

# Report

## Planning Committee – Hybrid Meeting

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### Part 1

Date: 1<sup>st</sup> March 2023

**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.	Planning and Development Manager and Senior Legal Officer
			Ensure appeal timetables are adhered to.	Planning and Development Manager
Appeal lodged against non-determination, with costs awarded against the Council	M	L	Avoid delaying the determination of applications unreasonably.	Planning Committee  Planning and Development Manager
Judicial review successful with costs awarded against the Council	H	L	Ensure sound and rational decisions are made.	Planning Committee  Planning and Development 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 Strategic Planning, Regulation 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 2017  
Welsh National Marine Plan November 2019  
Future Wales - The National Plan 2040 (February 2021)

#### *PPW Technical Advice Notes (TAN):*

- 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 and are available to view on the Council’s website using the application reference number.

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1.

## **APPLICATION DETAILS**

**No:** 22/0848      **Ward:** St Julians  
**Type:** Full Application  
**Expiry Date:** 3<sup>rd</sup> March 2023  
**Applicant:** *D2 Propco Limited*  
**Site:** *142 Caerleon Road Newport South Wales NP19 7FY*  
**Proposal:** ***CHANGE OF USE FROM OFFICES AND SELF CONTAINED FLAT TO A HOSTEL (SUI GENERIS) FOR 8 PERSONS (RETROSPECTIVE)***

**Recommendation:** **GRANTED WITH CONDITIONS**

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission for the change of use of 142 Caerleon Road in the St Julians ward to a Hostel for 8 persons (Retrospective).
- 1.2 The site is located along Caerleon Road, one of the main roads leading into the City Centre and is situated on a junction with Morden Road. The property is a three storey building at the end of a Victorian terrace of eight properties, containing a mix of residential and commercial uses. The property has historically been used as an Optician's office and shop at ground floor residential use over the first and second floor. Planning permission was granted in January 2021 for the building to be used as a 6no. bedroom House in Multiple Occupation (HMO). Whilst it does not appear that this approved use has commenced, conditions have been partially discharged and the permission is live for 5 years, meaning it could be implemented at any point up until 28<sup>th</sup> January 2026.
- 1.3 The residential conversion of the building has been undertaken and comprises of 3no. bedrooms, sitting room, kitchenette and w/c with shower at ground floor, 3no. bedrooms with kitchen and w/c at first floor and 2no. bedrooms with bathroom at second floor. An existing external staircase accesses the first floor to the rear of the property. Externally, the site comprises of refuse and cycle store set behind a 1.8m close boarded fence and a parking provision comprising of 2no. external spaces and a single garage.
- 1.4 The building has been operating as a hostel since September 2021. An enforcement investigation was opened in March 2022 following a report that the parking area at the site was being used for the storage of goods and materials. The report was not in relation to the use of the main building. However, following contact with the property owner and investigation into the alleged breach of condition relating to parking, it became apparent that the use of the building was not as the approved HMO use. It was concluded that it was being used as a hostel. This application has been submitted retrospectively to authorise the current use of the site.
- 1.5 D2Propco (the applicant) have confirmed they have been using the building to house asylum seekers waiting the outcome of their application since September 2021. A contract is in place for Newport City Council to place residents at the property until the outcome of their asylum application is known. It is understood that the current tenants are largely those who have been at the property since it started to operate this way approximately 15 months ago (at the time of writing this report).
- 1.6 The application has been called to Planning Committee at the request of Councillors Hourahine and Townsend for the reasons as stated within Paragraph 6.2 of this report.

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

20/0939	CHANGE OF USE OF GROUND FLOOR OPTICIAN'S OFFICE/SHOP AND FLAT AT FIRST AND SECOND FLOOR TO 6NO. BEDROOM HMO	GRANTED WITH CONDITIONS  Decision Date 28/01/2021
22/0464	PARTIAL DISCHARGE OF CONDITION 2 (WASTE STORAGE AND RECYCLING) OF PLANNING PERMISSION 20/0939 FOR CHANGE OF USE OF GROUND FLOOR OPTICIAN'S OFFICE/SHOP AND FLAT AT FIRST AND SECOND FLOOR TO 6NO. BEDROOM HMO	APPROVED  Decision Date 15/06/2022

### 3. POLICY CONTEXT

Newport Local Development Plan 2011-2026 (adopted January 2015)

- 3.1 *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 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 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).

Waste Storage and Collection SPG (adopted January 2020);

### 4. CONSULTATIONS

- 4.1 GWENT POLICE: With regards to the change of use of the office to a hostel, I would give an objection based on the information recorded on [St Julians | Police.uk \(www.police.uk\)](http://www.police.uk) and the concern of the additional demands this could place on police resources which could range in nature from serious offences to disturbances and anti-social behaviour in areas such as Caerleon Road / Chepstow Road and the surrounding areas where there are already HMOs together with issues of youths and anti-social behaviour.

If however, this development is approved to go ahead it is essential that the physical security requirements as outlined in the Secured By Design "Homes Guide" are met, to achieve a safe and secure environment: [https://www.securedbydesign.com/images/downloads/HOMES\\_APPLICATION\\_FORM\\_2019\\_interactive.pdf](https://www.securedbydesign.com/images/downloads/HOMES_APPLICATION_FORM_2019_interactive.pdf) and the associated development guide can be found at: [https://www.securedbydesign.com/images/downloads/HOMES\\_BROCHURE\\_2019\\_update\\_May.pdf](https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_update_May.pdf)

**Further Response – 13/02/2023**

I can confirm I have checked force systems and there are no crimes recorded at this location for the timescales specified.

## 5. INTERNAL COUNCIL ADVICE

### 5.1 THE HEAD OF CITY SERVICES (HIGHWAYS):

#### Highway Recommendation

Highways are satisfied that as a result of the proposed change of use, there will be no unacceptable impact on the local highways.

#### Highway Comment

On receipt of further information and to better describe the parking demand the following note is provided.

#### **Parking**

##### Ground Floor Use

It is not possible to assess the exact total parking requirement for the ground floor use, as no staffing details have been provided, but for an Opticians use with 1 practitioner, the parking demand could be estimated at 5 parking spaces.

As the residential element of the property currently has two bedrooms, two parking spaces would be required.

In total the previous/existing uses for the property as a whole would generate a parking demand of 7 parking spaces.

The information provided sets out that there will be 8 bedrooms in a hostel, that will house unaccompanied asylum seekers.

For parking purposes, the location has been identified as in zone three. The following is based on the guidance found on pages 24 & 28 of the Newport Parking Standards document.

Type of development	Residents	Visitors
House conversion to residential hostel	1 space per resident staff 1 space per 3 non-resident staff	Nil

Based on the above, but with no resident staff. There is an anticipated daily visit of a manager, an occasional visit by a social worker and a once a week visit by a cleaning company. Based on the figure in the table above 1 space is deemed as sufficient for the 3 non-resident staff.

In summary the properties previous and current uses would generate a demand for parking for upwards of 7 spaces. The proposed use is expected to have a parking demand much lower.

In parking terms, Highways are satisfied that as a result of the proposed change of use, there will be no detriment to the local highways.

#### *Sustainable Transport*

Newport City Council supports through policy, the use of sustainable transport. It is advised that the applicant should provide the details of a covered secure storage structure for 4 cycles. Once approved it should be constructed and remain in place as a cycle store for the life of the residential building.

- 5.2 THE HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (ENVIRONMENTAL HEALTH): No objections raised.
- 5.3 THE HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (WASTE): No objections raised.
- 5.4 THE HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT (PLANNING CONTRIBUTIONS MANAGER): Confirms that hostels are exempt from Section 106 housing contributions.

5.5 THE HEAD OF CHILDREN'S SERVICES: The purpose of this information is to provide clarity around the residents of 142 Caerleon Road and the support they receive from Childrens Services and others. Until recently, Childrens Services had understood that it was an HMO provision consistent with other accommodation that is currently used by children's services for its young people.

Newport Childrens services currently has 31 looked after children and 44 Care Leavers who are unaccompanied children and young people who are seeking asylum (also known as unaccompanied asylum-seeking children UASC).

In line with its wish to be a City of Sanctuary, Newport became a pilot site for the Home Office's National Transfer Scheme (NTS) in December 2017. This scheme was mandated across the UK by the Home Office in December 2021.

Under the NTS, unaccompanied young people under the age of 18 arriving at UK ports are dispersed across the UK via a compulsory rota of allocations. At present, because of the numbers arriving, some children are currently being placed by the Home Office in hotels at port **prior** to being allocated to a Local Authority.

When NTS are allocated to Newport they become Looked After Children under the Social Services and Wellbeing Act 2014 and Newport becomes their corporate parent. We are currently given 5 days' notice of their arrival. UASC's are placed into accommodation by Children's Services and in legal terms, and in terms of the responsibility of Newport City Council, they are the same as any other looked after children and young people. At 18, their status changes to that of a Care Leaver in line with other young people who have been looked after.

These young people need stability and a place to call home when they arrive and where they can grow into adulthood. Newport provides homes for the majority of these young people accessing this type of accommodation if they are aged 16 or older. We also have unaccompanied asylum seekers who arrive and claim asylum without being previously known to the Home Office. In some circumstances, we have no notice of when the Local Authority also receives spontaneous arrivals and more recently, we have seen an increase in these particular sets of circumstances.

A range of accommodation options are used in order to meet the needs of the young people and at times short term accommodation is also accessed because of the lack of other accommodation options for the number of children who have been allocated to Newport. Currently, there is a national shortage of foster carers and supported lodgings and this can result in the need to make use of HMOs particularly for 16- and 17-year-olds. Currently, there are no supported housing available for unplanned arrivals. This type of accommodation along with the property in Caerleon Road have been available at short notice and this has facilitated support services being developed around this type of provision. Furthermore, the Local Authority actively seeks to avoid the use of Bed and Breakfast for all UASC's and in the accommodation in Caerleon Road the provider is expected to provide additional levels of security and property maintenance to ensure they are to a high standard and keep any resident safe.

The young people residing in 142 Caerleon Road consider this their home is home and not an interim placement. Most stay in the accommodation provided in this way into their young adulthood, and they can be there for a number of years. These young people are registered with local doctors, dentists, opticians, schools and colleges. They build links in

their community and join sports clubs and take part in other activities, as do other young people. Their situation is not one of a transient population in interim accommodation awaiting dispersal.

Like all looked after children and care leavers, their needs are assessed, and statutory plans made for their care. This continues until they are 21, or 25 if they are in full time education. These plans are formally reviewed and oversee what support they require to meet their needs and when they should move on to other adult accommodation. The immigration process runs alongside the normal care planning process.

For a percentage of these young people, their asylum claim will be rejected and at that point they may face deportation, but this process takes many years at present. If their claim is successful, they will be eligible to move into independent tenancies when they are deemed ready to do so.

These young people are supported by social workers, social work assistants and personal advisors from within Children's Services. In addition, they receive support from third sector organisations such as the Gap Centre and the Welsh Refugee Council; advocacy from NYAS and Tros Gynnal. Furthermore, Barnardo's International Trafficking Guardians work closely alongside Children's Services to assess trafficking during young people's journeys and in the present in Newport. Young people are referred into the National Referral mechanism (NRM) if there are concerns about this issue.

We deliver intensive support to new arrivals as they have many appointments and require clothing and food, language assessments, support to learn how and where to shop etc and support to attend college on a weekly basis. Additionally, the Gap also provides an extensive program of groups, drop ins, community lunches etc and works closely with Children's Services staff. On a daily basis, the accommodation provider monitors compliance with curfews and house rules and feeds back issues to Children's Services. They also provide daily visiting to each house and can provide additional monitoring as and when required.

The Pathway Immigration Social Work team is a specialist team around these young people and are skilled at building relationships quickly in these early weeks and assessing young people who are struggling. If young people are not coping, this is quickly identified, and a plan is then put in place which may include additional support or identifying an alternative provision. In a recent case, a young person was facing a challenging health diagnosis after his initial health screening, he wasn't coping and was quickly transferred to foster care. Young people have staff phone numbers and access to our duty service and are encouraged to keep in contact via WhatsApp and phone calls. They are encouraged to raise issues through their advocates or Trafficking Guardian if they prefer.

In terms of longer-term planning, other areas of development include the development of a young person's housing strategy and exploring the development of supported lodgings provisions and community hosting schemes.

It is important to note that we experience very few UASC's leaving the area, breaking curfews or creating community disturbance or problems. Also, since the Local Authority have provided support to UASC's, many are keen to become involved in the community, attend college and actively participate in the rich and diverse culture that Newport has to offer. We're even proud to say that we have a very skilled and accomplished UASC football team.

When faced with the numbers of young people allocated to Newport's care, and the lack of time to plan means this type of accommodation have been a good option for providing a home for the majority of these young people placed in our care. Lastly, this accommodation is also used for a number of our Care Leavers post 16 and helps promote independent living and supports them to make the transition from residential or foster care into semi-independent living. This is vital for to develop their confidence, independence skills and autonomy.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (60no. properties) and a site notice displayed. 12no. responses have been received objecting to the application, as summarised below;

- Concerns raised regarding the existing parking issues on the street and the nearby area, which would be exacerbated by the proposal. Close proximity to businesses on Caerleon Road mean visitors park within surrounding streets including Morden Road which causes congestion and parking issues;
- The garage to the property and hardstanding for parking is often full of trade waste (of the company who own the building) and renders the parking unusable for tenants/occupants who live there;
- Concerns regarding the intensification of the use of the property for 8no. people and in relation to living space/standards internally and externally;
- Concerns regarding the cumulative impact of hostels within the local area and the impact on promoting a sustainable and cohesive community;
- Concerns regarding the number of HMO properties within Morden Road aswell as nearby on Caerleon Road and the impact that this concentration will have on the social cohesion, change in demographic, parking issues and to the general environment of the area along with fear or crime and antisocial behaviour issues;
- Concerns regarding the responsibility of the maintenance and management of the property owing to its private ownership;
- Concerns regarding the status of the residents occupying the hostel and whether they will received the correct support/management as required.

6.2 COUNCILLORS HOURAHINE/TOWNSEND have both objected to the application and requested that it is called to committee if the officer's recommendation is for approval, based on the following concerns;

#### Councillor Hourahine

The planning reasons for calling this in are:

4.1 the higher proportion of transient people will lead to less community cohesion.

5.3.1 There is no allowance for parking provision.

5.4.2 there is no means of acoustic insulation

5.5.3 HMOs are detracting from the character of the neighbourhood a Hostel will be a further detraction.

#### Councillor Townsend

My concerns are about the impact on neighbour and residential amenity; Lack of a licensing requirement for a house in multiple occupation; Continual parking and street cleansing concerns.

## **7. ASSESSMENT**

7.1 The key considerations of the application are set out as follows;

- The Principle of Development;
- The Fallback Position
- The Impact on Residential Amenity and Character of the Area;
- Highway Safety and Parking;
- Provision of Refuse/Waste.

7.1.1 Policies SP1 (Sustainability), GP2 (General Amenity), GP4 (Highways and Accessibility), GP7 (Environmental Protection and Public Health), T4 (Parking) and W3 (Waste) of the Newport Local Development Plan 2011 – 2026 (adopted January 2015) are relevant to the determination of this application.

7.1.2 As is the Parking Standards SPG (adopted August 2015) and Waste Storage and Collection SPG (adopted January 2020)

## 7.2 The Principle of Development

7.2.1 The proposal is the re-use of an existing building that is located within the urban boundary and within a sustainable location that is directly opposite local amenities contained within the Caerleon Road District Centre and on a main bus route into the City Centre. It is therefore considered to be compliant with Policy SP1 (Sustainability) of the NLDP 2011-2026 (adopted January 2015). The principle of development is therefore acceptable, subject to all other materials being satisfactorily addressed.

7.2.2 It should be clarified that this application is for a proposed hostel use, that would be, and has been to date, managed by D2PropCo. The application is not considered to be a House in Multiple Occupation in planning terms and therefore policy H8 (and the HMO SPG by association) is not considered to be applicable in this instance. The below statement has been made by the applicant in order to describe how the property is being used;

*“The property is not staffed, the tenants live semi-independently with support being provided by allocated social workers.*

*The property is being used to house young unaccompanied asylum seekers (8 rooms). D2 manages the property for the local authority, a dedicated house manager visits the property on a daily basis and checks welfare of tenants and that the property is being kept in good order, we are responsible for all maintenance and utilities on the property and have a cleaning team going into the property on a weekly basis to clean communal areas. There are CCTV cameras in all communal parts and D2 report back to the local authority on a daily basis that tenants are staying and abiding by the house rules that are in place. Tenants are placed in the property by the local authority whilst asylum applications are processed, tenants can be with us for long period of time while this happens (over 2 years in some cases). We also operate a 24hr emergency on-call service for tenants and nearby neighbours if there are any issues.”*

There is only 1 resident per room maximum (1 per room), and residents are aged between 16 and 25 years old.

7.2.3 In planning terms, there is case law on whether a proposed use constitutes a hostel or a HMO but this is determined on a fact and degree basis. In 1985, in the High Court judgement in the case of *Panayi v SoS for the Environment and Hackney LBC*, it was argued that the presence and use of some of the features below combined were sufficient to distinguish the use of the premises as that of a hostel:

- The presence of dormitories and/or communal or shared facilities
- The use of the premises in accomodating specific categories of people e.g the young, or homeless
- Whether the premises are serviced and/or supervised
- Whether payment is made by the Local Authority
- Whether payment is on a nightly basis
- Whether the residents are transient in the sense that they are placed in the accomodation whilst awaiting accommodation elsewhere
- The requirement of fire or safety certificates indicating the type of usage
- The display of such notices of other indicators which may indicat the type of usage e.g fire certificates, public fire notices pf use for staff and guests.

7.2.4 In this instance, whilst the proposal wouldn't operate as a traditional hostel for short stay terms potentially in dormitories for example, the proposal would include shared facilities for occupiers, house a specific category of people (UASC), would be placed by the Local Authority with management / CCTV supervision. Residents would have no local link to the area and would be 16+. Case law has determined that children living alone cannot form a household, and Section 3 of the Social Services and Well-being (Wales) Act 2014 states that a child is a person who is aged under 18.

7.2.5 Allied to this, the Council's Licensing team has reviewed the proposal and confirmed that the use is not a HMO for Licensing purposes.

7.2.6 The Council's Building Control team has reviewed the proposals and confirmed that the proposal does require Building Regulations and no such application has been submitted to date. The applicant has been advised of this and the Building Control team can seek to take enforcement action if no application is forthcoming (should this application be approved).

7.2.7 On the basis of the above, an in line with advice from the Head of Law and Standards, the application has been determined to be a Hostel.

### 7.3 The Fallback Position

7.3.1 When making an overall assessment of this application, the existing lawful use and the recently approved planning permission are considered by officers as being important material factors. The previous/lawful use of the overall building is as an opticians shop/office at ground floor and residential flats at first and second floor. The approved use for the site is as a 6no. bedroom House in Multiple Occupation (HMO), which has a live consent with conditions previously partially discharged, that can be implemented until 28<sup>th</sup> January 2026.

7.3.2 When considering how much weight to attribute to the approved use, having considered the approved layout against the layout as it currently is for the hostel, only minor internal works would be required to facilitate the use back to 6no. bedrooms. It is therefore considered that it would be very likely that the property would be used as a HMO should this application be refused. Therefore, officers consider that when making assessment of this application significant weight should be attributed to the extant permission, as a fallback.

### 7.4 The Impact on Residential Amenity and Character of the Area

7.4.1 Policy GP2 requires development not to have a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality and that development will not be permitted which is detrimental to visual amenity. Proposal should seek to design out crime and Anti-Social Behaviour, promote inclusion and provide adequate amenity for future occupiers.

7.4.2 When considering the residential amenity of the occupiers of the hostel the layout and size of rooms should ensure that adequate space, light, natural ventilation and outlook are provided. The layout demonstrates that room sizes will vary from 7.12sqm to 17.22sqm. Whilst there is no adopted planning guidance on acceptability of bedroom sizes, it is considered that each room would have at least one window that would provide a reasonable level of outlook, natural light and ventilation. Whilst not strictly relevant, as a reference and a guide in terms of room size, the HMO License standards state a single bedroom should have a minimum size of 6.5sqm. All of the hostel bedrooms exceed this and sizes of rooms on the whole are sufficient. A large communal sitting room and kitchenette is provided at ground floor and a full kitchen at first floor. Two W/Cs (one with shower) and separate bathroom are also provided. The communal spaces also meet the desired sizes that would be applicable to a HMO and as such, are considered to be specific. There is limited external space provided on site that would directly serve occupiers, however residential use is established at the site both through the lawful existing use of the upper floors and through the HMO approval. Whilst greater external space would be desirable, the site is located within a reasonable walking distance of Brecon Park, and slightly further away Glebelands Park. Overall, taking into account the room sizes and layout of the hostel accommodation, it is considered to be of a sufficient space and standard to provide adequate amenity for its occupiers.

7.4.3 In considering the impact on neighbouring properties, there would be no external alterations that would impact amenity. Existing windows are utilised, and the upper floors have historically been in residential use, so there is no change in the nature of their use.

7.4.4 A number of concerns received relate to the intensification of the use of the property and the potential transient nature of this use, along with the impacts this would have on residential amenity by way of increased refuse, parking issues and general noise and disturbance. Firstly, it should be noted that the existing lawful use of the building contains residential use at first and second floors. So residential use is established at the site. As previously referred to, the site has planning permission for a 6no. bedroom HMO. So if permission were refused

the property could lawfully be used in this way. It is therefore considered important by officers to understand whether the impact of the hostel use on residential amenity and character on the area would be worse than the HMO that was previously considered acceptable. As part of the previous HMO application, it was confirmed that the concentration of HMOs within the area was within the threshold as per the adopted SPG. Evidence available to officers now confirms that this has not changed.

- 7.4.5 On consultation Gwent Police has objected to the application based on recorded information and the concern of the additional demands the use could place on Police resources. It is claimed this could range in nature from serious offences to disturbances and anti social behaviour in areas such as Caerleon Road/Chepstow Road and the surrounding areas where there are already HMOs together with the issue of youths and Anti-Social Behaviour (ASB). Gwent Police were consulted on the previous HMO application and the LPA did not receive an objection.
- 7.4.6 Neighbour objections refer to this matter and fear of crime and ASB is a material planning consideration and the objection from Gwent Police is duly noted. However, this alone would not form a robust reason for refusal and would need to be directly attributed to the site or potentially comparable uses in similar locations to hold any significant weight. It is worth noting again at this point that the hostel has been in use in this way since September 2021, approximately 15 months. Since their initial consultation response, Gwent Police has now confirmed that there is no record of crimes being reported at the address during the period it has been operating. Furthermore, having checked Environmental Health records there are no reported issues at this property either. The property is managed by the applicant on behalf of the Local Authority and it is the Local Authority who places occupants at the premises. Therefore, there is control over who is placed at the property and how it is managed. The lack of evidence or complaints over the course of the 15 month period the building has been used as a hostel suggests that it is well managed by the applicant and is not contributing to wider issues within the area. It is possible that poor management of such premises can lead to poor review of placements and occupants that are ill suited to the premises, other occupants or the location generally. However, there is no evidence of this here.
- 7.4.7 Overall, when taking into account the fallback position of the site as a 6no. bedroom HMO, and the fact that the hostel has been operating for some time without any issues being raised it is not considered that this use results in an unacceptable impact on neighbouring residential amenity or the character of the area. A condition would be added to any grant of consent to ensure the proposals are managed going forward in accordance with a management plan that will ensure that the Council has appropriate control over the use of the property.

## 7.5 Highways Safety and Parking

- 7.5.1 The existing lawful use of the property is as an optician's office and shop with first and second floor flat. Based on the existing floor plans provided the existing lawful use is likely to generate a parking demand of 3no. spaces. The 6no. bedroom House in Multiple Occupation that was granted permission under that application would generate a parking demand of 7no. spaces and this has a live planning permission that could be implemented until January 2025.
- 7.5.2 The Council's adopted Parking Standards for a hostel in Parking Zones 2 to 6 is 1no. space per resident staff and 1no. space per 3 non resident staff. Based on the information that has been provided by the applicant on request there would be up to three non-resident staff serving the property and in accordance with the parking standards the hostel would generate a parking demand of 1no. space. As the site accomodates parking off street for 3no. vehicles, sufficient parking is provided on site for the use.
- 7.5.3 A cycle store is shown on the plans to be located underneath the external staircase at the rear of the property. A site visit confirms that a timber covered cycle store is provided at this location and it is recommended that this is conditioned to remain in situ via condition.

## 7.6 Refuse/Waste

7.6.1 An area within the of the rear of the site underneath the external stair case has been designated for the storage of waste and recycling on the plans. This area is currently available for storage and is screened from public views by a 1.8 metre timber fence. It is recommended that this is conditioned to remain in situ via condition.

7.7 Need for this accommodation

7.7.1 It is important to note that the Home Office National Transfer Scheme is a mandated process and Local Authorities across Wales are required to source and provide suitable accommodation for Unaccompanied Asylum-seeking Children (UASC) at very short notice. As Newport is a City of Sanctuary, Newport Council have sought to support the UASC population through the National Transfer Scheme which has enabled NCC to be proactive in planning with the Home Office. Through concerted efforts, Children and Young People's Services are developing a dedicated immigration Social work team to provide support to all USACs who will be required to reside in Newport. It is also important to note that UASCs can arrive in Newport spontaneously as well as planned and NCC will continue to make concerted efforts to ensure they have access to safe and suitable accommodation. This urgent need is considered to weigh in favour of the proposal.

## 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. The Police Objection is noted but is imprecise. It expresses concerns for additional demands on resources that a hostel MAY place on the police. However, this does not appear to be supported by any evidence relating to how hostel or similar uses in this area are affecting police resources and criminal behaviour in the area or that this operation, already in place, has affected such interests. It does however confirm no incidents of criminal behaviour have been reported at the property since it commenced operation in September 2021. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### 8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

8.4 The above duties have been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the

application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

#### 8.7 **Newport's Well-Being Plan 2018-23**

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

### 9. **CONCLUSION**

9.1 The change of use to a hostel for up to eight occupants is considered to comply with the relevant aims of the Newport Local Development Plan 2011-2026 (adopted January 2015) as outlined within this report and is considered to be acceptable. The use has been in operation since September 2021 without any significant issues being raised in terms of its operation. Residents have an assigned Social Worker and the Council is responsible for placing residents into the accommodation and are mindful of the need to ensure residents get on well with each other. A management plan would be conditioned to ensure the effective operation of the hostel going forward.

9.2 It is recommended that planning permission is granted with conditions.

### 10. **RECOMMENDATION**

#### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: Drawing No. 2755 – Plans and Elevations Revision C.

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

#### **General conditions**

02 The cycle store and refuse area as shown on Drawing No. 2755 – Plans and Elevations Revision C shall remain available for use at all times.

Reason: In the interests of sustainability and so that sufficient refuse storage is available on site in accordance with Policy GP2 and W3 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

03 The hostel hereby approved shall contain no more than 8 occupants at any one time.

Reason: In the interests of residential amenity in accordance with Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

04 The off street parking as shown on Drawing No. 2755 – Plans and Elevations Revision C shall be retained and kept available for the parking of vehicles at all times.

Reason: In the interests of highway safety in accordance with Policy GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

05 The hostel use hereby approved shall be managed in accordance with the management and maintenance measures as set out within approved document "Email from D2PropCo dated 24<sup>th</sup> November 2022 received at 09:10" at all times.

Reason: To ensure the property is managed and maintained in a satisfactory manner and to ensure the acceptable residential amenity of its occupiers and neighbouring properties in accordance with Policy GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

## NOTE TO APPLICANT

01 This decision relates to plan Nos: Drawing No. 2755 – Plans and Elevations Revision C.

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

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

04 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.

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### 1. LATE REPRESENTATIONS

- 1.1 COUNCILLOR TOWNSEND: As per my message to you, as residents of 39 years in Morden Road, we are now exasperated at the proposed change to the above property to a 'Hostel'. What kind of 'hostel' - that has not been indicated in the planning request...

It seems the current owners are very confident of this happening as they already placed a skip on their parking space behind the property - just what does this say about the council?

Firstly - please know we are not against people requiring new homes, but this is now too much for the area and personally, discriminates against families. The property in question would make a great place for a family with possibly 2 children, as it could be converted to 2 self-contained flats. I was recently talking to a young person, who is desperate to move with his wife & child but even though where he feels currently lives is not suitable, he is regarded as being in suitable accommodation. He works 2 jobs in order to provide and pay for rent. Is he not deserving?

I propose that by making it into a hostel, the owners are guaranteed of making a profit, I would like to think they may be doing this out of consciousness, maybe I'm wrong, I hope so! They are guaranteed of rent if these people are being supported by the council, who will I believe would be paying their rent! Please let me know if this assumption is incorrect?

The current planning request states it is 'offices and self contained flats'. To the best of my knowledge, it was only ever one flat on the first floor - occupied by Brian Langley's father and was his opticians' rooms and office on the ground floor. Currently it is occupied by a number of individuals and they are occupying it as 'living accommodation'. However, on original planning requests, this property was allegedly going to be turned into a 6 bed HMO. 6 beds are pushing it but 8 - even in this house, that indicates to me people will be living in nothing more than boxes, even if they may have shared living areas. Bearing in mind, this property will not provide them with any outside area, unless they convert the parking plot into a garden.

Now these people, may or may not have cars, even so, a few people who have cars on Caerleon Road do not park on Caerleon Road and park in Morden Road. We already have overuse from businesses and customers for the shops. We could request resident only parking but that equates to a double tax on vehicles, deters guests and as some of the houses on Morden Road already have a minimum of 2 vehicles, it's very limited. This would also not be very popular with the businesses! Morden Road is the narrowest of roads between Annesley Road and Somerset Road, which can make it congested at times.

Apparently, the planning committee do not have to give any credence to the drop in value of other properties if they go ahead - I would genuinely ask how the residents of Ridgeway

would view this. They are big houses and some of those could accommodate lots of people as HMO's.

Apparently, we have 10 HMOs in Morden Road, there are another 3 with 100 yards of the junction on Caerleon Road, is this right? What does this mean to the local Doctors surgeries & dentists, when appointments are already hard to get? Would the individuals on the planning committee be happy with this.

Permission was granted for a six-bed HMO in 2020 for number 142 Caerleon Road which is at the junction of Morden Road.

Residents say there have been no issues with any occupants of the house as it stands though one resident has had some difficulties.

The concerns centre around overcrowding, anti-social behaviour, litter and the perennial parking issues, if there are cars involved.

If the hostel goes ahead, will there be any oversight?

Who will see that the occupants are cared for and not exploited? Will there be someone in charge of keeping the place clean.

Hostels, rather than an HMO suggest that the occupants could be vulnerable and with landlords largely absent, who will pick up on any concerns. Management agencies are often tasked with over-seeing hostels/HMOs, in the absence of landlords but, don't always respond to problems when they arise.

People in St Julians, particularly in the Caerleon Road corridor, have had a lot to put up with, in terms of properties being turned into HMOs, but this hostel if it goes ahead, is not popular.

Questions have been asked about the reasons for a retrospective application to change an HMO into a hostel.

Could the planners explain why this is?

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

- 2.1 Many of the points raised within the late representation, such as how the hostel operates, have been clarified within the officer's committee report and it is not intended for this late representation report to duplicate the published report and go through each aspect already assessed. However, in the interest of clarity regarding the existing use and what is being sought permission, the below comments are made;
- 2.2 The correspondence outlines concerns regarding to use of the building as a hostel and lists these as being matters such as overcrowding, anti-social behaviour, litter, parking issues and also concerns regarding management.
- 2.3 The representation also states that the site *as currently used* [my emphasis] has not been raised by residents as causing an issue in general. As noted in the report, the application is retrospective and the current and proposed use is in fact as an 8-bedroom hostel that has been in use since September 2021 (17 months). This is an important point and evidences that the use has been operating without the perceived detrimental impacts listed.
- 2.4 In addition, as referenced within the Committee Report, Environmental Health has not received any complaints regarding the property during this time scale and Gwent Police have confirmed no reports of crime at the address. The enforcement complaint only came about due to a report of the garage on site being used for storage of goods and not parking, which was a requirement of the previous planning permission for the HMO.
- 2.3 The absence of any reported issues and acknowledgment within the late representation that the current use is not currently causing an issue would suggest that the use and its

management is to a satisfactory standard. The recommended conditional regime does include a condition regarding the management and maintenance of the site, which is linked to details submitted by the applicant and are considered acceptable.

### **3. OFFICER RECOMMENDATION**

#### **3.1 GRANTED WITH CONDITIONS**

2.

## **APPLICATION DETAILS**

**No:** 22/1019      **Ward:** St Julians

**Type:** Full Application

**Expiry Date:** 16th February 2023

**Applicant:** A Studley

**Site:** *Firbank Dale Social Centre Heather Road Newport NP19 7LB*

**Proposal:** ***RETROSPECTIVE CHANGE OF USE OF PART OF ALLOTMENT TO NURSERY PLAY AREA INCLUDING VIEWING PLATFORM AND ACCESS PLATFORM WITH STEPS***

**Recommendation:** GRANTED WITH CONDITIONS

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission for the change of use of part of an allotment to nursery play area with platform and steps (retrospective) at Firbank Dale Social Centre, Heather Road in the St Julians ward.
- 1.2 Firbank Dale Social Centre is a rectangular single storey building with outdoor patio area that is located inbetween the Firbank Dale Tennis Club, Heather Road and an allotment area, which is currently unused. To the west of the building and the allotments are the rear gardens of residential properties at Carlton Road. The building has been used since its construction post war as a social centre (Use Class D1 – Non-Residential Institution) and since 2012 has been used by Rainbow Sunbeams Playgroup (Use Class D1 – Non-Residential Institution).
- 1.3 In February 2022 a portion of the existing allotment measuring approximately 6.0 metres by 15.0 metres was fenced and incorporated as part of the external play area of the playgroup, with operational development including a timber platform and steps due to the change in levels. The works undertaken constitute a change of use of part of the allotment as well as operational development, that both require planning permission. The application has been submitted to apply to regularise the use and operational development.
- 1.4 Whilst an application of this scale and nature would typically be determined under delegated powers, this application is reported to planning committee as the applicant shares a relation with a member of the Planning Department.

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

- 2.1 None relevant.

### **3. POLICY CONTEXT**

- 3.1 SP1 – Sustainability;  
SP12 – Community Facilities;  
CF12 – Protection of Existing Community Facilities;  
GP2 – General Amenity;  
GP4 – Highways and Accessibility;  
GP5 – Natural Environment;  
GP6 – Quality of Design;  
CE3 – Environmental Space.

### **4. CONSULTATIONS**

- 4.1 NEWPORT NORSE: Have confirmed that the land is owned by Newport City Council and the land is managed by the social centre as part of their lease.

## **5. INTERNAL COUNCIL ADVICE**

- 5.1 THE HEAD OF CITY SERVICES (HIGHWAYS): No objection.
- 5.2 THE HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (ENVIRONMENTAL HEALTH): No objection.
- 5.3 THE HEAD OF ENVIRONMENT AND PUBLIC PROTECTION (LEISURE): No response.

## **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All properties sharing a common boundary and located opposite the application site were consulted (19no. properties) and a site notice displayed. 3no. objections have been received. A summary of these is provided below;

- The loss of trees that were removed to extend the play area has resulted in a change to the view from the rear of properties at Carlton Road; increase in road traffic noise, the tennis courts and play area;
- Concerns regarding hours of use and associated noise;
- Noise and disturbance from children using the play area;
- Impact on wildlife;
- Parking is limited and at peak times getting in and out of our close can be a difficult manoeuvre.

## **7. ASSESSMENT**

- 7.1 The key considerations of the application are set out as follows;

- Impact on Community Facility;
- Assessment of Environmental Space;
- Impact on Residential Amenity;
- Design, Character and Appearance;
- Highway Safety and Parking.

### 7.2 Community Facility

- 7.2.1 The extension of the play area has incorporated 90sqm of existing allotment area. Section 4.4 of Planning Policy Wales (PPW) 11 lists an allotment as community facility and as such, the partial loss of this triggers consideration of the application against Policy SP12 and CF12 of the NLDP 2011-2026 (adopted January 2015).

- 7.2.3 Policy SP12 states;

*The development of new community facilities in sustainable locations will be encouraged including:*

- Places of worship and church halls, cemeteries, community centres, health centres, day nurseries, clinics and consulting rooms;*
- Museums, public halls, libraries, art galleries, exhibition halls, education and training centres;*
- Cinemas, music and concert halls, theatres, dance and sport halls, swimming baths, skating rinks, gymnasiums;*
- Outdoor and indoor sport and leisure uses including allotments and community/ city gardens.*

*Development that affects existing community facilities should be designed to retain or enhance essential facilities.*

- 7.2.4 Policy CF12 states;

*Proposals that would result in the loss or change of use of buildings currently used for community facilities will only be permitted if:*

- i) *Alternative provision can be made, of at least an equal benefit to the local population; or*
- ii) *It can be demonstrated that the existing provision is surplus to the needs of the community.*

7.2.5 The play area incorporates 90sqm of the existing allotment space, which compared to the remaining area left unimpacted is a minor loss. The allotment itself is under the ownership of the Council so therefore there is a degree of control in terms of the long term impact. For example, should demand spike and the Council as the land owner wish to use reincorporate the 90sqm back into allotment use then it would have the ability to do so (subject to any lease agreements and necessary procedures). The allotment does not appear to be in active use, or at least in high demand. It is therefore considered that the extension of the play area does not adversely affect the essential features of the existing community facility.

### 7.3 Environmental Space

7.3.1 The site forms part of a 2.97ha area allocated as Environmental Space and referred to as 'Rear of St Anne's Crecent' under Policy CE3 of the NLDP 2011-2026 (adopted January 2015). Policy CE3 offers protection to designated spaces and states the following;

*In and adjoining the urban and village areas, and in areas identified for comprehensive development, sites having existing importance for their visual qualities, as wildlife habitats or for recreational or amenity purposes, will be safeguarded as "Environmental Spaces and Corridors".*

*Development in these spaces will be permitted only where:*

- i) *The existing or potential environmental qualities of the site will be improved or complemented;*
- ii) *There is no adverse impact on international, European, national, regional or local nature conservation interest;*
- iii) *There is not a loss, without appropriate replacement, of a recreational, open space, or amenity resource for the immediate locality unless it can be demonstrated that there is an excess of provision or facilities can be enhanced through development of a small part of the site.*

*Proposals to enhance or improve existing environmental space provision will be encouraged where practicable. Additional provision will be sought in areas where a deficit has been identified*

7.3.2 The land directly to the rear of the site, and that has been incorporated as part of the new play area, has historically been used as an allotment, however this does not appear to be in active use at present. The extension of the play area has fenced off a space 90sqm in size. This would ultimately result in a loss of some of the allotment space but would not have an adverse impact on nature conservation interests. Contrary to criterion iii) of the policy the environmental space has not been replaced and an excess of provision has not been demonstrated. However, the allotment appears not to be in active use and extending the play space provides benefit to support the existing use at the social centre. The development is considered to be 'light touch' and would not prevent the future use of the land to be used as allotment again in the future, should it be desired by the Council who are the landowner. Therefore, the extended area which would result in a reduction of only 0.0090ha does not have a detrimental impact on the quality or amenity of the Environmental Space and is acceptable.

### 7.4 Residential Amenity

7.4.1 Each of the three objections received refer to the issue of noise and disturbance. Whilst this is noted, the proposal is for an extension of an existing outdoor play area associated with the nursery use, which would have been a source of noise in any case. Prior to the extension of this area children would have been playing outside and creating noise that is not unusual and associated with an established use of this type. The residential properties at Carlton Road that back onto the adjoining allotment are located to the west and south west of the

play area with some separation and would have experienced noise given the nature of the use. It is understood that a number of trees were removed in late 2021 before the area was later extended and this is stated as removing the buffer between the external area and the rear of the neighbouring properties, which may be the case. However, the previous removal of any trees is not relevant to the application and was undertaken without requiring permission from the Planning Department, as there is no record of these trees being protected. Higher levels of road traffic noise and noise from the tennis courts is cited in the objections, however this is not pertinent to the consideration of the impact of the play area extension.

- 7.4.2 It is understood that the playgroup operates between 09:00 – 18:00 with core hours offered until 15:00 and after school club thereafter. It is therefore expected that any noise generated in the external area will be within reasonable day time hours. Given the external nature of the play area it would not be operational all of the time due to adverse weather conditions and also available light, particularly during winter months. The Head of Environment and Public Protection (Environmental Health – Noise and Neighbourhood) has offered no objection to the proposal.
- 7.4.3 In terms of any other impact on neighbouring amenity such as privacy and overlooking, the extended area is located at a lower ground level than the existing play area and therefore does not give rise to any views towards the neighbouring properties. A small raised platform has been constructed and extends out by 2.7 metres from the existing external patio, however this is surrounded by timber ballustrade and is located approximately 20-25 metres from the nearest residential rear garden boundary. It is considered that this does not give rise to any additional views that would impact on privacy or amenity.
- 7.4.4 On the whole, it is considered that the additional external play space does not result in any material adverse impact on neighbouring residential amenity over and above the existing situation. It is therefore considered that the proposal is compliant with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

## 7.5 Quality of Design

- 7.5.1 The enclosure of the space by timber fence is considered to be acceptable in terms of its design and appearance. The additional features of the play area such as raised/deck platform is of a limited scale and is not obtrusive and public view are fairly limited. Overall there is considered to be no adverse impact on the character and appearance of the area and the design is acceptable.

## 7.6 Parking and Highway Safety

- 7.6.1 Parking in the local area has been raised as a concern in objections. Whilst this is a material planning consideration, in this case the proposal for the retention of an existing play area associated with an existing use at the site. When considered against the Parking Standards SPG (adopted August 2015) the proposal does not generate any additional parking demand and the Head of City Services (Highways) has confirmed this in their response that offers no objection to the proposal. The applicant has also explained that whilst the expansion of the external play area offers children a better outdoor experience (weather permitting), it has not resulted in an increase in the intake with numbers remaining the same. It is therefore considered that the proposal does not result in any increase in parking demand and there is no adverse impact on highway safety. The proposal complies with the aims of Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

## 8. **OTHER CONSIDERATIONS**

### 8.1 ***Crime and Disorder Act 1998***

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

## 8.2 **Equality Act 2010**

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

## 8.3 Having due regard to advancing equality involves:

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

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

## 8.4 The above duties have been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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

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

## 8.7 **Newport's Well-Being Plan 2018-23**

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

## 9. **CONCLUSION**

### 9.1 The change of use of the land to nursery play area and associated operational development is considered to be acceptable and compliant with the aims of the relevant NLDP 2011-2026 (Adopted January 2015) policies.

### 9.2 As such, it is recommended that the application is granted with conditions.

## 10. **RECOMMENDATION**

### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: Proposed Site Plan Rev 02; Annotated Photos 1-6; Floor Plan and Elevations Reason: In the interests of clarity and to ensure the development complies with the submitted plans and documents on which this decision was based.

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: Site Location Plan Rev 01.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, CE3, GP, GP4, GP6 were relevant to the determination of this application.

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

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

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3.

### **APPLICATION DETAILS**

**No:** 22/0656      **Ward:** Pillgwenlly

**Type:** Full Application

**Expiry Date:** 22<sup>nd</sup> February 2023

**Applicant:** *M Rahman*

**Site:** 19 Temple Street Newport NP20 2GJ

**Proposal:** **CHANGE OF USE FROM DWELLING (C3) TO 4 BED HOUSE IN MULTIPLE OCCUPATION (C4)**

**Recommendation:** GRANTED WITH CONDITIONS

#### **1. INTRODUCTION**

- 1.1 The proposal concerns the site of 19 Temple Street, a two storey mid-terrace property, and seeks full planning permission for the change of use of the existing dwelling (C3) to a 4 bedroom House of Multiple Occupancy (C4). No external alterations are proposed to the property.
- 1.2 The application has been amended to remove a bedroom at ground floor level following concerns about the impact of flooding on this resident. The ground floor will comprise of a large living/ dining area, separate kitchen in the rear projection with a ground floor toilet. A bathroom and 4 bedrooms would be located at first floor.
- 1.3 The application is brought to the Planning Committee for consideration at the request of Cllr Saeed.

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

None.

#### **3. POLICY CONTEXT**

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

- Policy SP1 – Sustainability
- Policy GP2 – General Amenity
- Policy GP4 – Highways and Accessibility
- Policy GP6 – Quality of Design
- Policy GP7 – Environmental Protection and Public Health
- Policy H8 – Self Contained Accommodation and Houses in Multiple Occupation
- Policy T4 – Parking
- Policy W3 – Provision for Waste Management Facilities in Development

##### **3.2 Relevant Adopted SPG's**

- Housing in Multiple Occupation
- Parking Standards

#### **4. CONSULTATIONS**

- 4.1 Gwent Police: No response received to date.
- 4.2 Natural Resources Wales: Recognising the particular nature of this proposed development, we have no objection to the proposals

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

- 5.1 Head of City Services (Highways): No objection.

5.2 Head of Environment & Public Protection (Public Protection): No objection.

## **6. REPRESENTATIONS**

### **6.1 NEIGHBOURS:**

All properties within 50m of the application site were consulted (108 properties).

6.1.1 38 x objections have been received in response to the application and have been summarised below:

- Area not suitable for a HMO due to proximity to elderly, families and school.
- Adverse impact on community.
- Too many HMO's in the area.
- Flytipping and unsocial behaviour.
- Lack of parking.
- Nursery close by.
- Greater need for houses for families.

### **6.2 COUNCILLORS:**

6.2.1 Cllr Saeed Adan: Residents have raised concerns regarding as follows:

1. Lack of parking spaces
2. Overconcentration of HMOs in the area
3. Fear of increase in Crime/Antisocial behaviour/noise nuisance

I would like this application called to the planning committee for the reasons above please.

6.2.2 Cllr Debbie Jenkins: I would like to raise the points that have come to my attention that need to be taken into account when making this decision, parking, fly tipping, antisocial behaviour, crime figures.

## **7. ASSESSMENT**

### **7.1 Principle of Development**

7.1.1 The application site is located within a settlement boundary as designated by the maps contained within the Newport City Local Development Plan 2011 – 2026 (Adopted January 2015). Therefore, the application site benefits from the principle of development in accordance with Policy SP1.

### **7.2 Houses in Multiple Occupation**

7.2.1 Policy H8 states a HMO will only be permitted if:

i) 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;

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

iii) adequate noise insulation is provided;

iv) adequate amenity for future occupiers.

7.2.2 The proposed development would seek to create a 4no. bed HMO for four unrelated individuals. The number of people proposed to use the HMO is considered to not represent a more intensive use of the building when considering that the dwelling could be currently used to house the same number of people (or more) – although it is acknowledged that these would be people forming a family unit.

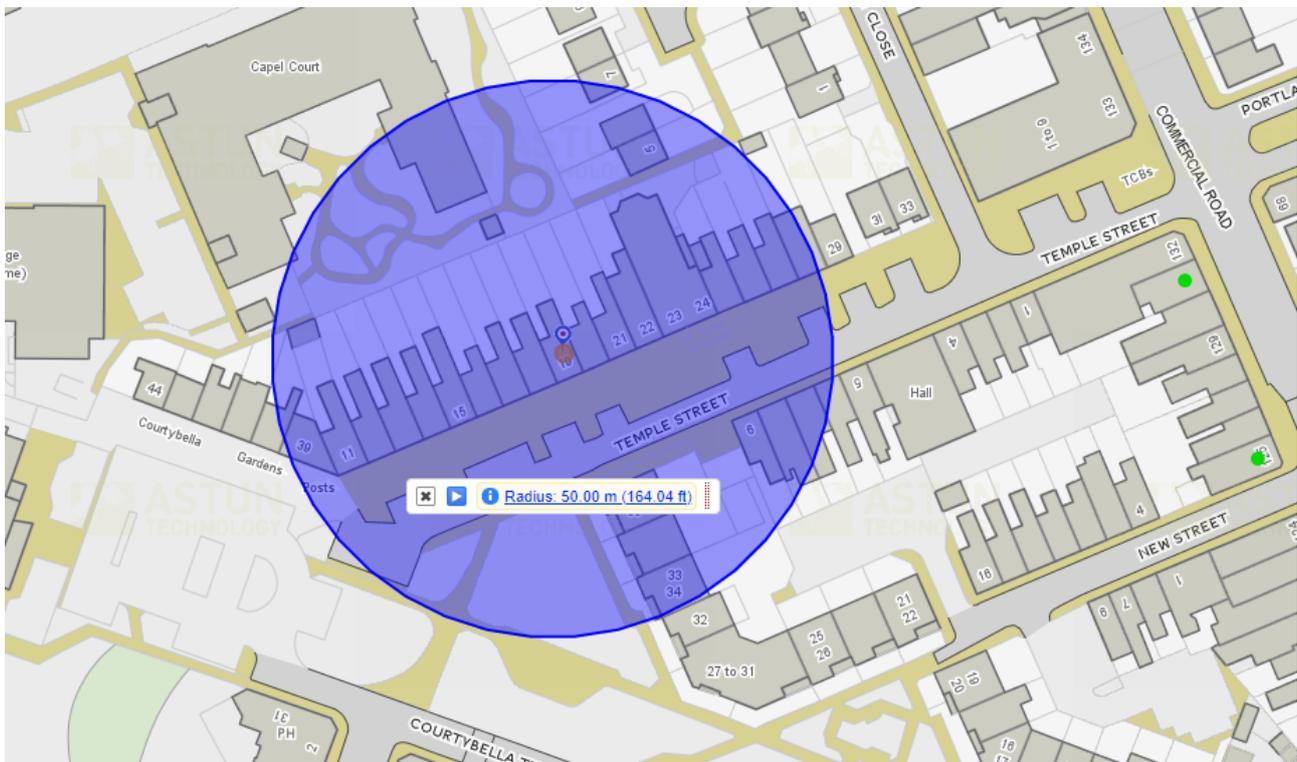
7.2.3 The proposed living room and kitchen/dining area are continued to be located on the ground floor of the building. Therefore, the internal arrangement of the rooms would not result in an

adverse impact on the amenity of neighbouring properties as these areas would not be located adjacent a neighbouring bedroom.

7.2.4 The long rear amenity space serving the existing property is retained for the use of the future occupants, in line with the guidance as set out within the Houses in Multiple Occupants SPG document. Furthermore, this area is proposed to be facilitated with a dedicated area for the storage of bicycles and waste. The area is considered to be sufficient for the proposed use even with waste and bicycle storage.

7.2.5 The third party comments received relate to the behaviour and/or personal histories of any future occupants. However, as set out within the Houses in Multiple Occupancy SPG paragraph 5.5.2, the consideration of such applications are limited to material planning considerations and will not consider the circumstances or likely behaviour of prospective residents. However, the Council does acknowledge that, where there is a significant concentration of HMO's in an area, this can lead to an adverse impact on the character and appearance of the local area. Therefore, the Council seeks to control the number of HMO's in any particular area in order to retain a sense of community.

7.2.6 The application site is located within the HMO Threshold area; therefore, within a 50m radius of the application site, the threshold for HMO properties is 15%. Where the number of HMO's breaches this percentage, this is the point considered where the proposal would have an adverse impact on the local community. In *Figure 1* below, this shows the number of HMO properties within a 50m radius of the application site. As can be seen in *Figure 1*, there are no HMO properties within a 50m radius of the application site. There are 23 properties that include the full front elevation included within the 50m radius; as a percentage the proposed 1no. HMO would represent 4.34% of those 23 properties. Therefore, the proposed use of the dwelling as HMO would not breach the 15% threshold and is considered acceptable. The proposal is considered to be in accordance with Policy H8.



*Figure 1: Extract from GIS mapping system showing the number of HMO properties within 50m of the application site.*

### 7.3 Design

7.3.1 The proposed development does not consist any external changes to the elevations of the host dwelling. The proposal does include the provision of a covered bicycle storage area to the rear garden. The scale and position of the bicycle storage is subservient and would not

lead to any adverse impact with regard to the levels of daylight, sunlight or overshadowing of neighbouring properties. The proposal is considered to be in accordance with Policy GP6.

#### 7.4 Amenity

7.4.1 As set out above, there are no extensions proposed to the host dwelling, therefore, the proposal would not effect the levels of daylight, sunlight and overshadowing currently experienced by neighbouring properties. No objection has been received from the Environmental Health Officer to the application and internally, there are no changes to the rooms at ground floor or first floor in the main part of the dwelling. The living space at ground floor remains the same and the bedrooms at first floor remain the same. One additional bedroom has been created in the rear projection but this does not adjoin a party wall. The stairs within the property remain internal and do not adjoin a party wall. It is therefore considered that soundproofing measures would not be required but would be adequately controlled via separate legislation in any event.

7.4.2 In terms of internal space standards these are controlled via the HMO licensing requirements. The minimum bedroom size for one person accommodation within a shared house is 6.51m<sup>2</sup>. All bedrooms would exceed this minimum standard. Also, under the HMO licensing requirements kitchens to serve up to 5 persons shall be a minimum of 7m<sup>2</sup> and living rooms shall be 10m<sup>2</sup>. The kitchen and living room serving the proposed use also exceeds the minimum requirements measuring 11.24m<sup>2</sup> and 23.81m<sup>2</sup> respectively. A condition would be added to ensure the property is only used by 4 occupants.

7.4.3 The proposal is in accordance with Policy GP2 and GP7.

#### 7.5 Highways and Parking

7.5.1 The proposal would not result in any alterations to the road network or accesses to the highway. Therefore, the proposal is considered to preserve the safety and efficiency of the highway network in accordance with Policy GP4.

7.5.2 The Parking SPG sets out the existing residential unit has a parking demand of 3no. parking spaces. The proposed use would result in a parking demand of 4no. parking spaces. Due to the physical constraints of the site, it is not possible for any parking to be facilitated within the curtilage of the site. It is noted that unrestricted communal parking is located forward of the principal elevation serving surrounding properties. The application site is located close to a district centre, bus stops, supermarket, chemist, a hospital and a school in a very sustainable location.

7.5.3 The application is supported by a parking survey which has been carried out in accordance with an appropriate methodology. This parking survey sets out that there is provision for the additional parking demand of 2no. spaces. The parking survey has been reviewed and there has been no objection from the Highways Officer. Therefore, it is considered that there is sufficient available on street parking to serve the marginal increased demand in accordance with Policy T4.

#### 7.6 Flooding

7.6.1 Technical Advice Note 15 sets out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone C), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas.

7.6.2 The key points of TAN15 are:

- The Council is expected to consult Natural Resources Wales (NRW) when considering development in Zone C1. Where a planning authority is minded to go against the advice of NRW it should inform NRW prior to granting consent allowing sufficient time for representations to be made;

- Residential development is defined as 'highly vulnerable development' which is 'development where the ability of occupants to decide on whether they wish to accept the risks to life and property associated with flooding, or be able to manage the consequences of such a risk, is limited'.

- The TAN states 'it would certainly not be sensible for people to live in areas subject to flooding where timely flood warnings cannot be provided and where safe access/egress cannot be achieved'.

- There should be minimal risk to life, disruption and damage to property.

7.6.3 The application site is located within Flood Zone B of the Development Advice Maps (DAM); these are areas known to have flooded in the past. The Flood Map for Planning (FMfP) represents the most up to date data with regard to flood risk and as set out within the circular letter dated 15<sup>th</sup> December 2021 from the Chief Planner, the FMfP should be considered as a material consideration. As such, the FMfP shows that the application site is located within Flood Zone 3; this means the site has a 1 in 100 chance of flooding from rivers in any given year and 1 in 200 chance of flooding from the sea in any given year.

7.6.4 The proposal initially sought to provide a bedroom at ground floor, however due to the conclusions of the submitted Flood Consequences Assessment the scheme was amended and the ground floor bedroom removed. The proposal now only includes 4no. bedrooms at first floor only. The amended scheme received no objection from NRW on this basis. As noted above, a condition would be attached limiting the number of occupiers and would state that no residents shall reside at ground floor level.

7.6.5 NRW advise that they have no objections to the proposal, however confirm that the Local Planning Authority should be satisfied that the proposal is acceptable in terms of flood risk, particularly with regard to whether the proposed communal/landing area is fit for purpose as emergency refuge.

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

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

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

#### 7.6.8 **Test 1 – Location**

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

The property already benefits from an existing residential use, conversion to a HMO will sustain this use and therefore the existing settlement.

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

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

The development meets the definition.

#### 7.6.11 **Tests 2 to 12 – Consequences of Flooding**

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

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

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

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

The flood resilience and resistance methods to be incorporated into the site include sealant around external doors and windows, all external doors and windows to be constructed of hard wearing materials and flood seals, and all electrical wiring, switches, socket outlets etc be located a minimum of 450mm above the finished floor level.

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

The applicant is aware of the flooding risk and consequences and future occupants would be made aware of the risk of flooding. There is a communal hallway at first floor with a total area of 9.86sqm which would be sufficient space to accommodate temporary refuge. The FCA confirms that a flood evacuation procedure will be in place and that future occupants should sign up to the NRW Flood Warning Service.

#### 7.6.15 ***Test 5 - Effective flood warnings are provided at the site***

The applicant has confirmed that they will sign up to NRW's flood warning system.

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

The applicant has not demonstrated that an evacuation route will be operational under all conditions as the maximum flood depth, velocity and rate of rise both within and surrounding the site have not been confirmed within the submitted information.

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

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

#### 7.6.18 ***The local planning authority does not have the in-house expertise to judge the effectiveness of the emergency plan. Planning Officers are therefore not in a position to comment upon the***

effectiveness of the flood emergency management arrangements document is acceptable and effective. These procedures would be the responsibility of the developer.

**7.6.19 Test 8 - The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters.**

And,

**Test 9 - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.**

The application site is situated within a terrace of properties and being a conversion there are limitations as to what can be designed to minimise structural damage, Measures are to be incorporated into the site as outlined in section 7.6.13 of this report. Notwithstanding this, it is not considered that the development has been designed to allow the occupiers to rapidly move goods and possessions to an area away from floodwaters as there is not sufficient space available on the first floor to facilitate this as this area is allocated for refuge when flooding events occur.

**7.6.20 Test 10 - No flooding elsewhere.**

NRW do not object to the development on this basis.

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

It has not been demonstrated that the proposed development is compliant with A1.14 of TAN15. However, there would be no change in the vulnerability of the existing and proposed development.

**7.6.22 Test 12 – In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.15m/second in properties and the maximum rate of rise of floodwater would not exceed 0.1m/hour.**

As confirmed in the consultation response from NRW, although the flood depth of 690mm is contrary to the guidance with TAN15, as the proposal would not alter the vulnerability and would remain as a form of highly vulnerable development this is considered as acceptable.

**7.6.23 Conclusion – Flooding**

7.6.24 The proposal has not demonstrated that the scheme satisfies all of the tests as set out within TAN15. However as the communal landing area at first floor would provide refuge to future occupants and the proposed use would continue a highly vulnerable use, NRW have raised no objection to the scheme. It is therefore considered that, on balance, the proposal complies with the aims of Policy SP3 and GP2 of the NLDP 2011-2026 (adopted January 2015).

**7.7 Waste**

7.7.1 The proposal includes a separate area in the rear garden to serve as the general refuse and recycling area to serve the property. It is noted the third party concerns highlight an issue within rubbish in the area. However, the scope of the proposal can only consider that proposed under the current scheme and to ensure that there is onsite provision to suitably store general refuse and recycling. The area is served by the Local Authorities refuse collection service for kerbside collections. Therefore, the provision of the dedicated general refuse and recycling and kerbside collection is considered to fulfil the requirements of Policy W3 to ensure that all developments manage waste in the correct manner.

## 7.8 Neighbour representations

7.8.1 The key issues raised by residents have been addressed above.

7.8.2 Whilst residents have stated the proposal is not suitable for a HMO due to the proximity of elderly, families or a school, no evidence has been submitted as to why a residential use in a predominantly residential area is unacceptable. Similarly, there's no evidence that the proposed use would result in fly-tipping or crime and anti-social behaviour. As noted above, there is not a significant concentration of HMOs within the identified radius.

## 7.9 Crime

7.9.1 The application site is located within the Lower Layer Super Output Area (LSOA) W01001659; the total amount of crimes recorded in this area between December 2021 and November 2022 were 370. The average number of recorded crimes in Newport across all Newport LSOA's was 205.92 for the same period. The LSOA applicable to this application site is ranked 10<sup>th</sup> in the crime rankings for Newport. However, currently there are no HMO properties within 50m of the application site. As the proposal would not breach the 15% threshold for HMO properties, it is considered that based on the evidence base forming the HMO SPG document, as the saturation point has not been reached, the proposal would not result in an adverse impact on social cohesion or significantly impact the levels of crime already experienced in the area.

## 8. **OTHER CONSIDERATIONS**

### 8.1 ***Crime and Disorder Act 1998***

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

### 8.2 ***Equality Act 2010***

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

8.3 Having due regard to advancing equality involves:

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

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

8.4 The above duties have been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

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

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this

application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

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

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

### 9. **CONCLUSION**

9.1 The proposed development is considered to be in accordance with the relevant policies contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). It is considered that the proposal would not harm the character of the area, residential amenity, or parking and there would not be an over-concentration of HMOs in the area.

9.2 It is recommended that planning permission is granted with conditions.

### 10. **RECOMMENDATION**

#### **GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents:

- Proposed Bicycle Store (Drawing ref: TS04)
- Proposed Elevations (Drawing ref: TS03-Rev A)
- Existing Elevations (Drawing ref: TS02-Rev A)
- Existing and Proposed Plans (Drawing ref: TS01- Rev A)
- Site Location Plan (Received: 06/07/2022)

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

#### ***Pre –occupation conditions***

02 Prior to the first occupation of the development hereby approved, the bicycle storage and waste storage area shall be laid out in accordance with the approved drawing Proposed Bicycle Store (Drawing ref: TS04) and Existing and Proposed Plans (Drawing ref: TS01-Rev A) and shall thereafter be retained for the lifetime of the development to serve the needs of the occupants.

REASON: In the interests of providing sufficient levels of bicycle parking and waste storage provision in accordance with Policies T4 and W3 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

03 The property shall have a maximum of four bedrooms and a maximum of four occupants in total and no bedroom accommodation shall be provided on the ground floor at any time.

Reason: To protect the amenity of adjoining occupiers and in the interests of highway safety, in accordance with policies GP2 and GP4.

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

01 This decision relates to plan Nos: Proposed Bicycle Store (Drawing ref: TS04), Proposed Elevations (Drawing ref: TS03-Rev A), Existing Elevations (Drawing ref: TS02-Rev A), Existing and Proposed Plans (Drawing ref: TS01- Rev A), Site Location Plan (Received: 06/07/2022).

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

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

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