooking of properties. The only vehicular access to the car park is located off Park Square and the units cannot therefore be located on this side of the site. Furthermore, the massing of the building could be considered to reflect the orientation and massing of the buildings which sit either side of the car park, namely the Mount Zion Welsh Chapel and the Islamic Centre Wales.
- 7.3.8 A previous planning application (21/1038) seeking the retention and completion of these self-contained residential apartments was refused at Planning Committee for the following reason:
- ‘The proposed development, by reason of design and siting, would fail to preserve or enhance the appearance of the St Woolos Conservation Area, which is contrary to Policies SP9 and CE7 of the Newport Local Development Plan 2011-26 Adopted Plan January 2015.’*
- 7.3.9 In response to the refusal of the previous planning application, the scheme has been revised as follows:
- Provision of covered bin and cycle stores with green sedum roofs
  - Provision of a trellis system with climbers on each gable end façade
  - Enlarged bin store, which now has a spill out area towards the front helping to elevate any visual concerns that provide further capacity
  - The perimeter wall design has been altered to feature raised pillars with stone capping



- The walkway balustrade designs have been altered to remove the glass panel breaks and instead opt for a continuous line of railings
- Increased planting including planting of evergreen hedging along both Hill Street and Park Square
- The locations of the CCTV cameras have been amended from the post at the entrance to underneath the external walkways at either end observing the two secure entrance points
- The colour palette of the render on the modules has been slightly altered so the end units match with the walls in an off-white colouring.

7.3.10 The statutory test requires that development proposal should preserve or enhance the character or appearance of a Conservation Area. In this case it is considered that the development does not *enhance* the character or appearance of the Conservation Area but it may be considered that the development does *preserve* the character and appearance of the area. This is on the basis that it will not be excessively prominent or dominant in the locality, it will not obscure features of the Conservation Area which contribute to its character and appearance, and also reflects the massing and orientation of the buildings either side of the car park. It is also acknowledged that there is no adverse impact on the setting of the Town Centre Conservation Area due to the limited intervisibility between the application site and this separate Conservation Area due to the relatively low bulk of the proposal.

#### 7.4 Setting of Listed Buildings

7.4.1 As noted, the site is close to several Listed Buildings within the Conservation Area. However all of these buildings lie uphill from the site and so when looking up Hill Street towards the Listed buildings the development will be mostly masked out by the Mount Zion Welsh Chapel and so in uphill views the development will have a limited impact on the setting of the Listed Buildings.

7.4.2 The impact on downhill views, from the viewpoint at the junction of Hill Street, Victoria Road and Victoria Place will be greater with the development being clearly visible in these views and covering off the current view towards the Mount Zion Welsh Chapel. Again as already noted, this chapel building is not listed and consequently it is considered that there will be a more notable impact on the character of the Conservation Area than upon the setting of the listed buildings on Hill Street and as such harm to the setting of the Listed Buildings is seen as slight and not of significant weight in this planning decision.

#### 7.5 Housing Need

7.5.1 The very clear benefit of the scheme would be the provision of 12 affordable houses meeting a key housing need within the City.

7.5.2 The applicant has stated in paragraph 1.2 of the Design and Access Statement that “there are currently 4,208 households registered for single person accommodation on the common housing register. Newport currently has 247 single people and couples in temporary accommodation with limited move on options. 143 people waiting for supported accommodation are classed as homeless.

7.5.3 The application has been accompanied by a housing need statement which states:

*‘During the Covid 19 pandemic, Newport City Council has faced increasing pressures to provide temporary, emergency and supported accommodation, particularly for single people. The development of the flats at Hill Street is an integral part of Newport City Council’s plan to address homelessness as it aims to prevent people from experiencing sustained or repeated homelessness by providing affordable housing, with floating support for people who are currently living in temporary accommodation. From a Housing Needs perspective, it is well integrated with the wider objectives of the authority as it meets a clearly identified need and will release units of temporary accommodation for occupation by other homeless persons. The Hill Street development will utilise Welsh Government Phase 2 grant funding which has the long-term aim of making a transformational step-change towards ending homelessness in Wales. The development’s position within the city centre will enable*

*residents to access to key services. Zed Pods will deliver accommodation which meets the Welsh Government's Decarbonisation Programme by creating create ultra-low to net-zero carbon homes with the lowest possible running costs. This will be achieved through the provision of charging points for electric vehicles, super-insulation and triple-glazing, along with heat recovery ventilation, solar panels and fabric efficiency'.*

7.5.4 The Housing Manager has commented on the application as follows:

*The scheme will enable NCC to discharge homeless duties for those currently living in temporary accommodation or supported housing and who are ready to move onto more permanent accommodation. The pandemic has placed increased pressures on the local authority with many more households requiring temporary accommodation. Once a household has been placed in temporary accommodation there are currently limited options for them to move on to permanent accommodation. There is not sufficient housing association stock in Newport to meet this need and private rented sector properties are increasingly unaffordable. In its Programme for Government the Welsh Government have made clear their commitment to preventing homelessness and all local authorities are expected to support the vision that homelessness should be brief, rare and non-recurrent but this will only be possible if people are able to access appropriate and affordable accommodation.*

*There are currently nearly 9,000 households with active applications on the local authority managed common housing register and as of end of the September 2021, there were 388 households in temporary accommodation with an average of 18 households moving onto permanent accommodation per month. There are currently between 15 – 20 households ready to move on from supported accommodation. On average 10 – 12 households every month become ready to move on from supported accommodation. This development is an important part of local authority plans to increase the supply of affordable social housing in Newport as detailed within NCC's Covid 19 strategic recovery aims and RIH service area plan. Working in partnership with Linc Cymru, the local authority has secured Welsh Government grant funding for this development as it will provide move on options specifically for households in temporary and supported accommodation. The construction method utilised in this development means that units can be delivered quickly in order to meet the pressing need for this type of accommodation.*

7.5.5 The benefits of delivering the scheme are very clear and a currently unmet housing need would be partially addressed through the delivery of the scheme. The delivery of housing units to meet the identified need is of very significant weight in the planning decision. The development is clearly designed as a 'stepping stone' to permanent accommodation and as such the deficiency in space standards discussed below is less pressing here given the likely nature and duration of occupation. The occupation of the units will be controlled by Linc and the Council through the Common Housing Register and the very clear need for these units which is supported by national and local policy needs to be balanced against the impact of the scheme.

7.5.6 Location is a very important element of this proposal and it is critical that this accommodation is located within the City Centre where there is access to services and facilities for the occupiers. The concerns of local residents are noted and issues highlighted by the Ward Member have been discussed with the Housing Needs Team. As a managed scheme assurances have been given that relevant checks will be undertaken before placing individuals in the property in order to ensure that there is the right balance of tenants and no personal conflict with existing residents. Proposed condition 6 requires details of the management of the units, including how tenants are selected.

7.5.7 Normally the Council would seek a Section 106 legal agreement to secure the Policy compliant level of affordable housing (30% in Rogerstone & West Newport) and to seek contributions on any other dwellings within the scheme that were disposed of to the open market. In this case the character of the units proposed will mean that such disposal is highly unlikely and Officers conclude that a suitable condition controlling occupation will be sufficient in this case and avoid the need for a legal agreement. In short, the Council's position can be safeguarded via the conditional regime and a Section 106 agreement is not required on this occasion.

## 7.6 Highway issues

- 7.6.1 The Head of City Services (Highways) has raised no objection. The units would not provide parking provision, and so this would result in fewer traffic movements than the car park.
- 7.6.2 The highways officer initially queried whether a footpath from the residential block to the access points on Hill Street or Park Square could be provided. It has been clarified that painted hatching has been provided between the entrance to the units and the pedestrian access to Hill Street, to reduce potential for conflict with vehicles using the car park, which is supported by the highways officer.
- 7.6.3 The units have been constructed on part of the car park and so the development has resulted in the loss of 25 spaces with 31 retained inclusive of two disabled spots. Pre-existing electric charging bays were removed as part of the site preparation works.
- 7.6.4 The highways officer has stated that the applicant should provide details of alternative facilities or mitigation for the 25 displaced parking spaces. However, the car park (when operational) provides pay and display spaces only and does not accommodate any local residential parking spaces. There is no reason to think that the loss of 25 spaces is harmful to any acknowledged interest. The site is close to the city centre and there are other parking opportunities that serve parking demand. These include the Park Square multi-storey carpark which also provides access to Electric Vehicle Charging points and is less than 50m from this site, as well as time limited on-street parking in Park Square and Hill Street. This supply of local parking would also meet any parking demand generated by local places of worship.
- 7.6.3 Future Wales requires in Policy 12 (Regional Connectivity) that:

*Planning authorities must act to reduce levels of car parking in urban areas, including supporting car-free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time. Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have electric vehicle charging points.*

In terms of reducing parking, this proposal is compliant with policy. The loss of the charging points on this site is regrettable, however these chargers have not been lost to the network which covers Newport. The chargers have been relocated to the Pye Corner Station car park and the car park at Hollybush Avenue. There are a number of other charging points available in other City Centre car parks, including Park Square, Kingsway and Stow Hill and the relocation of these units from Hill Street is considered acceptable.

- 7.6.4 No parking is provided for the tenants. As the site is located in Parking Zone 1, the Newport City Council SPG Parking Standards (August 2015) generate a parking demand of 0.5-1 parking spaces per bedroom and 1 visitor space per 5 units, resulting in a total demand of between 8 and 14 car parking spaces. However, a Sustainability Assessment has been submitted to comply with Appendix 5: Sustainability of the SPG which awards 11 points to the development which mitigates the zero parking provision and will be acceptable.
- 7.6.5 Due to the gradient of the site, road restraint barriers to prevent movement of vehicles down the gradient and off the parking area are necessary.
- 7.6.6 Newport City Council SPG Sustainable Travel (July 2020) requires that 1 cycle parking space per 2 bedrooms is provided. The site will provide a cycle store which will accommodate 8 cycle spaces which is acceptable.
- 7.6.7 Highways officer requested a construction management plan, but the scheme is now very close to completion and so this is not considered necessary.
- 7.7 Amenity of Future Residents: Space Standards & Amenity Space

- 7.7.1 Each dwelling will have a floor area of 36.33-37.23m<sup>2</sup>. They are very small units consisting of a combined kitchen / diner / lounge, a single bedroom and a shower room that contains a WC and a wash hand basin.
- 7.7.2 The adopted 'New Dwellings' Supplementary Planning Guidance (SPG) requires that a new walk-up flat have a gross internal floor area of 50m<sup>2</sup>. A studio flat would need to be 30m<sup>2</sup>. These units do not meet the space standards of a self-contained flat and would not be classed as studio flats given the separate bedroom area.
- 7.7.3 The recent *Welsh Development Quality Requirements 2021; Creating Beautiful Homes and Places* (WDQR) require the following space standards:

## Appendix B

### Floor Areas

Home Designation	Home Type	Gross Internal (floor) Area (GIA) m <sup>2</sup>	General Storage m <sup>2</sup> (included in GIA)
7P4B	2 Storey House	114	3
6P4B	2 Storey House	110	3
5P3B	2 Storey House	93	2.5
4P3B	2 Storey House	88	2.5
4P2B	2 Storey House	83	2.5
3P2B	2 Storey House	74	2
3P2B	Bungalow	58	2
3P2B	Flat – Walk up	65	2
3P2B	Flat – Common access	58	2
2P1B	Flat – Walk up	53	1.5
2P1B	Flat – Common access	50	1.5

Provided that designs do not compromise the quality of homes intended to be delivered by this standard, a reduction of up to 5% of the above GIA may be applied.

- 7.7.4 However it should be acknowledged that the proposed units are clearly designed as 1 person units in the proposal and reference is made to the Nationally Described Space Standard (NDSS) in the Design & Access Statement accompanying the application. Those standards are set out below:

**Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)**

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5

- 7.7.5 The proposal meets the 37m<sup>2</sup> space standard shown above. The reduction to 37m<sup>2</sup> is allowed where a bath is replaced by a shower in the design. However it should be noted that the NDSS is an English measure not applicable in Wales. In Wales the WDQR 2021 standards cited above are applicable but it is noted that this does not give a minimum floor area for 1

person units, only 2 person units. For this reason, the NDSS are considered a reasonable measure of suitable size.

7.7.6 The New Dwellings SPG also requires that a 1 bedroomed flat should provide a private balcony at 1.5m by 1.5m. The upstairs flats do not provide that but the 'Juliet' style balconies to be provided would allow the living room area to be opened up and to give a sense of being out of doors in the event that summer cooling is required. The ground floor flats would have access to a 5m<sup>2</sup> private area which would meet the policy requirement for private space. This departure from Policy in regard to the upstairs flats is not seen as excessively harmful.

7.7.7 In terms of outdoor space, the New Dwellings SPG advises that a flatted development should provide communal amenity space at the rate of 15m<sup>2</sup> per occupant for a block with 12 residents. That is 180m<sup>2</sup>. This scheme has areas of landscaping set aside as rain gardens which reach a total of 205m<sup>2</sup> in area. It is likely that this will provide a suitable communal area for sitting out and provide space for planting so a suitable communal area for residents to use would be available, so this Policy requirement is met.

7.7.8 The appropriateness of internal space standards and the amenity of future occupiers is important, as required by Policy GP2v (amenity of future occupiers) of the LDP. It is acknowledged that the proposed homes are small and may not provide the space expected from a permanent home. However, the status of these micro-flats is atypical of general housing need and is meeting a particular niche that is not currently addressed and so any Policy harm is mitigated by the particular requirements of the identified occupiers. As noted, occupation is recommended to be controlled via condition and restricted to a user group who have a particular housing need.

## 7.8 Overlooking

7.8.1 In terms of overlooking the properties principally affected are the houses at the bottom of Park Square, that is 28-30 Park Square (3 houses), with the key interest being No. 28 as the nearest of those three. The site is set significantly above these neighbouring houses and although boundary treatments may be sufficient to mitigate views from the downstairs flats and the communal area, views in this direction will be available from the upstairs flats towards these houses. However, separation distances are 20m or more and outbuildings at No 28 act to screen more private areas. As such even views from the upstairs areas are mitigated and any overlooking of private areas or towards windows is very minor and not harmful. The level of separation also means that there will be no overbearing effect even accounting for the difference in heights between the sites. Policy GP2 (General Amenity) is complied with in relation to privacy and overbearing effect on neighbours.

## 7.9 Noise

7.9.1 The application has been accompanied by a noise assessment. The assessment finds that the site is not expected to be particularly noisy and would, with appropriate mitigation, be suitable for residential use. The Public Protection Manager has raised no objection and has not requested any further survey work or mitigation measures to be provided.

## 7.10 Other Amenity issues

7.10.1 The Public Protection Manager has no objections to the development in principle, subject to conditions requiring a construction management plan dealing with construction hours, piling method, lighting and glint and glare from solar panels.

7.10.2 The agent has stated that a revised Construction Environmental Management Plan (CEMP) has not been submitted in support of the latest planning application (22/0526) as the development is almost complete. Piling was completed in September / October 2021 and no further piling works or heavy works are required to the units, apart from the resurfacing of the car park. The scheme is nearing completion. The applicant is willing to accept a working hours condition, but this is imposed as an informative, as Public Protection has more effective powers under nuisance controls to deal with this issue if necessary.

7.10.3 The agent has confirmed that no flood lighting is proposed on the development. No external lighting would be provided to the rear of the terrace. The only lighting and lighting would be

to front doors, the staircase, and to cycle and bin stores. Any car park illumination is outside the scope of this application.

7.10.4 The agent has stated that in terms of the PV panels, these absorb light. They are located on a shallow pitched flat roof and are neither facing or at any similar level to any neighbouring property to cause any issue. The development is nearing completion and the panels have been in situ since February 2022 with no issues reported in terms of glint or glare.

#### 7.11 Crime & Disorder

7.11.1 The fear of crime and disorder is a material planning consideration and a consideration under the Crime & Disorder Act 1998. In this instance residents report the area already suffers from a degree of crime and anti-social behaviour but note this tends to reduce in the evenings. Residents have also expressed a fear that these units will accommodate formerly homeless persons and may be a magnet and focus for misbehaviour associated with alcohol and other drugs.

7.11.2 The applicant reports that the flats will be used to provide permanent accommodation for persons currently in insecure accommodation and require 'move on accommodation'. Clearly this will include a wide variety of people with a wide variety of needs and it does not automatically follow that any resident will be problematical. The risk of crime or more likely anti-social behaviour is a reasonable response in an area that is already suffering from such behaviours.

7.11.3 However, this development is for 12 units of housing. It is not a hostel or even supported living where a degree of care is provided to those who need it. Nor is it a HIMO. As such there is no reason to see this as potentially more problematical than any other housing development that comes before the Council for assessment. As an RSL managed property where the Council's Housing team are involved in the placement of tenants, there is a significant level of control over the tenants. Other agencies including health and social work professionals will also engage with clients as necessary and there is nothing inherent in this scheme that would lead to a conclusion that there would be a significant increase in crime or anti-social behaviour in the area and Policy GP2 iii (designing out crime & anti-social behaviour) is complied with.

7.11.4 The scheme includes a number of aspects to deal with security issues, including the provision of security doors, a secure boundary around the site, an enclosed cycle store, the provision of CCTV cameras and external lighting.

7.11.5 Gwent Police have raised no objection, referring to recommendations set out in Secured by Design. The agent has been asked to comment upon these requirements and measures that have or are being installed and this response is awaited.

#### 7.12 Boundary Treatments

7.12.1 Proposed boundary treatments are a stone wall with railings on it to a height of 1.8m fronting the car park and Hill Street and Park Square. These are considered acceptable. At the rear a 1.5m metal fence is proposed with hedgerow planting. As previously noted there is a 20m separation between the properties and Park Square dwellings which is sufficient to avoid overlooking. The proposed hedge height of 1.8m is therefore acceptable.

#### 7.13 Planting

7.13.1 The submission includes a planting and associated management plan. Currently the site is primarily hard surfaced car park which offers nothing in terms of planting or visual amenity and an area of grassed banking which again offers little in terms of appearance or bio-diversity. Under the proposal there would be a modest improvement in planting with areas of the site planted out and the introduction of additional trees (apple trees) and an area of grass which will be managed to greater ecological opportunity.

7.13.2 As suggested by the Landscape Officer, evergreen hedging is proposed along both Hill Street and Park Square.

7.13.3 However, on balance, it is considered that the planting proposed is adequate and so Policy GP5vii (planting) is complied with.

#### 7.14 Waste storage

7.13.1 The proposal provides for a secured area for bin storage. The scheme indicates the provision of 2 No. 1100L of Residual Waste, 2 No. 360L Card/Paper, 1 No. 360L Plastic / Cans, 1 No. 360L Glass and 2 No. 240L Food Recycling. This doesn't fully accord with the Waste Manager's advice, with a slight shortfall in the capacity for plastics (1 x660L is requested and residual waste (additional 1 x 360L is requested. However, the proposal is broadly compliant with the advice and is considered acceptable.

#### 7.14 Ecological Net Benefit

7.14.1 Planning Policy Wales Edition 11 requires that development must provide a net benefit for bio-diversity. As noted above the site currently offers very little in ecological terms (some mowed grass). The proposed planting is considered sufficient to benefit the ecological credentials of the site and national policy is complied with.

#### 7.15 Planning Balance

7.15.1 The key benefit of the scheme is the provision of 'move on' accommodation that will give single persons a secure home of their own. This is a very significant benefit given the current issues the City has with people in temporary and insecure accommodation and attracts a great deal of weight.

7.15.2 Concerns raised over the impact of the development on the Conservation Area and size of the units have been explored and have been balanced out against the need and benefits of the scheme. Ultimately the decision is finely balanced but tipped in favour of the development proceeding since the provision of a secure place to live to enable people to live a settled and productive lifestyle is judged to outweigh other concerns.

#### 7.16 Other (non-planning) matters

7.16.1 Welsh Water has raised no objection in principle, subject to no development commencing until the 18" public sewer crossing the site is formally abandoned.

7.16.2 When developing the scheme, as well as the topographical survey, the applicant undertook CCTV survey work of the drains. This proved that the drainage shown on the Welsh Water public sewer plan had in fact been removed and diverted (presumably when the car park was constructed). The applicant's drainage engineers did seek a meeting with Welsh Water on site. Whilst Welsh Water accept that the sewer was no longer there, concerns were expressed that the lower part of the drainage was still live. In response, further investigation has been undertaken by the applicant, finding that the only connection into the lower part of the system was from the two gullies in the car park.

7.16.3 Welsh Water still require this sewer to be divested (removed from the public plan). The applicant has applied for this to Welsh Water but this is still ongoing.

7.16.4 Notwithstanding this issue, this is a private matter between the developer and Welsh Water and not a planning issue. Any planning permission would not supersede Welsh Water's statutory rights of access.

7.16.5 Loss of revenue from the car park is not a planning consideration.

## 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. Whilst there

may be a perceived risk to crime and disorder, it is considered that this risk can be managed by the RSL and their partners and there should be no significant or unacceptable increase in crime and disorder as a result of the proposed development.

## 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 a positive effect 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 On balance and subject to an appropriate conditional regime to retain the use of the units as affordable homes providing 'move on' accommodation, the development proposed is considered acceptable and it is recommended that planning permission is granted.

## 10. **RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

#### Plans

01 The proposal shall be completed in accordance with the following plans and documents:

**Architectural Drawings, prepared by ZED PODS:**



Topographical Survey (Ref: 21527\_A)  
Site Location Plan (Land Registry CYM466170)  
Existing Site Plan (Ref: Z18\_ZP\_A1\_GF\_DR\_A\_ST\_001\_S1\_P01)  
Existing Site Sections (Ref: Z18\_ZP\_A1\_GF\_DR\_A\_ST\_009\_S1\_P01)  
Proposed Site Plan (Ref: Z18\_ZP\_A1\_GF\_DR\_A\_ST\_002\_D4\_P04)  
Proposed Site Levels Plan (Ref: Z18\_ZP\_A1\_GF\_DR\_A\_ST\_005\_S1\_P01)  
Proposed Floor Plan (Ref: Z18\_ZP\_A1\_ZZ\_DR\_A\_PL\_001\_S1\_P01)  
Proposed Roof Plan & Section (Ref: Z18\_ZP\_A1\_ZZ\_DR\_A\_PL\_002\_S1\_P01)  
Proposed Site Levels Plan (Ref: Z18\_ZP\_A1\_GF\_DR\_A\_ST\_005\_S1\_P01)  
Proposed Elevations (Ref: Z18\_ZP\_A1\_ZZ\_DR\_A\_EL\_001\_S1\_P02)  
Proposed Staircase Layout (Ref: Z18\_ZP\_A1\_ZZ\_DR\_A\_ST\_014\_S1\_P04)  
Proposed Building Long Section (Ref: Z18\_ZP\_A1\_XX\_DR\_A\_SC\_003\_D4\_P01)  
Proposed Building Short Section (Ref: Z18\_ZP\_A1\_XX\_DR\_A\_SC\_004\_D4\_P01)  
Proposed Perimeter Wall Detail (Ref: Z18\_ZP\_A1\_ZZ\_DR\_A\_ST\_016\_S1\_P01)  
Proposed Side Store Entrance Gates (Ref: Z18\_ZP\_A1\_XX\_XX\_DR\_A\_ST\_022\_D4\_P01).

**Landscape Drawings, prepared by Catherine Etchell:**

Amenity & Biodiversity Strategy (Ref: 527.01)  
Landscape Planting & Management Plan (Ref: 527.03 Rev A)

**Documents:**

Planning Statement (v1)  
Pre-Application Consultation Report (v1)  
Design & Access Statement (P01 – revised August 2022)  
Construction Quality Statement (P01)  
Waste Management Strategy (P01)  
Daylight and Sunlight Assessment (23rd April 2021)  
Noise Assessment (27th January 2022)  
Air Quality Assessment (September 2021) (Ref: ZZPN\_AQA Rev B)  
Pre-Development Tree Survey & Assessment (9th August 2021)  
Arboricultural Method Statement and Tree Protection Plan (12th August 2021)  
Tree Constraints Plan  
Tree Protection Plan  
Transport Statement (January 2022)  
Heritage Impact Assessment (February 2022)  
Sustainability Assessment  
Housing Need Statement (prepared by Newport City Council Housing Department)  
Preliminary Ecological Appraisal (15th April 2021)  
Site Investigation Report (March 2021)  
Occupancy and Property Management Statement (June 2022).  
Windows and doors PAS certification.  
Reason: To ensure that the development proceeds as approved and to comply with National Policy advice.

***Pre-construction conditions***

Boundary Treatments

02 Prior to first beneficial occupation, the boundary treatments shall be completed in accordance with the details hereby approved.

Reason: To protect the amenity and security of future occupiers, the amenity of neighbours and the character and appearance of the St Woolos Conservation Area. Policies SP9 & GP2.

***Pre-occupation Conditions***

Bin Stores

03 The arrangements for the storage of bins and recycling shall be put in place prior to the first occupation of any of the approved dwellings and shall be retained thereafter.

Reason: to ensure waste and re-cycling can be appropriately stored. Policies GP2 & W1.

Occupancy and Management

04 The units hereby approved shall be occupied and managed in accordance with the Occupancy / Property Management Statement hereby approved.

Reason: To control occupation due to the sub-standard space standards provided and to manage occupation in the interests of avoiding anti-social behaviour. Policy GP2.

#### Bike Store

07 The 'Bike Dock Solutions' Cycle store with 8 spaces shall be installed prior to the occupation of any of the approved flats and shall be retained thereafter.

Reason: to support sustainable travel objectives. Policy SP1.

### ***Directive Conditions***

#### Planting

08 The planting shall be provided as approved in the first full planting season (October to March inclusive) following the completion of the development and shall be managed in accordance with the submitted Management Plan for a period of 5 years following the planting being installed. Any plants that die in that period shall be replaced with one of the same type and specification.

Reason: To enhance bio-diversity, residential amenity and the appearance of the Conservation Area. Policies SP9, GP2 & GP5.

### ***NOTE TO APPLICANT***

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP4, SP9, SP18, GP1, GP2, GP4, GP5, GP6, CE3, CE6, CE7, H2, H3, H4, T4, T5 & W3 were relevant to the determination of this application.

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

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

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

06 Working hours shall be Monday- Friday 08:00am-5.30pm with no works (including piling) / deliveries to be carried out on Saturdays or Sunday and Bank Holidays.

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## **1. LATE REPRESENTATIONS**

### **1.1 COMMENTS FROM AGENT**

In response to comments from the Council's landscape officer, the agent has submitted further amended plans comprising a revised landscape strategy (527.01 Rev B) and a planting and management plan (527.03 Rev B). The agent has made the following comments regarding landscaping:

- The hedges to Hill Street and Park Square will now be evergreen, as suggested by the landscape officer.
- The living wall will be mounted on steel trellis supporting climbing species at first floor height across the open expanse of either gable (as per the elevations) with the climber planting being set in troughs at the back edge of the sedum roofs.
- The east boundary planting has been altered to include more varied planting for visual interest and the use of ground cover rather than mulch mat, again, as requested by the landscape officer.
- We accept the landscape monitoring condition proposed.

## **1.2 INTERNAL COMMENTS**

1.2.1 **HEAD OF CITY SERVICES (LANDSCAPE OFFICER):** Landscape Planting and Management Plan rev B and Landscape Amenity and Biodiversity Strategy rev B have responded to my landscape concerns. There isn't much more that planting can do to integrate the building into the Conservation Area. I still have a concern that green roofs and walls should not be needed if the building is of Conservation Area quality but that is one for the Conservation Officer.

1.2.2 A condition should be imposed to ensure the green walls and green roofs are monitored as these are prone to failure usually caused by a poor maintenance regime (the agent has stated that they are agreeable to such a condition being imposed).

1.2.3 **HEAD OF CITY SERVICES (HIGHWAYS):** Following the submission of photos to show car park markings that delineate a pedestrian walkway from the entrance to the flats to the footpath leading to Hill Street, the highways officer is satisfied that future residents and visitors will have safe means of access to their dwellings as they move through the car park. The highways officer is now satisfied that all highway matters have been addressed.

## **1.3 NEIGHBOUR COMMENTS**

1.3.1 **LOCAL RESIDENTS:** my wife and I are still not happy with the placement of these units above our house as we have stated before. Having them so close is a worry to us as we have no idea who will be placed in them. This area has enough issues as it is and all it seems to be doing is bringing more stress to the area. How do we know if this development will not have a detrimental effect on house prices. We understand there is a housing issue, but why should that be forced upon us in Park Square. We understand the police and other organisations in the area have many concerns.

### **1.3.2 EDENGATE:**

As the Operations Manager at the Eden Gate Homeless Centre, 25 Hill Street, Newport, NP20 1LZ, I am writing to express my unmitigated support for the above planning application for the Linc Cymru housing development that has been constructed on Hill Street Car Park, Newport, adjacent to the Eden Gate Centre. The rather drab car park that previously occupied this space, has been transformed into something that I believe Newport can be proud of. Linc Cymru have managed to construct a modern property, expertly combining some of the leading technologies with an aesthetic sensitivity to other older properties in the locality.

In recent months I have watched with interest the construction of this development and although like many I have viewed the online images, today I had an opportunity to visit the site and see first-hand the quality of the spacious accommodation and the thought that has clearly been given to every aspect of the build, including the environmental considerations. In my opinion, these beautiful and well-engineered properties are a credit to Linc Cymru and I would like to thank Newport City Council for having the foresight to consider such a ground

breaking development. As someone who enjoys organic gardening, I was pleased to see the thought that has been given to a low maintenance, environmentally sensitive exterior and thoughtful gardens that will attract much needed wildlife. As I seek to approve the external appearance of the Eden Gate centre for the benefit of the locality, I now have a high standard to aim for.

Since my appointment as the Eden Gate Operations Manager I have met so many service users who, for various reasons, find themselves in temporary accommodation. What is clear to me from my many interactions is that living in temporary accommodation is a challenging, unsettling and often demoralising situation that can have an adverse impact on mental health and solid family relationships. In addition, I suspect that the cost of temporary housing provision presents a significant financial burden on the local authority, more so the current climate of uncertainty and spiralling prices. This Linc Cymru development uses some of the most upto date technology and environmental sensitive methodology to reduce costs and provide high quality accommodation. I am sure that if approved, the project is going to provide a wonderful, cost effective and stable opportunity for the 12 new occupants, one which I hope inspires many of them into training or gainful employment, where that is needed, together with a desire to be pioneers of positive community action.

I am delighted to support this development and hope that full retrospective planning consent is granted and, that moving forward, the local authority will review the success of the project and choose to replicate it in other locations across the city.

## **2. OFFICER RESPONSE TO LATE REPRESENTATIONS**

- 2.1 The comments of the agent and Council's landscape officer in relation to landscaping is noted. An additional condition to deal with monitoring of the green walls and green roofs as suggested is added as follows:

*Notwithstanding the details submitted, three monitoring reports to be undertaken by a qualified landscape consultant shall be submitted to and agreed in writing with the Local Planning Authority. These reports shall provide results of monitoring of the living walls and green roofs. The reports shall include photographic evidence, a review of the performance and suitability of the planting and proposals to revise and replace as necessary together with a timetable for such replacement. These reports shall be submitted prior to 31<sup>st</sup> December in years 1, 3 and 5 following the planting season in which the living walls and green roofs were implemented.*

*Reason: To ensure successful establishment and management of vegetation cover across the basins, in the interests of visual amenity.*

- 2.2 The comments of the highways officer are noted.

- 2.3 The comments of neighbours are noted.

## **3. OFFICER RECOMMENDATION**

- 3.1 The recommendation remains unchanged (Granted with Conditions), subject to an additional condition relating to landscape monitoring as set out in paragraph 2.1 above.

2.

## **APPLICATION DETAILS**

**No:** 22/0657      **Ward:** St Julians

**Type:** Full Application

**Expiry Date:** 30th November 2022

**Applicant:** S Bell

**Site:** 287 Caerleon Road Newport NP19 7HB

**Proposal:** **CHANGE OF USE FROM 2NO. FLATS TO 4NO. APARTMENTS AND ASSOCIATED WORKS**

**Recommendation:** **GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT AND DELEGATED AUTHORITY TO REFUSE IF LEGAL AGREEMENT NOT SIGNED WITHIN 3 MONTHS**

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission for the conversion of the existing building which comprises of 2no. flats to 4no. apartments with associated works, at 287 Caerleon Road in the St Julians ward.
- 1.2 The application is reported to Planning Committee at the request of Councillor Townsend and Hourahine.

### **2. RELEVANT SITE HISTORY**

21/1222	CHANGE OF USE FROM 2 FLATS TO A 9 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS USE)	REFUSED
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### **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 GP7 Environment Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health because of land*

*contamination, dust, instability or subsidence, air, heat, noise or light pollution, flooding, water pollution, or any other identified risk to environment, local amenity or public health and safety. Policy H2 Housing Standards states residential development should be built to high standards of environmental and sustainable design, taking into account the whole life of the dwelling*

*Policy H4 Affordable Housing states the Council will seek a commuted sum contribution for housing sites of fewer than 10 dwellings within the settlement boundary.*

*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)

Flat Conversions SPG (adopted August 2015)

Planning Obligations SPG (adopted January 2020)

Waste Storage and Collection SPG (adopted January 2020)

#### **4. CONSULTATIONS**

##### **4.1 WELSH WATER DWR CYMRU:**

##### **Sewerage**

With regards to foul water we have no objection in terms of capacity concerns, however advise that any existing drainage shall be utilised where possible to avoid the need to make any new connections to the public combined sewer. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

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

##### **Condition**

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

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

#### **5. INTERNAL COUNCIL ADVICE**

##### **5.1 THE HEAD OF CITY SERVICES (HIGHWAYS):** The site is located on Caerleon Road, a residential road with a 30mph speed limit. The site has off-street parking for 3no. vehicles to the rear, currently accessed off Orchard Lane.

No new access is proposed. The only highway matters for consideration are parking and the use of sustainable transport.

## Parking

The application site is in Parking Zone 3.

## Existing Use

According to the applicant and confirmed by the planner, the existing layout is as follows: 2 x three bedrooms apartments

A total of 6 bedrooms. In accordance with the SPG parking standards this existing use creates the demand for 6 parking spaces. The property offers 3 off street parking spaces.

## Proposed Use

Drawing 3987.PL.04 Rev A. The Proposed Floor Plan

		Number of Bedrooms	Parking Space Requirement
Lower Ground Floor	Apartment 1	1	1
Ground Floor	Apartment 2	2	2
First Floor	Apartment 3	1	1
	Apartment 4	1	1
Totals		5	5

The proposed new use of the property also offers the 3 off street parking spaces. The proposed new use has a reduced parking demand of 5 spaces against the existing demand of 6 spaces.

## Parking Summary

Overall, in regard to the parking requirements it is acceptable.

## Sustainable Transport

A cycle store structure is set out in drawing 3987.PL.02 Rev A, 'Existing & Proposed Block Plans'. The bike store is proposed to the side of the property that can be accessed from the front or rear. This is acceptable in highway terms.

It is recommended that a planning condition is provided that ensures the construction of the bike store and its future protection as a cycle store for the life of the property

- 5.2 THE HEAD OF ENVIRONMENT & PROTECTION (ENVIRONMENTAL HEALTH): Having considered the details of the development as submitted in the application supportive information, can confirm the Noise and Neighbourhood Team have **NO** objections to the proposed development in principle, however, the following should be attached to any permission granted:

### Development/Construction Hours

To protect the amenity of existing residents, I would recommend that there is no arrival, departure, loading or unloading of vehicles, development and/or construction (including land raising and demolition if required) occurs outside the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays. There shall be no development on Sundays or Bank Holidays.

**Reason:** To protect the amenities of nearby residents.

## **Sound Insulation**

In relation to sound insulation for the proposed residential dwellings, I have not commented. However, please ensure that the Council Building Control Department are consulted to ensure there is adequate sound insulation in the building to minimise structural and airborne noise in accordance with Approved Document E.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (80 properties) and a site notice displayed. Responses were received objecting to the application from 5no addresses. The key points of these objections have been summarised below;

- Strong concerns raised with regards to the saturation of parking within the surrounding area, as recognised by the LPA when it rejected a previous planning application for a 9 bedroom HMO at this property in March 2022;
- Will result in a further reduction of parking cause great issues for elderly and disabled residents in the area;
- Concerns regarding the actual likelihood of residents using the parking spaces at the rear due to their useability and fear of vandalism;
- Any reliance on public transport reducing car ownership does not factor in shift workers (who will need cars);
- The siting of refuse to the side of the property is likely to cause problems for the neighbouring resident as it has in the past with rodent infestation;
- Issues with previous occupants of the property and illicit/illegal behaviour and lack of care with rubbish not being left out for collection;
- Concerns outlined regarding the failure of the proposal to comply with Policies H8;
- Concerns regarding a change in character of the local area.

### **Note:**

Within some objections, references have been made to the proposal being for a House in Multiple Occupation (HMO) and the issues that these can cause to existing areas. A HMO is a property occupied out by 3 or more people who are not from 1 'household' (for example a family) but share facilities like the bathroom and kitchen. However, the proposal is for separate independant residential units and does not meet the definition of a HMO. Therefore any matters in relation to that use are not of consideration within this application.

5.3 THE HEAD OF REGENERATION AND REGULATORY SERVICES (PLANNING CONTRIBUTIONS MANAGER):

### **1. Introduction**

Based upon a net gain of 2 x 1 bed 'market' flats, the following S106 planning obligations are required to mitigate the impact of the development.

### **2. Affordable Housing**

Commuted sum payments for affordable housing will normally be sought on developments of 1 to 2 dwellings anywhere in Newport. The site lies within the Housing Target Area of Newport East. Newport East has aspirations for delivery of 20% affordable housing on new development. The equivalent commuted sum generated is £940

This payment would be index linked to the Retail Price Index and paid prior to occupation

### **3. Administration Fee**

In accordance with the Planning Obligations SPG (2020), a £200 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.



6.2 COUNCILLORS HOURAHINE/TOWSEND: Both Councillors have requested that the application is considered by Planning Committee if the recommendation is for approval. Concerns have been raised in relation to:

- The overdevelopment of the site which will result in an adverse impact on parking and highway safety;
- Impact on anti-social behaviour and issues with recycling and rubbish.

## 7. ASSESSMENT

7.1 The application seeks to convert the existing property which comprises of 2no. three bedroom flats to;

- 2no. studio apartments;
- 1no. one bedroom apartment;
- 1no. two bedroom apartment.

7.2 The site is a three storey end of terrace property that comprises two self-contained flats, albeit is currently vacant. 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. It has a small front forecourt and benefits from a rear garden with parking provision accessed from Orchard Lane, a narrow and unclassified highway. The subject property is currently laid over three floors, with the first flat consisting of 3no. bedrooms over the lower ground and ground floor and the second flat at first floor also comprising of 3no. bedrooms.

7.3 A planning application for the proposed change of use of the property from 2no. flats to a 9no. bedroom HMO was refused in March 2022 for the following reason and is pertinent to the consideration of this application;

*01 The proposal would result in an increased parking demand of 4no. spaces that would have to be accommodated on street within the surrounding area and the parking survey submitted has demonstrated that demand for on street spaces on these roads is saturated and at capacity. Additional parking of vehicles will cause congestion and further limit available pedestrian crossing points on a busy B classified road, resulting in an adverse impact on highway and pedestrian safety and residential amenity. This is contrary to Policy GP2, GP4, H8 and T4 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the Supplementary Planning Guidance for Houses in Multiple Occupation (Adopted August 2016) and Parking Standards (Adopted August 2016).*

7.4 The proposal would comprise of a 1no. bedroom apartment at lower ground floor accessed from the rear, comprising of bathroom, kitchen and dining room. At ground floor a two bedroom apartment would be accessed via the front door and would comprise of bathroom and kitchen/dining room. At first floor there would be two open plan studios that would be accessed via a stair case from the ground floor front door. Externally, it is proposed to demolish the existing garage structure and extend the parking area accessed from Orchard Lane to provide improved off street parking for 3no. vehicles as well as communal garden space with bike and refuse storage.

7.5 Policies SP1 (Sustainability), GP2 (General Amenity), GP4 (Highways and Accessibility), GP6 (Quality of Design), 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 is 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).

### Residential Amenity

7.6 In terms of residential amenity Policy GP2 requires development not to 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.

7.7 The site is a large end of terrace property set over three floors with a current use as 2no. three bedroom flats. It is located within a predominantly residential area and therefore, the principle of the use for residential purposes is established. A number of concerns received relate to the intensification of the use of the property and the potential transient nature of this proposed use, along with the impacts this would have on residential amenity by way of increased refuse, parking issues and general noise and disturbance. As a building that already contains two flats, increasing the number of residential units to four you would expect would result in an intensification of the buildings use. However as a result of the proposal there would be a net reduction of one bedroom when considered against the lawful existing use. The existing 2no. three bedroom flats could in theory contain up to a total of 6-12 residents. The proposed one bedroom apartment and 2no. studios could contain up two residents each and the two bedroom apartment up to four residents; totalling up to a maximum of 10 residents within the building. As such, the total number of occupants between the existing and proposed use is considered to be broadly comparable, albeit with an increase in residential units. The internal layout is not proposed to change in a way that would impact on the neighbouring residential property. The stairs along the internal party wall would be utilised by the two first floor studios, where as it is currently used by the first floor three bedroom flat. In terms of intensification this is not considered likely to result in a demonstrable noise impact. In any case, sound insulation between the application property and the neighbouring property and between proposed flats would be required under Approved Document E of the Building Regulations 2010 and this would form separate approval from Building Control.

7.8 The proposal includes an area within the curtilage for the storage of refuse. Concerns are raised by residents in relation to this and the potential for refuse bins not to be stored correctly resulting in environmental issues or to clutter the highway and cause nuisance. However the scheme presents an on site refuse storage area which is acceptable in principle, but will be discussed in more detail later within this report. If residents were to leave refuse bins or recycling boxes on the street longer than necessary following collection then this is not a matter than could be controlled, as would be the same with the existing use for two units. The transient nature of future residents renting the properties and the impact this would cause on the character of the surrounding area has been raised, however there is no evidence to suggest that open market rental properties would result in an adverse impact. In any case, there is no indication that the properties would be rented and they could be sold if permission were approved. The tenure of the property is not a material planning consideration.

7.9 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 for proposed converted flats it recommends a minimum internal floor space standard of 32sqm for studio flats, 45 sqm for one bed flats and 59sqm for three bed flats. The table below outlines the proposed gross internal floor space of the proposed flats and how they stand against the SPG standards;

Unit No.	No. Bed	Proposed Size (sqm)	SPG Flat Conversion Requirement	Difference (sqm)
1	One	51.20	45	+6.20
2	Two	70.00	58	+12.00
3	Studio	32.03	32	+0.03
4	Studio	39.87	32	+7.87

- 7.10 Each flat is compliant with the figures as set out as being desirable in the Flat Conversions SPG (adopted August 2015), however this just looks as the size of each unit and layouts should be utilised to maximise the living standards of occupants. Having reviewed the layout of the proposed units, each unit is served by openings that will offer adequate levels of natural light, ventilation and outlook. In terms of outdoor amenity space, the Flat Conversions SPG accepts that it is not always possible for this to be provided when converting an existing building, however where possible outdoor amenity space should be provided. In this instance, the proposed layout includes shared garden space to the rear for residents to use. This shared space would however be in close proximity to the lower ground floor apartment and its bedroom and living area openings, which are habitable rooms. In the interests of protecting the privacy and also taking the opportunity to provide this unit with some private amenity space, it is recommended that details of an enclosed private area serving this apartment are controlled via condition. There is currently a canopy structure over the patio area directly to the rear of Apartment 1 and this is considered to result in an impact on light to the bedroom window opening and would be awkward arrangement when providing the private amenity space. In the interests of the amenity of the future occupier of this apartment it is to be controlled via condition that this structure is removed prior to the occupation of this flat.
- 7.11 Overall, it is considered that the proposal will offer a suitable level of residential amenity to the future occupiers and complies with Policy GP2 and H8 of the NLDP 2011-2026 (adopted January 2015).

Parking and Highway Safety

- 7.12 The existing parking demand for the 2no. three bedroom flats is 6no. parking spaces. As identified in the table below the proposed parking demand for the proposed mix of apartments is 5no. spaces for residents and 1no. visitor space;

	<b>Number of Bedrooms</b>	<b>Parking Space Requirement</b>
Apartment One	1	1
Apartment Two	2	2
Studio One	1	1
Studio Two	1	1
Visitor	-	1
<b>Total</b>	<b>5</b>	<b>6</b>

- 7.13 Based on the Council's adopted Parking Standards, there is no increase in parking demand between the existing lawful use of the property as 2no. three bedrooms flats and the proposed use as 2no. apartments and 2no. studios.
- 7.14 The existing property has on street parking to the rear which is accessed off Orchard Lane. There is an open area and a single garage. The depth of the external parking area is significantly short of the 5.5m depth required where a space abuts a structure and whilst there is enough width to fit three cars, to achieve the 5.5m depth cars would need to park on an angle, which reduces this provision to 2no. spaces. Furthermore, the garage is significantly short of the required dimensions of 3.0m x 6.0m to be considered as a formal parking space. As such, the existing parking provision on site is 2no. spaces. The proposal includes demolition of the existing garage and works to increase the depth of the parking area. On completion of this work (which could be controlled via condition so it is undertaken preoccupation) there would be 3no. formal parking spaces provided off street, which is one more space than the current provision. It is also proposed to install 2no. electric vehicle charging points (details of which can be controlled by condition).
- 7.15 The neighbour objections and written submissions from the Local Councillors raise significant concerns with regard to parking issues in the local area and subsequent highway safety issues. This is acknowledged as being an issue in the local area and is evident in the

refusal of planning permission for a 9no. bedroom HMO at the property under application 21/1222. However, that application increased parking demand by 3no. resident spaces and 1no. visitor in accordance with the SPG where as this application, according to the adopted Parking Standards SPG does not increase parking and there is also an increase in the number of formal parking spaces to be provided on site. As such, despite the acknowledged issue within the area, it is not considered that when taking into account the lawful use of the property and the proposed improvements to off street parking that the proposal would result in a demonstrable adverse impact on highway safety. The proposed block plan also includes provision of a cycle store which includes 5no. hoops and this complies with the SPG (Details can be controlled via condition). The proposal therefore complies with Policy T4 and GP4 of the NLDP 2011-2026 (adopted January 2015).

#### 7.16 Refuse

A refuse store is proposed to the side of the property. The location is considered to be acceptable and is within close proximity for collection on Caerleon Road. No details of the store have been submitted for consideration and these will have to be in accordance with the SPG. However, it is considered that this is achievable and as such can be controlled via condition. The proposal complies with Policy W3 of the NLDP 2011-2026 (adopted January 2015).

7.17 Whilst the broad location to the side of the property is considered to be acceptable in principle, the revised block plan submitted (which appears to now show the correct number of receptacles for the number of residential units proposed) will be prominent from the public highway and it should be set back further into the site to reduce its visibility. The agent has accepted that notwithstanding the layout submitted, an acceptable solution showing a revised layout can be controlled via a conditional discharge. It will also be necessary to control that the existing outbuilding/structure is demolished to accommodate the refuse storage area and also that details to remediate and make good the neighbouring wall to which it is attached shall be submitted to and approved in writing by the Local Planning Authority. However, it is considered that this is achievable in principle and as such complies with Policy W3 of the NLDP 2011-2026 (adopted January 2015).

#### 7.18 **Section 106 Planning Obligation matters**

##### Summary

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.

Based upon a net gain of 2 x 1 bed 'market' flats, the following S106 planning obligations are required to mitigate the impact of the development.

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Summary Heads of Terms agreed by applicant(s)</b>	<b>Viability Issues?</b>
Regeneration, Investment and Housing	Financial contribution to off-site affordable	£940.00	Yes	No

	housing provision			
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## Heads of Terms Agreed by Applicant

The site lies within the Housing Target Area of Newport East. Newport East has aspirations for delivery of 20% affordable housing on new development. The equivalent commuted sum generated is £940 and this has been agreed to by the applicant.

### 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 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.

#### 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 proposal, when taking into account the lawful use of the property as 2no. three bedroom flats would preserve residential amenity of the neighbouring properties, the character and appearance of the street scape and matters of highway safety, along with offering a sufficient level of residential amenity for future occupiers

9.2 As such, it is recommended that the application is granted with conditions subject to a Section 106 legal agreement with delegated authority being sought to refuse planning permission if the legal agreement is not signed within 3 months.

## **10. RECOMMENDATION**

### **GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT AND DELEGATED AUTHORITY TO REFUSE IF LEGAL AGREEMENT NOT SIGNED WITHIN 3 MONTHS**

#### Approved Plans

01 The development shall be implemented in accordance with the following plans and documents; Drawing No. 3987.PL.02 – Existing/Proposed Block Plans Rev B; Drawing No. 3987.PL.04 – Proposed Plans Rev B.

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***

#### Off Street Parking Area

02 The approved parking area containing 3no. spaces (2no. of which shall be installed with an Electric Vehicle Charging Point with minimum 7KW supply) shall be provided in full and made available for the use of parking prior to the first occupation of any residential unit hereby approved. The parking spaces shall be retained in a useable condition thereafter and kept free of obstruction.

Reason: In the interests of providing improved off-street parking provision, safeguarding residential amenity and promoting sustainable principles in accordance with Policy GP4, T4 and SP1 of the NLDP 2011-2026 (adopted January 2015).

#### Demolition of Outbuilding and Making Good

03 Prior to the first beneficial use of the approved development, the external outbuilding to the side of the building shall be demolished and remedial works to 'make good' the wall of 285 Caerleon Road undertaken in accordance with details that have firstly been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting visual amenity in accordance with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

#### Details of Refuse Store & Location

04 Notwithstanding the details submitted, full details of the proposed refuse storage area (including revised location) to be in accordance with the requirements of the Waste Storage and Collection SPG (adopted January 2020) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first beneficial use of any residential unit and retained in that state thereafter.

Reason: In the interests of residential amenity and provision of acceptable waste storage in accordance with Policy GP2 and W3 of the NLDP 2011-2026 (adopted January 2015).

#### Provision of Cycle Store

05 The proposed cycle store shall be provided in accordance with the approved details as per "Drawing No. 3987.PL.02 – Existing and Proposed Block Plans Rev A" prior to the first

beneficial use of any residential unit and retained in that state thereafter and kept free of obstruction.

Reason: In the interests of residential amenity and sustainable travel in accordance with Policy SP1 and GP2 of the NLDP 2011-2026 (adopted January 2015).

#### Provision of Apartment 1 External Amenity Space

06 Prior to the first beneficial use of Apartment 1, the existing lean to structure shall be removed in its entirety and the enclosed external area as shown on "Drawing No. 3987.PL.02 – Existing and Proposed Block Plans Rev B" shall be made available for use and shall remain in that state thereafter. Reason: In the interests of residential amenity in accordance with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: Drawing No. 3987.PL.01 – Site Location Plan; Drawing No. 3987.PL.03 – Existing Plans; Planning Statement

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP13, GP2, GP4, GP6, GP7, H2, H8, T4, W3 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.

## **1. LATE REPRESENTATIONS**

1.1 A further objection from the residents of 240 Caerleon Road has been submitted following the publication of the committee agenda. The key objections raised within this response are summarised below;

- Concerns raised regarding the condition of properties along Caerleon Road that have HMO status and that tenants are not interested in the community or upkeeping the area;
- Bins overflowing attracting rats and vermin, boxes and rubbish in the front gardens, weeds, makeshift wood on front windows, curtains hanging down, hedges overgrown and not cut ;
- Concerns that whilst the application is for 4no. apartments and not a HMO these issues may be replicated;
- There will be the same number of residents living within the building as per the previously refused HMO 21/1222;
- Concerns that the current parking situation that has been reviewed may not be reflective of the parking along Caerleon Road as it is school holidays so residents may be on holiday. There are also currently three vacant properties within close proximity of the property, that when occupied will add to current parking demand. It is requested that committee take this into account;
- There are a number of local residents who are disabled and need to park close to their homes. There are no disabled, dropped kerb spaces on Caerleon Road for residents , there have been no applications for disabled parking spaces up to now. However , if these were applied for and allocated , this would further reduce the parking spaces for the general public. We as a community are looking at this option for our residents.

## **2. OFFICER RESPONSE TO LATE REPRESENTATIONS**

- 2.1 The comments submitted by the neighbour are generally a reinforcement of the issues that have been raised by residents during the consultation period and it is not considered that they raise issues over and above those that have been considered within the officer's report and recommendation to the committee. It is worth mentioning however, that the issues raised in relation to appearance and condition of HMOs and their residents is not relevant to this application as the proposal is for 4no. self-contained flats. There is no change of use as the existing and proposed use are within the C3(a) Dwellinghouses Use Class.
- 2.2 With regards to the concern surrounding the authenticity of any parking assessment owing to it being school holidays and there being a number of vacant properties, this is not considered to be a matter of contention. A Parking Survey has not been submitted in this instance owing to the fact that in accordance with the Parking Standards SPG (adopted August 2015) there is no increased parking demand. The application also proposes 1no. additional space off street than the existing situation. Therefore, it has been concluded that in accordance with the adopted Parking Standards, there is no additional parking demand that would need to be accommodated on street and thus no requirement for a survey.

### Revised Plans

- 2.3 Since the publication of the officer report, a revised proposed layout plan has been received ("*Drawing No. 3987.PL.02 – Existing and Proposed Block Plans Rev C*"). This revised plan has set out adequate refuse storage in a new location, still to the side of the property but set further back from the front elevation in a more discreet location ensuring it is less visually prominent than the previously proposed stores. This information is considered to be acceptable and was initially sought to be obtained via conditional discharge. However, as the detail has been submitted and is acceptable it is recommended that the wording of Condition 04 is now amended to the below, which is a compliance condition to ensure development takes place in accordance with the newly submitted details. It is also recommended that the wording of Condition 01 – 'Approved Plans', Condition 05 'Provision of Cycle Store' and Condition 06 – 'Provision of Apartment 1 External Amenity Space' are updated to replace reference to the superseded plans with Revision C plans.

### **Recommended Wording of Conditions;**

#### Approved Plans

*01 The development shall be implemented in accordance with the following plans and documents; Drawing No. 3987.PL.02 – Existing/Proposed Block Plans Rev C; Drawing No. 3987.PL.04 – Proposed Plans Rev B.*

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

#### Details of Refuse Store & Location

*04 Prior to the first occupation of any residential unit hereby approved, the refuse storage details as shown on Drawing No. 3987.PL.02 – Existing and Proposed Block Plans Rev C shall be installed in full, made available for use and retained in that state thereafter.*

*Reason: In the interests of residential amenity and provision of acceptable waste storage in accordance with Policy GP2 and W3 of the NLDP 2011-2026 (adopted January 2015).*

#### Provision of Cycle Store

*05 The proposed cycle store shall be provided in accordance with the approved details as per "Drawing No. 3987.PL.02 – Existing and Proposed Block Plans Rev C" prior to the first beneficial use of any residential unit and retained in that state thereafter and kept free of obstruction.*

*Reason: In the interests of residential amenity and sustainable travel in accordance with Policy SP1 and GP2 of the NLDP 2011-2026 (adopted January 2015).*



Provision of Apartment 1 External Amenity Space

*06 Prior to the first beneficial use of Apartment 1, the existing lean to structure shall be removed in its entirety and the enclosed external area as shown on "Drawing No. 3987.PL.02 – Existing and Proposed Block Plans Rev C" shall be made available for use and shall remain in that state thereafter. Reason: In the interests of residential amenity in accordance with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).*

**3. OFFICER RECOMMENDATION**

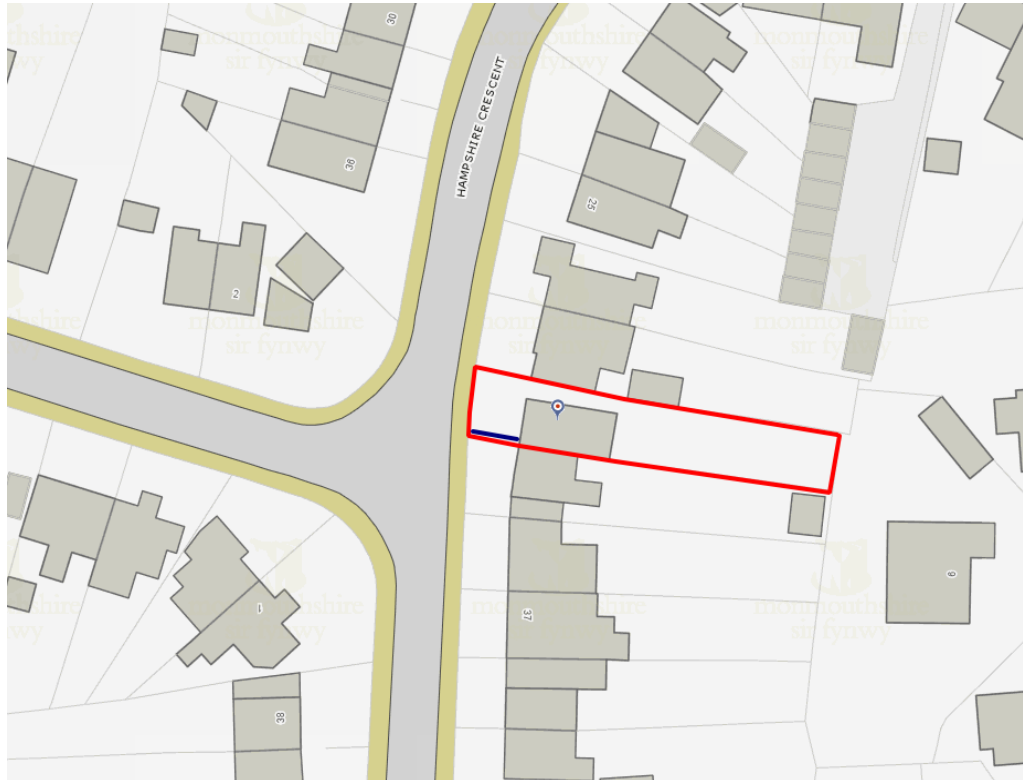
**3.1 GRANTED WITH CONDITIONS SUBJECT TO SECTION 106 LEGAL AGREEMENT AND DELEGATED AUTHORITY TO REFUSE IF LEGAL AGREEMENT NOT SIGNED WITHIN 3 MONTHS**

3.

## Erection of fence over 1m adjacent to a highway at 31 Hampshire Crescent, Newport, South Wales, NP19 4QP E22/0147 – Liswerry WARD

### 1.0 Breach of Planning Control

- 1.1 A fence has been erected in the front garden on top of an existing wall therefore making the combined height more than one metre within the last four years



The blue line denotes where the fence has been located

### 2.0 Assessment

- 2.1 The property is a semi-detached house that is located on Hampshire Crescent more or less opposite the junction to Dorset Crescent. The front of the property used to benefit from a small wall that surrounded the property with pillars to match. Within the last few months a fence has been placed adjacent/on top of the wall and therefore the combined height of both the structures exceeds one metre in height. The wall and fence separate the front gardens of number 31 and 33 Hampshire Crescent and both of these gardens are used as driveways for off road parking.
- 2.2 Policy GP2 states that development will be permitted where the proposed use and form of development will not be detrimental to the character or appearance of the surrounding area and visual amenities. It is felt that the fence is not in keeping with the area and the majority of the front gardens within the street are characterised as having small brick walls around them. The street as a whole displays a pleasant visual amenity and traditional character with front forecourts and gardens predominantly enclosed by original or long established brick walls and piers. The fence is obtrusive and uncharacteristic and highly visible and detrimental to visual amenity.
- 2.3 Policy GP4 (Highways and Accessibility) states development should not be harmful to highway or pedestrian safety and should provide suitable and safe access arrangements. It is felt that the height of the fence worsens visibility for both properties to exit their driveways both for pedestrians and vehicles using the road. A highways officer for the council has commented "the fence does impede the inter-visibility of a driver leaving the parking space next door and a pedestrian walking along the

footway. Whilst slender obstructions to the visibility are accepted, like in this case the brick pillar, a continuous visibility obstruction should not be acceptable. "The fence is therefore contrary to Policy GP4 and should be reduced in height so that the combined height of the wall and fence does not exceed one metre in height.

- 2.4 Officers consider it likely that if no action is taken against the fence then it could set a precedent in the area for other similar means of enclosures. This in turn will lead to further issues for road users and pedestrians within the locality and potentially give rise to further erosion of the visual amenities of the street scene which is, at present, characterised by low brick boundary walls and associated pillars. The latter contribute to the pleasant visual amenity and traditional character that is beneficial to the quality of street scene overall
- 2.5 Attempts to resolve this matter through informal action have been unsuccessful.

### **3.0 Other Considerations**

#### **3.1 *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 breach of condition. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed enforcement action.

#### **3.2 *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.

#### **3.3 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.

3.4 The above duty has been given due consideration in the determination of this application. It is considered that enforcement action in this case will not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person

#### **3.5 *Wellbeing of Future Generations (Wales) Act 2015***

Section 3 of the Act 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 (section 5). This duty has been considered in the evaluation of this case. 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

#### **3.6 Planning (Wales) Act 2015 (Welsh language)**

The above duty has been given due consideration in the determination of this application. It is considered that the proposed development does not materially affect the use of the Welsh language in Newport.

### **4.0 Options Considered/Available**

- 4.1 The Council has powers under Section 172 of the Town and Country Planning Act 1990 to issue an Enforcement Notice requiring steps to be taken to remedy this breach of planning control. Failure to comply with the requirements of an Enforcement Notice is a criminal offence, against which prosecution proceedings may be taken at the Magistrates' Court. Please note that upon conviction, the maximum fine for non-compliance with an Enforcement Notice is unlimited.
- 4.2 An Enforcement Notice could be served requiring the fence to be reduced in height so that the combined height of the wall and fence does not exceed one metre.
- 4.3 Alternatively, if it is considered that the wall and fence at this height does not cause any harm in its current form then it can resolve to take no further action.

## **5.0 Preferred Choice and Reasons**

- 5.1 In this instance it is considered that the combined height to the wall and fence does cause significant harm to the adjoining neighbours, to pedestrians and to road users.
- 5.2 Should enforcement action not be taken, after four years the fence will become immune from any further enforcement action and it will not be possible to mitigate any harm caused
- 5.3 It is therefore recommended that authorisation is given to issue an Enforcement Notice so that the combined height of the wall and fence does not exceed one metre.

## **6.0 Decision**

- 6.1 That the Head of Law and Standards be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act that requires the combined height of the wall and fence to be reduced to one metre or less.

**Compliance Period: ONE CALENDAR MONTH**

### **EIA Checklist**

#### **EIA Screening Not Needed – (Use for EIA Checklist only)**

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.

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## **1. LATE REPRESENTATIONS**

- 1.1 Since publication of the initial report, officers have been sent further correspondence from the complainant who has confirmed that they want these matters reported to the Committee.
- 1.2 *During late May/early June 2022 whilst away on holiday an ugly, unsightly & illegal fence was erected by my neighbour at 31 Hampshire Crescent. The fence is attached to my property and grossly effects my view from my living room window, it also negatively effects light levels within my living room. I am also unable to fully open my living room window & this will affect escape from my home in an emergency situation. It is also extremely dangerous to vulnerable pedestrians, young children playing and other road users as I can't safely leave my driveway*

*without another person checking the view to my right as I slowly pull away. I understand that legally I can't change the cosmetic look of the fence either with additional timber or timber stain as this would constitute trespass.*

1.3 *If this fence had been applied for through the proper planning process, I'm certain that it would have been rejected on many grounds i.e. safety, visual appearance and not in keeping with the surroundings, this fence has no positive or constructive purpose. It is illegally attached to my property, a ugly eyesore & a genuine safety risk.*

1.4 *I would ask you to consider my genuine concerns & order the whole fence to be removed with immediate effect.*

## **2. OFFICER RESPONSE TO LATE REPRESENTATIONS**

2.1 Officers have noted reference to potential encroachment above however are mindful that this is a civil matter and must be resolved between the neighbours involved. Any Enforcement Notice will have to take account of this though and will be served on all owners. The complainant has been made aware of this. On matters of amenity and safety, officers consider the fence unacceptable and unsympathetic. Rights to view are not a material consideration and whilst the fence may obstruct some light to the neighbouring window, this would be very limited bearing in mind the height of the fence and the size of the neighbour's window and it is not considered to have a significant and demonstrably harmful impact in this regard.

## **3. OFFICER RECOMMENDATION**

3.1 That the Head of Law and Standards be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act that requires the combined height of the wall and fence to be reduced to one metre or less.