

# Report

## Planning Committee – Hybrid Meeting

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### Part 1

Date: 6<sup>th</sup> March 2024

**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 12 February 2024  
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 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:** 24/0007      **Ward:** Victoria  
**Type:** Full  
**Expiry Date:** 8<sup>th</sup> March 2024  
**Applicant:** J Bowen  
**Site:** 11 Jackson Place Newport NP19 8FR  
**Proposal:** **CHANGE OF USE FROM A 4 BEDROOM DWELLING (C3 USE) TO A 5 BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4 USE) AND ERECTION OF REAR DORMER. (RESUBMISSION OF PLANNING REFERENCE: 23/1020)**

**Recommendation:** GRANTED WITH CONDITIONS

**1. INTRODUCTION**

- 1.1 This application seeks planning permission for the change of use of a dwellinghouse (C3 Use Class) to a 5no. bedroom House in Multiple Occupation (HMO) (C4 Use Class) at 11 Jackson Place in the Victoria ward.
- 1.2 The application is a resubmission of the recently refused 23/1020 application for the change of use to a 6no. bedroom HMO with erection of rear dormer and two rooflights, which was refused planning permission in December 2023 for the following reason;  
  
*The proposal, owing to its reliance on rooflights serving Bedroom 5, would result in an unacceptable provision of residential amenity for the future occupier. This is contrary to Policy GP2 and H8 of the Newport Local Development Plan 2011-2026 (adopted January 2015).*
- 1.3 A HMO is a house occupied by people who are usually unrelated and have private bedrooms but shared facilities such as kitchens, living areas and bathrooms. The proposed 5no. bedroom HMO falls into the C4 Use Class which allows between 3 and 6no. unrelated occupants to reside and share amenities.
- 1.4 The application is reported to Planning Committee at the request of Councillors Hussain and Horton.

**2. RELEVANT SITE HISTORY**

23/1020	<b>CHANGE OF USE FROM A 4 BEDROOM DWELLING (C3 USE) TO A 6 BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4 USE) AND ERECTION OF REAR DORMER AND INSTALLATION OF TWO ROOFLIGHTS IN FRONT PLANE OF ROOF</b>	<b>REFUSED</b>
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**3. POLICY CONTEXT**

3.1 **The Newport Local Development Plan (NLDP) 2011-2026 (Adopted January 2015)**

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

*Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out*

*crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.*

*Policy GP4 'General Development Principles – Highways and Accessibility' states that development proposals should make adequate provision for car parking and ensure that development would not be detrimental to highway or pedestrian safety.*

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

*Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.*

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

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

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

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

### **Relevant Supplementary Planning Guidance**

Parking Standards SPG (Adopted August 2015)

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

House Extensions and Domestic Outbuildings SPG (Updated January 2020)

Sustainable Travel SPG (July 2020).

## **4. CONSULTATIONS**

- 4.1 GWENT POLICE: The fundamental security recommendations through the guidance and advice from Secured by Design (SBD) predominantly remain the same for all multi-use/occupant properties. These recommendations can change however on location, crime statistics, and property use. The aim of the advice is to provide bespoke and specific information that will make a safe and secure environment for the occupant using products that are fit for purpose for the demands of the building(s).

The below links provide data in relation to incidents at Jackson Place between Jan23 – Dec23.

**Jackson Place** - Based on the information recorded on Police.uk and specifically Jackson Place [Victoria | Police.uk \(www.police.uk\)](https://www.police.uk) I have identified that at present Jackson Place is a low demand location with a total of 10 incidents recorded in the last year (Jan 23-Dec 23).

From exploring this data the incidents are sporadic and spread out over the year. There are 4 months with no recorded incidents for the area. The incident types are not linked or of the same type indicating there is no defined pattern or trend in these low incident numbers.

Now that clarity has been confirmed regarding the use of the HMO I have made the below recommendations around physical security for the proposed developments (Jackson Place). At this stage no additional security needs, other than the below physical recommendations, are required at this time.

**External Door** – At minimum I would recommend the use of a certified security rated LPS 1175 doorset that is also both fire and smoke rated. This is a higher security rated doorset than the standard PAS 24 doorset. The reason for the increased rating is due to the access to numerous individual flats and the demand and usage of the door. As this will be the main entrance for potentially 5 + flats the demand on the door is increased from a normal singular dwelling doorset.

**Internal Doors (Flat entrance)** – At minimum I would recommend the use of a PAS 24:2016\* security door that is also both fire and smoke rated. I would also recommend the installation of a door viewer (spy hole) to specification TS002. This allow improved access control and security for the residents within.

\* PAS 24:2016 has been withdrawn by the British Standards Institute and replaced by PAS 24:2022, however PAS 24:2016 will continue to be an acceptable route to compliance until 31st December 2024.

**Windows** – At minimum I recommend that all windows are PAS 24:2016\*.

\* PAS 24:2016 has been withdrawn by the British Standards Institute and replaced by PAS 24:2022, however PAS 24:2016 will continue to be an acceptable route to compliance until 31st December 2024.

**Front boundaries** - It is important that the boundary between public and private areas is clearly indicated. For the majority of house developments, it will be desirable for dwelling frontages to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination of wall (maximum height 1 metre) and railings or timber picket fence.

**Garden Access** - Gates giving access to rear gardens should be positioned as close to the front of the property as possible and needs to be lockable and be operable by key from both sides of the gate.

**Access Control** - As both properties are planned to be above 5 dwellings SBD recommend the use of an access control system. A communal entrance doorset that serves 5 to 10 dwellings (inclusive), is required to have a visitor door entry system and an access control system to enable management oversight of the security of the building and not a 'meet and greet' system. Tradesperson or timed-release mechanisms are not permitted as they have been proven to be the cause of anti-social behaviour and unlawful access to communal developments.

**Perimeter** – As previously stated it is recommended that any front boundary fencing/wall etc is kept to 1.2 meters allowing for clear lines of sight into and out of the property. The remaining perimeter is recommend to be set at 1.8 meters. For these properties it does not require it to be security rated but it is recommended it is of a strong a robust construction, ideally of vertical panels in a hit and miss placement. This prevents and reduces the ability to climb and gain access to the rear of the property.

**Lighting** – PIR (Lighting that is activated via a sensor) is not recommended as its activation does not always result in an alert or action. It is recommend that dusk till dawn lighting is installed to provide a constant lit area to assist in potentially deterring, delaying and detecting offenders.

Further information, guidance, and specification levels can be found through the SBD HOMES guide - [HOMES\\_GUIDE\\_2024\\_v2.pdf \(securedbydesign.com\)](#)

## **5. INTERNAL COUNCIL ADVICE**

### **5.1 THE HEAD OF INFRASTRUCTURE (HIGHWAYS):**

#### **Highway Recommendation:**

No objection subject to conditions.

#### **Highway Comments:**

As per Highways' previous comments there are no objections in principle. The cycle parking provision is however poor and requires improvement. We therefore request a condition to address the matter.

#### **Suggested condition:**

No development shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council. Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport

### **5.2 THE HEAD OF INFRASTRUCTURE (WASTE):** We would anticipate the property receive a single 180l bin for kerbside collection with recycling bags, boxes for kerbside collection also with one council tax paid on the property as a whole.

From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse Department collection vehicles safely. Failure to purchase correct bin(s) will result in collections being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

### **5.3 THE HEAD OF ENVIRONMENT AND PUBLIC HEALTH (ENV. HEALTH):** I confirm I have no objections to the proposal.

However, as the proposed development is for five or more residents, I understand this changes the purpose group for which the building was intended. Therefore, please ensure that the Council Building Control Department are consulted to ensure there is adequate sound insulation in the building to minimise structural and airborne noise, in accordance with Approved Document E. I have not commented as I assume that Building Control will ensure that the Building Regulations, Approved Document E is applied.

Also there is a lack of information regarding the waste storage and recycling facilities that will be provided to the proposed residential accommodation. Therefore, either additional information is required or the following condition is recommended:

#### **Waste storage and Recycling**

Prior to first beneficial use, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected

5.4 THE HEAD OF ENVIRONMENT AND PUBLIC HEALTH (HMO LICENSING): No response.

5.5 THE HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT (PLANNING CONTRIBUTIONS): The proposal represents a net nil gain of dwellings. As such, no s106 obligations are requested.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (94no. properties) and a site notice displayed. 80no. of objections have been received (which include multiple objections from a number of properties) and a petition has been submitted signed by 114no. residents from various addresses across Newport. The key issues and objections have been summarised below;

- The resultant increase in parking demand on street within the surrounding area, which is stated as already being at high capacity and the impact that this further increase will cause on highway safety, accessibility and amenity;
- Concerns regarding the format and methodology of the submitted parking survey along with inaccuracies and inconsistencies contained within it;
- Adverse impact on social cohesion and the quiet residential character of the area as a result of an additional HMO within an area whereby there are a high number of other HMOs and temporary housing/accommodation;
- Concerns that HMOs in the area require 24 hour security guards due to issues with residents at these properties and that this will be replicated at this property, adding to concerns surrounding impact on social cohesion;
- Concerns that 15% HMO threshold has now been exceeded;
- Objections to the methodology of calculating HMO concentration using the 50m radius test;
- Anti-social behaviour and crime, with reference to a previous HMO on this street whereby police were involved on multiple occasions and the property ended up being served a closure notice;
- Issues arising from HMOs in relation to anti-social behaviour, disorder and crime;
- Design and appearance of proposed dormer;
- Impact on privacy/overlooking from proposed dormer;
- Accuracy of plans i.e. being a three bedroom house and not a four bedroom as shown;
- Increased waste generation and storage issues;
- Increased noise generation, comings and goings due to intensification of the property and associated disturbance that brings;

Many other matters such as property value and status of future residents have been raised. However, the above summary only includes matters that are classed as material planning considerations. Any other matter cannot be considered and has therefore not been listed.

6.2 COUNCILLORS HUSSAIN AND HORTON: Both Councillors object to the application, citing issues around parking and highway safety, impact on character of the area to due proximity to existing HMOs

## **7. ASSESSMENT**

### **7.1 Introduction**

7.1.1 The application site is a mid terrace property set over three stories with a small enclosed frontage within a residential cul de sac located off Albert Avenue and with a private enclosed rear garden. No off street parking is provided. At the lower ground level the existing plans show a kitchen and dining area with external access to the rear garden, at ground floor the plans show a lounge and bedroom and at first floor 3no. bedrooms and a bathroom. In responses received, a number of local objections refer to the existing property actually having

3no. bedrooms as opposed to the stated 4no. bedrooms on the floor plans. At the time of visiting the property rooms had been stripped and internal renovation works were underway, and it was not possible to confirm this. The online sales particulars from October 2023 include an existing floor plan of the property which shows 3no. bedrooms, with the ground floor room stated as being a 'bedroom' shown as a 'living room', with a photograph to demonstrate. Whether the existing property is 3 or 4 bedroom is largely academic. It does not alter the fact that the fall back position is a single dwellinghouse capable of occupation by a family and the parking demand for the lawful use as per the Council's adopted parking guidance is 3 spaces.

7.1.2 The proposed layout includes a lower ground floor of an open plan kitchen and lounge with understairs cycle storage and a storage cupboard, a ground floor layout of 2no. ensuite bedrooms with hallway cycle storage, a first floor layout of 2no. ensuite bedrooms with communal store and a fifth ensuite bedroom provided through a flat roof dormer extension. This would measure 5.10 metres wide by 2.30 metres in height and would contain 2no. windows. The proposal also includes 1no. bird nesting box and 1no. bast box. Refuse storage is shown to be provided through a timber framed store within the front forecourt.

## 7.2 Impact on Character, Appearance and Residential Amenity

7.2.1 Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) states; 'within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation will only be permitted if:

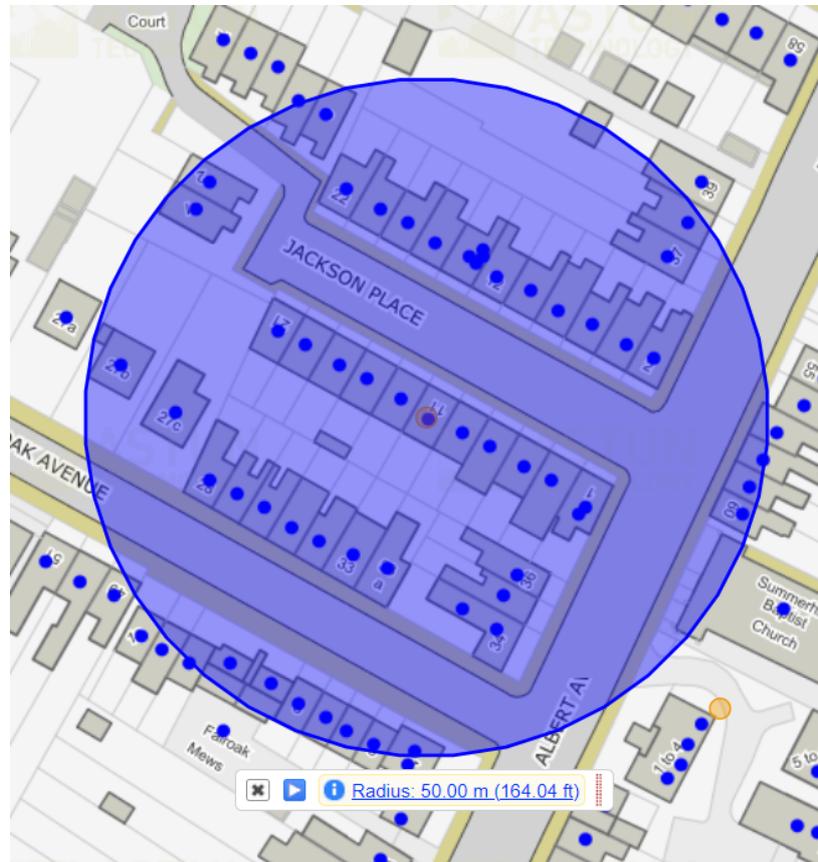
- i) the scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems;
- ii) the proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock;
- iii) adequate noise insulation is provided;
- iv) adequate amenity for future occupiers.'

7.2.2 The application has resulted in significant concern from both members of the public and local councillors in relation to the adverse impact that the proposed HMO would have on the character, appearance and social cohesion of Jackson Place, which is described by residents as being a 'quiet cul-de-sac', and the wider local area. Reference has been made in many objections to anti-social behaviour and disorder, as well as several objections referring to incidents previously occurring at Jackson Place at another property that was previously a HMO.

7.2.3 Planning history has been reviewed for Jackson Place and no records have been found for another HMO being granted planning permission. The HMO Licensing Department have also been contacted and the only record of a HMO being licensed was at 14 Jackson Place between June 2007 and October 2012. It is unclear whether this is the property being referred to by residents. It is possible that there was a property being used as a HMO that was unlicensed or there was another property in the street being used in a manner similar to a HMO by multiple unrelated individuals that also did not have planning permission. It is possible that this contributed to the issues raised by residents but in this particular case planning permission is being applied for and a license is required. In any case, it is understood that the property referred to by objectors is no longer being used in an anti-social manner and is currently in use as a single dwellinghouse that no longer contributes to such concerns. Notwithstanding, the objections raised have been considered and officer assessment set out below.

7.2.4 It cannot be assumed that all HMOs result in issues surrounding anti-social behaviour and disorder or an alteration to the character of an existing area and it is important to therefore consider the context of the surrounding area when making a case by case assessment for HMO proposals. The SPG states that 'clusters of HMOs can alter the composition of a community and detract from local visual amenity. The guidance introduces a threshold above which HMOs are considered to detract from the character of the area. In general, the Council will not support a planning application that would take the number of HMOs, considered as a proportion of the local housing stock, above a specified limit. In "defined areas" this limit is

15%, in other areas, 10%. This site is located within the 15% threshold area. When taking a 50m radius from the address point of the application site, the full front elevations of 51no. properties are captured. (NB as per the SPG any properties converted into flats counts as one property for the purposes of the test). There are no existing registered HMOs within the 50m radius, so 0% of the housing stock. Therefore, if the application were to proceed, the 1no. HMO would constitute 1.96% of the selected housing stock and is significantly below the 15% threshold.



**Figure 1 – HMO 50m Threshold Test**

- 7.2.5 The proposal would introduce the only HMO in Jackson Place and the wider area within the 50m radius. This method has been questioned in a neighbour objection, stating that a large portion of the 50m area is highway and that the other HMOs that are nearby (but outside of the 50m) should be given consideration. It is acknowledged that there are other HMOs in the wider area, however for the purpose of the threshold test the 50m is set in adopted supplementary planning guidance and is given substantial weight. Paragraph 5.5.6 of the HMO SPG confirms that properties outside of the 50m radius will only be included whereby the radius does not capture 10no. properties. In this instance the 50m radius captures the full front elevations of 51no. properties and the parameters of the test are complied with.
- 7.2.6 Objections from neighbours have also raised concerns in relation to properties within the nearby area that have security guards and provide accommodation to a specific category of persons. There is concern from residents that using the proposed HMO in this way could result in a harm on the social cohesion and character of the street, give rise to issues of antisocial behaviour and/or criminal activity and cause a general disturbance to the existing residential cul-de-sac. This use described by residents in their responses is not a HMO. The applicant is not applying for such a use that would allow security guards or accommodation for a specific category of person and such a use would require planning permission in its own right, and is not a HMO. The application must be assessed for the proposed use as a HMO. Notwithstanding the above concerns the properties cited by residents are located outside of the 50m radius in any case.
- 7.2.7 Turning to qualitative consideration, it is apparent that Jackson Place is a pleasant cul-de-sac where properties are generally in a good condition and are looked after and there is no

evidence of fly tipping or collection of waste that may result in an adverse visual impact or indicate signs of a lack of social cohesion. It is apparent from the neighbour objections that there is strong concern from residents that the introduction of a HMO would alter that existing character and cohesion of the street, particularly given apparent previous issues. It is acknowledged that if the correct provisions are not put in place e.g. sufficient space for refuse storage, and it is not managed correctly then a shared property could result in social or environmental issues. This does in large part relate to the characteristics of the occupants themselves rather than the use. The characteristics of occupants is not a planning issue. Planning is concerned with the use itself and a HMO cannot automatically be equated to a focal point of anti social behaviour and crime as there is no evidence to support this. A HMO License will be required separately and is also outside the regulatory remit of the Planning Authority. In this instance, whilst acknowledging the concerns of local residents and their objections, having reviewed the available evidence against the policy, there are no grounds to suggest that the proposed HMO would cause an adverse impact on social cohesion, the surrounding character and appearance or neighbouring residential amenity.

- 7.2.8 Gwent Police have responded to the consultation request and have not provided an objection to the application.

Guidance and advice has been given to the applicant by Gwent Police in relation to Secured by Design and should the applicant wish to review this then more information can be found in the consultation response. However, this is guidance only and is not a material consideration for this planning application assessment. Gwent Police have however confirmed that no additional security measures are required for this type of development.

- 7.2.9 In addition to the above, it should be noted that the Inspector made the following comments in respect of a recent appeal ref: CAS-02221-T4B3P5 at 287 Caerleon Road, Newport.

*The proposal involves a residential use within a residential area and is therefore compatible. Whilst concerns have been raised in terms of increased littering, noise and disturbance in the area, no convincing evidence has been put before me to suggest that the intensification of the use of the property as a HMO would have a harmful effect on the living conditions of the occupiers of adjoining dwellings. Indeed, the figures put forward within the Officer's committee report clearly indicate that the thresholds set out within the Council's SPG would not be exceeded as a result of the appeal proposal. I conclude therefore that any additional activity and noise generated by the appeal proposal would not be significant within a busy context.*

*Concerns have also been raised regarding the overdevelopment of the property and the standard of the accommodation in terms of the space provided. I note that the Council raises no objection in this regard and I find no reason to reach a different view, mindful that matters of safety and hygiene are adequately covered by other legislation.*

*Some local residents have raised concerns which appear to be based on unfounded assumptions regarding crime and the anti-social behaviour of future occupants of the development. However, there is no firm evidence, for example from Police records, that if there have been any such occurrences in the locality, they are attributable to occupants of the property or others in the street.*

*Notwithstanding this, the HMO use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses. For these reasons, I do not consider that the HMO use would change the character of the neighbourhood.*

- 7.2.10 Firstly, it is acknowledged that the context of Caerleon Road appeal site and Jackson Place are different, with the former being a busy main road. Any additional activity and noise is likely to have more of an impact at the application site given the fact it is a residential cul-de-sac. However the comments of the Inspector in relation to the lack of convincing evidence are considered pertinent. There is no reason to suggest that a HMO, if managed correctly (which is a licensing matter), should result in a demonstrable adverse impact on neighbouring amenity. Having considered all available information, it is considered that it would not be a robust decision to refuse planning permission on these grounds.

- 7.2.11 In terms of neighbouring relationships and the intensification of the use of the existing property it is not considered that the change from a three or four bedroom dwelling to a five bedroom HMO would result in a significant enough change in the character of the property to result in any demonstrable harm to neighbouring amenity.
- 7.2.12 The House in Multiple Occupation (HMO) Supplementary Planning Guidance (SPG) states 'HMO's should provide outdoor amenity space in which residents can relax, dry their clothes and store refuse and recycling bins. Shared amenity spaces will be acceptable so long as they can accommodate every resident of the properties they serve.' The plans submitted with the application show that the property would benefit from an outdoor amenity area to the rear of the property that will be accessible for residents, and measures 40sqm which is considered to be an adequate size for the number of occupants proposed. Having visited the site this rear garden is relatively flat and useable and is enclosed by close board fencing, offering security and privacy to residents and adjoining neighbours. To the front there is a small forecourt where it is proposed refuse can be stored, which is consistent with the other properties in Jackson Place. The adequacy of this refuse provision will be considered later in this report.
- 7.2.13 The HMO standards state that a single bedroom should be at least 6.51m<sup>2</sup>, shared kitchens and living rooms for up to 5 persons should be 7m<sup>2</sup> and 10m<sup>2</sup> respectively. All bedrooms exceed this standard and the kitchen and lounge is a shared area of 26.52m<sup>2</sup> and is acceptable. As mentioned, the external garden is considered to be adequate for the development proposed.
- 7.2.14 The recent 23/1020 application was refused on grounds of a bedroom in the attic space not providing sufficient amenity due to the reliance on rooflights serving that primary living space for the resident. This application has now omitted that sixth bedroom and the rooflights have been removed from the plans also. Therefore, it is considered that this issue has been resolved. In terms of the other bedrooms, they would all meet or exceed minimum sizes for licensing purposes, would have ensuite facility and sufficient window opening(s) to provide an adequate level of outlook, natural light and ventilation for future occupiers. The proposed 5no. bedrooms given the size of the property and external amenity area which is enclosed is not considered to give rise to any unacceptable impact on neighbouring amenity over and above the existing lawful use of the property as a dwelling house.
- 7.2.15 In order to ensure that the property provides adequate amenity for the future occupiers, a condition recommending that the maximum number of occupiers is five has been included within the conditional regime. This is to ensure that the property is not occupied by any more people which might result in a different or unacceptable level of residential amenity and also a change to the impact assessed on neighbouring amenity. Furthermore, a condition requiring that the proposed dormer is completed in full prior to occupation of Bedroom 5 has also been included to ensure there is adequate residential amenity for the occupier of that room in relation to head height, outlook, ventilation, useable space and natural light.

### 7.3 Quality of Design

- 7.3.1 In order to facilitate Bedroom 5, a rear dormer is proposed. Objections have been raised from residents in relation to its design and impact on neighbouring privacy. The dormer is set back from the roof eaves and is substantially set down from the roof ridge, and on the whole is generally considered to be a subservient addition, and in line with guidance. It is likely that if this were to be proposed on a C3 Dwellinghouse and not a HMO then it would benefit from permitted development rights. There would be some public views available from Fair Oak Avenue and Albert Avenue, however subject to the materials and appearance of the external walls (which are not specified and could be controlled to match the existing property through a planning condition) then it is considered that there would be no adverse impact on the character and appearance of the host property or surrounding area.
- 7.3.2 With regards to impact on neighbouring amenity and privacy, views are currently available from the rear openings of the properties at Jackson Place and the addition of a dormer window is not considered to give rise to any additional harmful impact over and above the existing relationship. If approval were forthcoming then it would however be necessary to

control that the en-suite window is obscure glazed. The dormer is compliant with Policies GP2 and GP6.

#### 7.4 Highway Safety and Parking

7.4.1 A significant proportion of the neighbouring objections are related to parking. There is concern from residents that introducing a 5no. bedroom HMO in this location will lead to greater reduction on parking availability within the street and the spill out onto the wider area, whereby parking is already advised to be at high capacity. It is claimed that this can impact on highway safety within the area, illegal parking as well as accessibility issues for residents of Jackson Place who will be forced to park elsewhere away from their properties.

7.4.2 These types of concerns are consistent with planning applications for HMOs when there is a parking increase that would need to be accommodated on street, as it would be the case here. The existing residential property whether it is a three or four bedroom dwelling generates a parking demand of 3no. parking spaces that currently need to be accommodated on street. The proposed HMO will generate a parking demand of 1no. space per bedroom and 1no. visitor space per 5no. bedrooms, giving a total of 6no. parking spaces. This is a net increase of 3no. spaces that will need to be accommodated on street in the event that planning permission is approved.

7.4.3 A parking survey has been submitted by the applicant broadly in accordance with the Lambeth Methodology, which is the format that is requested to allow assessment of the parking situation. The survey dates were undertaken in October and some residents have requested a more up to date survey, however the date is not too long ago and there does not appear to be any significant contextual changes since October that would effect the survey findings. There has also been some concerns from residents that the late night surveys undertaken do not provide a fair representation of the parking situation in and around the site during the daytime. The Lambeth Methodology encourages late night surveys as this is typically expected to be when most people are at home and their vehicles are parked. In some instances parking demand might be highest in the day, perhaps whereby the site is located close to daytime uses such as shops, offices or schools for example. However, in this instance having reviewed the surrounding context officers are generally satisfied with the survey times. Officers have also undertaken their own site visits during the daytime, as will be discussed in the following paragraphs of this assessment.

7.4.4 The Council's Highways Officer has confirmed that they have no objection to the application subject to a condition requesting cycling parking provision, which will be discussed later in this section.

7.4.5 The Highways Officer previously assessed the Parking Survey and noted that whilst some detail was missing, the survey suitably demonstrated that the additional parking spaces generated by the development would be able to be accommodated on street. The below table is taken from the survey and shows the parking stress;

Street	Available Kerbside Parking Length (Metres)	Available kerbside parking - Parking Spaces Number	Wednesday 11th October 2023 at 00:30 No of cars	Wednesday 11th October at 00:30 No of cars (% occupied)	Thursday 12th October 2023 at 00:30 No of cars	Thursday 12th October at 00:30 No of cars (% occupied)
Albert Avenue (East Side)	151	30	25	83.3	25	83.3
Albert Avenue (West Side)	71	14	12	85.7	12	85.7
Summerhill Avenue (North Side)	141	28	20	71.4	20	71.4
Summerhill Avenue (South Side)	145	29	20	69.0	19	65.5
Jackson Place (North Side)	48	9	9	100.0	9	100.0
Jackson Place (South Side)	48	9	9	100.0	9	100.0
Fairoak Avenue (North Side)	85	17	13	76.5	13	76.5
Fairoak Avenue (South Side)	62	12	10	83.3	10	83.3
<b>TOTAL</b>	<b>751</b>	<b>148</b>	<b>118</b>	<b>79.7</b>	<b>117</b>	<b>79.1</b>

**Figure 2 – Parking Survey Results Table**

7.4.6 As it can be seen, on both survey dates the application street, Jackson Place, was at 100% capacity and this highlights that the concerns raised by residents are legitimate. However,

the average parking stress of the survey area is at 79.1%-79.7%, leaving approximately 20% availability. There is only provision for 9no. spaces identified in the survey at Jackson Place, so demand for these is always going to be high. The survey area covers a 2 minute walking distance and this is accepted in common practice to be an acceptable distance for residents to have to park and walk to their property.

- 7.4.7 Local objections have raised concerns with inaccuracies in the Parking Survey, with the supporting photos of parking in the area being reviewed and highlighted that one photo has been duplicated from a separate parking survey undertaken in 2023 for another planning application. This error is noted, but does not change officers view that there is sufficient parking available on street.
- 7.4.8 A Parking Survey has been submitted by local residents and submitted within an objection, and whilst this is not undertaken in accordance with best practice it provides useful photographic evidence of parking at Jackson Place, Albert Avenue, Fair oak Avenue and Summerhill Avenue over a three day span, at various times ranging from 05:10 to 21:15. The photographs and commentary on spaces available supports the the view that parking availability is limited and this is not disputed, But officers know from past experience that the fact a street is at 100% capacity is not reason itself to robustly refuse permission. Numerous appeals have been allowed further to refusals on parking grounds.
- 7.4.9 Whilst the resident's frustrations in relation to parking availability are accepted and that the concerns raised are genuine, as mentioned above, the fact on street space is not plentiful has proven to not be a robust reason to refuse planning permission. There are many appeal decisions whereby Inspectors assume that car ownership in HMO properties will be lower and most notably in sustainable locations such as this site that is approximately 350m from the Maindee District Centre. A recent application for a 6no. bedroom HMO at 51 Albert Avenue (23/0651) was also determined by Planning Committee in October 2023 when it was considered that parking in the area was acceptable. When taking into account all the information that is available, such as the applicant's parking survey and parking availability in the survey area, the objector's parking evidence, officer own site visits, the generally positive attitude of the Planning and Environment Decisions Wales (PEDW) to HMOs in sustainable locations irrespective of whether they have off street parking, the lack of objection from the technical Highways consultee and the generally sustainable location of the site, it is considered that there is sufficient on-street capacity within the survey area to accommodate the additional demand without significant and demonstrable adverse effect on neighbouring amenity or highway safety. As such, the proposal complies with Policy GP2, GP4 and H8(i).
- 7.4.10 The applicant would be required to provide cycle parking in accordance with the Sustainable Travel SPG (July 2020). The SPG advises that providing adequate storage space for cycles is an important part of encouraging sustainable travel. The provision of appropriate storage and parking will assist in getting more people to use a cycle to travel and help reduce car dependency. The SPG advises that 1no. 'long stay' i.e. secured and covered cycle spaces are provided per 2no. bedrooms for HMOs and 1no. 'short term' space which is obvious and easily accessed is provided per 20no. bedrooms. As such, a total of 4no. cycle spaces are required to be provided.
- 7.4.11 The plans show 2no. cycles proposed to be stored underneath the stairs at lower ground floor level and 4no. cycles proposed to be stored at ground floor at the end of the corridor. The Highways Officer has suggested that the proposed cycle storage is of poor quality and requires improvement through control of a planning condition. Typically, for residential properties a secure shed would be provided. However for this site a shed would need to be located in the rear garden and could only be accessed via the internal stairs through the kitchen and dining room and via the rear door. It does not seem practical to secure this provision when the applicant has offered an internal ground floor provision for 4no. cycles in close proximity and at the same level as the front door. As such, it is not recommended that the condition for further provision is attached in this instance.

## 7.5 Refuse Storage

- 7.5.1 As referred to previously, refuse is proposed to be stored to the front forecourt of the property within a timber framed covered unit, details of which have been provided on the plans. The number of receptacles required and potential for spillage onto the footway has been raised as a concern in neighbour objections, along with concern regarding vermin associated with that. The Council's Waste Officer has advised that 1 x 180l bin for kerbside collection along with the necessary recycling bags and boxes are required and having looked at the details submitted, these would appear to fit within the covered unit submitted.
- 7.5.2 The refuse bin and recycling receptacles required as per the Waste Officer's advice are akin to the level of refuse that would have needed to be stored in the forecourt of the existing dwelling house and comparable to those neighbouring properties. The Environmental Health Officer has requested a condition controlling submission of refuse storage however as discussed in this section of the report there are acceptable details submitted. As such, only a compliance planning condition is necessary to ensure the details are provided and made available for use prior to the first occupation of the HMO. The proposal is compliant with Policy W3.
- 7.6 Ecological Enhancement
- 7.6.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy SP9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. It is considered reasonable and necessary in this instance to secure a scheme of biodiversity enhancement measures to ensure that a net benefit is provided to biodiversity as part of this application. The applicant has proposed 1no. bird box and 1no. bat box located on the front and rear elevation of the dwelling which is considered acceptable in this case.

## 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 Overall, whilst the concerns of the local residents and Councillors are noted and have been given due consideration, based on best available information and evidence including technical consultations, appeal decisions and policy assessment it is considered that the proposed 5no. bedroom HMO would not result in an adverse impact on matters of parking and highway safety and that there is no robust evidence to suggest it would cause any significant impact on the character or social cohesion of the local area or give rise to any anti-social behaviour or disorder.

9.2 As such, it is considered that the proposed development complies with the aims of the Newport Local Development Plan 2011-2026 (adopted January 2015).

9.3 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: Drawing No. 4238.PL.04 – Proposed Plans and Elevations Rev C; Drawing No. 4238. PL02 – Existing and Proposed Block Plans.

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

***Pre –occupation conditions***

***Refuse Storage***

02 The refuse storage details as shown on the approved plans shall be provided and made available for use prior to the first occupation of the use hereby approved and retained in that state thereafter.

Reason: To provide adequate refuse storage provision in accordance with Policy W3 of the NLDP 2011-2026 (adopted January 2015).

***Cycle Parking***

03 The designated ground floor cycle parking as shown on the approved plans shall be provided and made available for use prior to the first occupation of the use hereby approved and retained in that state thereafter.

Reason: To provide adequate cycle parking provision in accordance with Policy SP1 of the NLDP 2011-2026 (adopted January 2015).

***Ecological Enhancement***

04 The proposed bird and bat boxes as shown on the approved plans shall be provided prior to the first occupation of the use hereby approved and retained thereafter.

Reason: To ensure ecological enhancement at the site in accordance with PPW12 and Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

#### *Obscure Glazing*

05 The window in the dormer roof extension serving the ensuite shall be fitted with obscure glazing prior to the first occupation of the use hereby approved and retained in that state thereafter.

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

#### *Bedroom 5 Occupation*

06 Bedroom 5 shall not be occupied until the dormer has been completed in accordance with the approved plans.

Reason: To ensure adequate residential amenity for the future occupier and neighbours in accordance with Policy GP2 and H8 of the NLDP 2011-2026 (adopted January 2015).

### **General conditions**

#### *Dormer Materials*

07 The external materials of the approved dormer roof extension shall as far as practicable match the external materials of the existing dwelling house.

Reason: To preserve the visual amenity of the existing dwelling house and in the interests of good design in accordance with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

#### *Maximum Occupants*

08 The approved HMO shall be occupied by a maximum of 5no. residents.

Reason: To preserve the residential amenity of neighbouring occupiers and occupiers of the HMO and in the interests of highway safety in accordance with Policy GP2 and H8 of the NLDP 2011-2026 (adopted January 2015).

### **NOTE TO APPLICANT**

01 This decision relates to plan Nos: Drawing No. 4238.PL.01 – Site Location Plan; Drawing No. 4238.PL.03 – Existing Plans and Elevations; Parking Survey; Planning Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, GP5, GP6, GP7, H8, T4, W3 were relevant to the determination of this application.

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

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

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2.

## **APPLICATION DETAILS**

**No:** 23/0163      **Ward:** Allt-yr-Yn

**Type:** Full (Major)

**Expiry Date:** 8<sup>th</sup> March 2024

**Applicant:** *T Hobbs And Webb*

**Site:** *Newport Export Packing Queens Hill Newport South Wales NP20 5HJ*

**Proposal:** **RESIDENTIAL DEVELOPMENT OF 43 UNITS**

**Recommendation:** **GRANTED WITH CONDITIONS AND SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT TO USE DISCRETION TO REFUSE IF NOT SIGNED WITHIN 3 MONTHS OF A RESOLUTION**

## **1. INTRODUCTION**

1.1 The application seeks to erect two apartment blocks on an existing commercial site accessed from Factory Road. The apartment blocks would provide 43no. residential units formed across two buildings in an L shape arrangement. The application is presented to Members of the Planning Committee for consideration as the proposal would represent as a Major type of development as the proposed floor space to be created is greater than 1000sqm.

## **2. RELEVANT SITE HISTORY**

<b>Application Number</b>	<b>Proposal Description</b>	<b>Decision</b>
23/0561	PRIOR APPROVAL FOR PROPOSED DEMOLITION	Prior approval is not required 31.08.2023
23/0156	PRIOR NOTIFICATION OF PROPOSED DEMOLITION	Prior approval is required 23.03.2023
08/0682	RESIDENTIAL DEVELOPMENT (OUTLINE) (RESUBMISSION FOLLOWING REFUSAL OF 07/0689)	Refused 18.07.2008
07/0689	RESIDENTIAL DEVELOPMENT (OUTLINE)	Refused 15.08.2007

## **3. POLICY CONTEXT**

3.1 Newport Local Development Plan 2011 – 2026 (Adopted January 2015)

- SP1 – Sustainability
- SP2 – Health
- SP4 –Water Resources
- SP10 – House Building Requirement
- SP13 – Planning Obligations
- SP18 – Urban Regeneration
- GP1 – Climate Change
- GP3 – Service Infrastructure
- GP2 – Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- H2 – Housing Standards
- H3 – Housing Mix and Density

- H4 - Affordable Housing
- EM3 – Alternative Uses of Employment Land
- T4 – Parking
- W3 – Provision for Waste Management Facilities in Development

### 3.2 **Adopted Supplementary Planning Guidance**

- Sustainable Travel
- Planning Obligations
- Affordable Housing
- Wildlife and Development
- New Dwellings
- Waste Storage and Collection
- Parking Standards
- Outdoor Play Space Provision
- Trees, Woodland, Hedgerows and Development Sites

## 4. **CONSULTATIONS**

4.1 South Wales Fire Service: No objection.

4.2 Ambulance Service: No response.

4.3 Gwent Police Architect: No response.

4.4 Dwr Cymru/Welsh Water: Awaiting final response.

4.5 Newport Civic Society: No response.

4.6 National Grid: No response.

4.7 Newport Access Group: No response.

4.8 Design Commission for Wales: Scheme should be brought to our Design Review service to be considered by our independent expert panel.

## 5. **INTERNAL COUNCIL ADVICE**

5.1 Head of Environment & Public Protection (Ecology Officer): I have considered the bat survey report of this building dated February 2023, and I support the methodology and conclusions of that report. No bats were detected using this building during the internal inspection and emergence survey, but precautionary mitigation measures together with biodiversity enhancements are set out in sections 9.8 - 9.10 and 10 of that report. I support these measures and advise that their implementation is secured by planning condition.

The proposed soft landscaping design including sedum roofs should also provide benefits for biodiversity.

### 27.02.2024

In making my original 29/08/23 response I wasn't sure that these trees were to be removed, but I agree that they are likely to be of low ecological value. They are not likely to support roosting bats, though of course the Applicant should be aware that nesting birds are likely during spring.

The value of these trees lies in their contribution to the green infrastructure of this area. They are likely to form a habitat corridor in an otherwise built environment, to intercept noise and aerial pollution, to provide shelter from sun and wind during extreme weather events, to intercept and attenuate rain during storm events, and to store carbon, as a benefit for climate change mitigation.

In these respects I welcome the tree planting and other soft landscape features proposed at this site, which will counteract the loss of these benefits, albeit in the long term, and represent a net gain for biodiversity.

- 5.2 Head of Environment & Public Protection (Landscape Officer): My last comments December 2023 highlighted a number of concerns. A planting plan has been submitted but there are queries.

Its good that there will be planting space to the north boundary, I have repeatedly asked for landscape drawn sections to illustrate what the boundary treatment will be (hard, soft, levels) but still not provided - I'm not sure this is well understood.

My main concern is the central SUDs as this will not be useable space.

If you are happy with the application, the list of conditions I suggested in December comments are fine plus I would add a Soft Landscape Plan to cover the revisions needed.

Regarding tree size, some trees are 12-14cmg I think to the rear, I think those at the frontage are 14-16cmg which is the bottom end of extra heavy standard and risks vandalism - hence I would recommend at least 16-18cmg which will also provide more immediate impact.

- 5.3 Head of Environment & Public Protection (Tree Officer): No objection.  
It is clear that the tree roots are pushing the wall over and there is a clear gap between the soil level and the edge of the wall.

The conifer hedging is of low value both in terms of aesthetics and quality – however, they do provide some screening value for the neighbouring Dos Cottages .  
The tree which is believed to be the TPO'd conifer is also of low value.

The trees are not worthy of retention should the retaining wall have to be rebuilt.

It should be noted that these trees are outside the development “red line” and are on unregistered land.

- 5.4 Head of Infrastructure (Drainage Manager): No response.
- 5.5 Head of Education (Education Information Manager): No response.
- 5.6 Head of Infrastructure (Active Travel): No objection.

- 5.7 Head of Housing & Communities (Housing Development Manager): I am not sure about this development with NCH they have changed to 50% private, 50% Interim Rent although IR is classed as affordable housing it is not what is in greatest need in the City. As there is no Social Rented units this should be challenged with the applicant. They are not meeting needs which they are fully aware of to say the least.

- 5.8 Head of Environment & Public Protection (Leisure): No response.

- 5.9 Head of Regeneration & Economic Development (Planning Contributions Manager):

### **1. Introduction**

Based upon a development of 43 dwellings (comprising 7 x 1 bed affordable apartments, 15 x 2 bed affordable apartments, 14 x 1 bed market apartments and 7 x 2 bed market apartments), the following S106 planning obligations are required to mitigate the impact of the development.

Please Note:

- Council policy stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. As such, only the ‘market’ units count towards leisure and education contributions.

### **2. Affordable Housing**

The site lies within the Housing Target Area of Newport West, where there is a requirement for 30% of the development to be affordable dwellings i.e. 14 dwellings. The Applicant, however, is proposing 22 affordable dwellings (i.e. 51% of the development), representing a significant 'additionality' over and above policy requirement

NB: Mix and type of dwellings to be agreed with the Housing section

### **3. Education**

School Capacity' is calculated taking account of current school capacities, demand generated by extant permissions and/or Joint Housing Land Availability supply, as well as future pupil number projections over the lifetime of the related planning permission.

#### **Primary**

The development is served by Crindau Primary School. Taking into account the scale and type of development and 'School Capacity', no contribution is required

#### **Secondary**

The development is served by Newport High School. Taking into account the scale and type of development and 'School Capacity', no contribution is required.

### **4. Leisure**

There is a deficit of 'Equipped' and 'Formal' play in the Allt-Yr-Yn ward

NB: one bed apartments are exempt from contributing towards Equipped Play

The proposed development generates a commuted sum of £52,214 to upgrade and maintain off-site play provision at Sorrell Drive and/or Glasllwch play area.

All Leisure Sums will be index linked to the Retail Price Index and paid prior to occupation of the 20<sup>th</sup> dwelling

### **5. Administration Fee**

In accordance with the Planning Obligations SPG (2020), a £4,416 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.

- 5.10 Head of Regeneration & Economic Development (Planning Policy): Policy EM3 needs to be considered (along with all other standard considerations Highways/ neighbour amenity / environmental health / trees etc)

EM3 Alternative uses of Employment Land DEVELOPMENT PROPOSALS PROMOTING ALTERNATIVE USES ON EXISTING EMPLOYMENT SITES WILL BE RESISTED UNLESS:

- i) THE SITE HAS BEEN MARKETED UNSUCCESSFULLY FOR EMPLOYMENT PURPOSES FOR A MINIMUM OF 12 MONTHS;
- ii) THERE REMAINS A SUFFICIENT RANGE AND CHOICE OF EMPLOYMENT LAND AND PREMISES TO MEET LDP REQUIREMENTS AND LOCAL DEMAND;
- iii) THE DEVELOPMENT HAS NO ADVERSE IMPACT ON EXISTING OR ALLOCATED EMPLOYMENT SITES;
- iv) THE DEVELOPMENT HAS NO ADVERSE IMPACT ON AMENITY OR THE ENVIRONMENT.

i) They have provided a statement by Knight Frank but doesn't say how long it was marketed for (only that it was launched in July 2021). Also they acknowledge the buildings are in a

state of disrepair but then later go on to say they won't accept the offer they had for a discounted offer to buy due the buildings being in disrepair! ... I think this needs further clarification. How much was it marketed for?

ii) from last year's AMR: "there remains just under 136ha of EM1 employment land which has not been developed or been granted planning permission for development. This equates to just over 12 years of employment land supply, which is still a healthy level of supply With regard to iii and iv) You'll need to assess this, while its not in an existing employment site, but are there other B uses around that the change to residential could impact negatively on?

5.11 Head of Environment & Public Protection (Environmental Health): Awaiting updated response.

5.12 Head of Infrastructure (SAB): We have not received a pre or full application for the scheme. I would once again advise that the applicant submit an application to us at the earliest opportunity so we can ensure that Surface Water is correctly discharged prior to Planning being granted.

5.13 Head of Infrastructure (Waste Manager): For 48 flats we would anticipate the following requirement.

For residual waste 5 x 1100l bins

For recycling, guidance is attached. Blocks with 12 or more flats will each require 1 x 1100l for card paper, 1 x 1100 for plastic cans, 1 x 360 for glass and 1 x 240 for food

We note that bin stores are planned, but it is not clear how many flats will be in each block and where bins will need to be allocated.

From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse Department collection vehicles safely. Failure to purchase correct bin(s) will result in collections being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

5.14 Head of Infrastructure (Highways): The additional information validates the findings of the assessment. I am content to accept the findings and confirm that a reduction of 2 spaces per unit is policy compliant, subject to providing one space per unit. As I understand it the current proposal incorporates 43 spaces for 43 units. There is therefore no objection raised in terms of quantum.

5.15 Head of Regeneration & Economic Development (Conservation Officer): No objection.

5.16 Head of Regeneration & Economic Development (Regeneration Manager): No response.

## **6. REPRESENTATIONS**

### **6.1 NEIGHBOURS:**

All properties within 50m with a common boundary with the application site were consulted (85 properties), a site notice displayed and a press notice published in South Wales Argus.

8no. objections received (summarised):

- Site access should be from Queens Hill.
- Factory Road experiences high usage.
- High levels of traffic build up due to reconfiguration of junction Mill Street and Queens Hill. Adding further cars to this will exacerbate the issue.
- Providing visitors spaces along Factory Road will cause additional impacts.
- Children will play on Factory Road – potentially very dangerous.
- Factory Road experiences levels of antisocial behaviour and criminality.

- Lights will be left on shining from passages.
- Overlooking
- Parking
- Lorries delivering to the site.
- Potential damage to properties.
- Development will look out of place as the area is Victorian.
- Where will the children play?
- Impact air quality.
- Visual implications.
- Sunlight and daylight entering rear gardens of existing properties.
- Development is too tall.
- Poor access to the site.
- Obscure view from rear gardens.
- Access leading to site is constrained.
- Denser form of development than surrounding residential.
- Out of character with the area.
- Insufficient amenity space for residents.
- Additional pressure on local schools and healthcare.
- Impact on trees.
- Privacy.

6.2.1 COUNCILLOR DREWETT: Because of the size and scope of this application, and the fact that this area is in one of the most deprived parts of Wales, I request that it is called in to come before the planning committee so that a section 106 agreement can be attached for amenity projects for the benefit of the local community.

The site of the planning application lies within "Allt-yr-yn 2 LSOA" (see LSOA map attached) which the "[Community Well-Being Profile - Newport Central 2021](#)" shows falling into the top 10% **most deprived** areas of Wales using data from the Welsh Index of Multiple Deprivation (WIMD). A second area of my ward, Allt-yr-yn 6, falls into top 30% most deprived areas of Wales using the same deprivation index. On the other hand, there are three other LSOA's in Allt-yr-yn which are in the top 10% **least deprived** areas in Wales. This demonstrates the complex nature of Allt-yr-yn ward which has some areas of great poverty contrasting with other areas of relative affluence. Because of the deprivation evidenced within Allt-yr-yn 2, I urge that a 106 agreement for this planning application is essential to ensure levelling up of the socio-economic inequalities within the ward.

Further I stress that any 106 funding derived from this planning application should be spent within the Allt-yr-yn 2 LSOA and particularly on amenities for the children of the ward. In considering what the 106 money should be spent on, I ask that four projects should be considered:

1. A children's playground sited on land immediately to the east of the development and adjacent to 32 Dos Cottages.
2. Floodlighting of the existing MUGA pitch between Sorrel Drive and Harlequin Drive.
3. A portacabin for community use sited in the Sorrel/Harlequin vicinity near the MUGA.
4. Extension of the active travel route from Sorrel/Harlequin to Raglan Barracks.

In summary, action needs to be taken to address the deprivation of the area, and I consider it essential that a Section 106 agreement is attached to planning application 23/0163 to ensure levelling up of existing ward inequalities in terms of the four projects above and therefore I ask that the application is called in to come before the planning committee.

6.2.2 COUNCILLOR EVANS: I wish to strongly object to this application. Having met with the developers I had hoped they would have listened to residents and reduced the density, but this hasn't happened. There will be insufficient parking with only 31 onsite parking spaces for the 40 apartments which will lead to further problems in the vicinity. The road leading to the development Factory Road, has an extremely dangerous bend and I cannot see

anything in these plans to mitigate it. I am not convinced the designs will enhance the area while there is also inadequate amenity space for future occupants. Please note these comments are based on the original plans as I have made several unsuccessful attempts to view the proposals online.

- 6.2.3 COUNCILLOR FOUWEATHER: The comments from the Design Commission for Wales should be ignored as they bear no relevance to the site. Car parking must be provided adequately as many of the residents living here may not use the train or bus as their sole means of transport.

I wish to object to the application on the following grounds.

1 The highway infrastructure in that area is not suitable for more traffic. The road already served numerous businesses including the post office and telecoms which have HGV lorries.

There is also the issue of the residents of Lucas, Locke and Rose street who have to use the road as it is there only means of access.

2 The turning near the public house will need significant improvements as it is a sweeping corner with poor visibility

3 The junction at Pentonville with Queens Hill will also need changing. This junction was fine until it was altered . There are now more businesses and there employees using this junction and there is the added traffic from the new development on Queens Hill.

4 I note that there is not sufficient parking provided for the flats which means that parking will spill out onto Factory Road.

5 The application site would be better served with an entrance off Queens Hill but I understand this is difficult. The applicant should look at this again.

6 The proposed housing have flat roofs which are totally out of character with the area and the street scene

7 The introduction of flats into this area is unwelcome. This again will impact upon the street scene.

## **7. ASSESSMENT**

### **7.1 Background**

7.1.1 The planning history for the site shows that two previous planning applications have been considered on the site proposing residential development under references 07/0689 and 08/0682. The 07/0689 application proposed 96 flats across four main blocks. The Officers report set out that the site was suitable for residential development. The application was refused for two reasons; firstly, relating to an overdevelopment of the site and insufficient parking.

7.1.2 An outline planning application was further submitted under reference 08/0682. This application had all matters reserved, therefore the exact number of units proposed was not known; however indicative plans shown 62no. units spread across two apartment blocks. The application was presented to the members of the Planning Committee for approval, however during deliberations, the Councillors voted to refuse the application for one reason relating to an overdevelopment of the site.

### **7.2 Site Description**

7.2.1 The application site is located within a built-up area featuring a range of residential accommodation to the south and to the west. To the north of the site lies the Church of Jesus Christ of Latter-day Saints, and to the east lies existing commercial development. Currently, access is possible from Queens Hill into the rear of the site with the main vehicle access

joining Factory Road. The submitted site location plan shows that the site does include the area north of 32 Dos Cottages, however no development is proposed in this area.

- 7.2.2 The topography of the site inclines from east to west; this results in the properties on Queens Hill, known as Dos Cottages being sited at a higher ground level than the ground level of the existing commercial building. The terraced properties along Lucas Street follow the topography of the area, inclining from east to west. The gardens of Dos Cottages and those on Lucas Street back onto the application site. To the north of the site lies parking and turning area of the Church of Jesus Christ of Latter-day Saints.
- 7.2.3 To the rear of Dos Cottages is a retaining wall which allows for a level change adjacent to the application site. This area features a range of trees which provide screening of the application site from Queens Hill and the rear of Dos Cottages. There is one fir tree subject of a Tree Preservation Order 04/2009.
- 7.2.4 The sites main access is from Factory Road which links to Mill Street, Devon Place, Pentonville and Queens Hill. The existing buildings form an L shape structure. The main building on the western boundary measures 26m wide by 51.4 in length and 14m at the highest point measured from the footway on Factory Road. The building is formed of render and metal roofing. The smaller building on the northern boundary measures 22.4m in width, 15.5m in depth and 13.8m at the highest point measured from the footway on Factory Road.
- 7.2.5 The site features area of Japanese Knotweed which is an invasive species, evident from Factory Road as it extends over the 2m high boundary wall dropping debris on the public footway. The site is enclosed from Factory Road with a boundary wall measuring approximately 2m in height. On street parking along Factory Road is controlled by single and double yellow lines. The double yellow lines terminate north of the existing access to the site. From this point onwards, on street parking is unrestricted.

### 7.3 **Description of Development**

- 7.3.1 The proposal seeks to erect two apartment blocks to create 43no. one and two bedroom apartments. The eastern block has a stepped height ranging from three to five, to six storeys, with the northern block having a stepped height ranging from three to five storeys. The pedestrian and vehicle access would be from Factory Road. The internal layout would provide 43no. car parking spaces, communal amenity space, and visitors cycle parking. Internally, secure cycle storage and refuse storage are located at the lower ground floor. The diversion of an existing combined sewer is required to facilitate the development. The proposal would provide 51% affordable unit with the remaining 49% being private unit. The proposal seeks to remove trees to the western boundary which includes a tree subject of a Tree Preservation Order. The proposed layout includes soft landscaping to communal amenity space and to the private gardens facing onto Factory Road.

### 7.4 **Principle of Development**

- 7.4.1 The application site is located within a settlement boundary as designated by the maps contained within the Local Development Plan. The site would meet the definition of previously developed land due to the presence of existing buildings and hard landscaping. The proposal is considered accord with the general thrust of Policy SP1 which seeks to focus development within sustainable locations.
- 7.4.2 Future Wales – The National Plan 2040 sets out that new residential developments in urban areas should achieve a density of at least 50 dwellings per hectare. Within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015), Policy H3 sets out that new residential sites shall have a density of at least 30 dwellings per hectare. The proposed development would result in a density of 116 dwellings per hectare. The proposal accords with the minimum density requirements of national and local policies.

### 7.5 **Impact on Health**

- 7.5.1 As set out in paragraph 7.4.1, the site is sustainably located being within the Newport settlement boundary. Furthermore, the proposed development is located within a 350m walk from the new footbridge serving the train station and link through to the city centre. Mill Street also features dedicated cycleways which also lead to the entrance to the new footbridge

crossing the railway line. The sites location and its connection with existing active travel measures is considered to accord with aims of Planning Policy Wales Ed.12 in order to create communities linked to active travel methods. The proposal accords with Policy SP2.

## 7.6 **Drainage**

7.6.1 Currently a combined sewer crosses the east of the site in a north-south direction. The proposed apartment blocks would be located directly above this sewer. The applicant is proposing to redirect the sewer along the same route as the internal access road, linking to the existing sewer network at the bell-mouth of the access point onto Factory Road. The redirection of the sewer is controlled through the Water Industry Act 1991 and Dwr Cymru/Welsh Water have raised no objection to this subject to feasibility through the Section 185 process. It is drawn to Members attention that should this process not be agreed, the development could not be implemented. The request from Dwr Cymru/Welsh Water is noted with regard to the attachment of a condition relating to no development shall commence until a scheme to divert the public sewer has been submitted to and agreed in writing by the Local Planning Authority. As the sewer diversions works would be controlled through the Section 185 process, separate legislation controls that these works are carried out. As such, subject to the attachment of a condition requiring drainage details to be submitted, it is considered that the site can be connected to the wider foul drainage network through the rights to connect under the Water Industry Act 1991. Dwr Cymru/Welsh Water have also confirmed that the sewer network has sufficient capacity to receive the increased domestic foul flows from the proposed development.

7.6.2 Dwr Cymru/Welsh Water have also confirmed that there is capacity within the water supply system to accommodate the proposed development. A water main is located in the footway on Factory Road. Further discussions with Dwr Cymru/Welsh Water confirm that the siting of the features on the fronting Factory Road would not harm the existing water main.

7.6.3 The proposed development accords with the aims of Policy SP4.

## 7.7 **House Building Requirement**

7.7.1 A key aim of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) is to ensure an adequate and continuing supply of land to meet future housing needs. The proposed development would represent a windfall site and would positively contribute toward the provision of a range of housing stock within an existing built-up area. The proposal accords with Policy SP10.

## 7.8 **Planning Contributions**

7.8.1 The proposed development would consist of a total of 43no. units, with 51% (22 units) of those units meeting the definition of affordable housing. The remaining 49% (21 units) would be private dwellings. Where there is a net increase in dwellings, contributions toward affordable housing, education and leisure will be secured through a Section 106 agreement. As the application site proposes onsite affordable housing, no further contributions are secured via the Section 106 agreement. Below in *Table 1* sets out the tenure mix of the proposed residential units and which units these relate to. It is noted that the lower ground floor units are all affordable housing, with the ground, first, second, third and fourth floors all having a mix of affordable housing and private housing.

<b>Apartments</b>	<b>Tenure</b>
LG01	Intermediate
LG02	Intermediate
LG03	Intermediate
LG04	Intermediate
LG05	Intermediate
G01	Intermediate
G02	Intermediate
G03	Private
G04	Private
G05	Private
101	Intermediate
102	Intermediate

103	Intermediate
104	Intermediate
105	Intermediate
106	Intermediate
107	Private
108	Private
109	Private
110	Private
201	Private
202	Private
203	Intermediate
204	Intermediate
205	Intermediate
206	Private
207	Private
208	Private
209	Private
301	Private
302	Private
303	Intermediate
304	Intermediate
305	Intermediate
306	Private
307	Private
308	Private
401	Intermediate
402	Intermediate
403	Intermediate
404	Private
405	Private
406	Private

*Table 1: Tenure mix across all residential units proposed.*

- 7.8.2 The proposal seeks to provide onsite affordable housing over and above that required through Policy H4 which sets out a minimum of 30% should be provided. With regard to education, the Planning Contributions Manager states that due to the size of the development proposed and current schools' capacity, no contribution is required toward primary or secondary education.
- 7.8.3 The draft Heads of Terms have been agreed by the applicant, therefore contributions toward leisure are secured to upgrade and maintain the off-site play provision at Sorrell Drive and/or Glasllwch play area. The securing of these sums for the purposes of leisure accord with the requests from Cllr Drewett to focus on projects at Sorrell Drive.

### Summary

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

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Summary Heads of Terms agreed by applicant(s)</b>	<b>Viability Issues?</b>
Leisure	Toward upgrading	£52,214 in accordance with	£52,214 in accordance with	No.

	and maintaining off site play provision at Sorrell Drive and/or Glasllwch play area.	Policy SP13 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).	Policy SP13 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).	
Housing	Affordable housing	The site lies within the Housing Target Area of Newport West, where there is a requirement for 30% of the development to be affordable dwellings i.e. 14 dwellings. The Applicant, however, is proposing 22 affordable dwellings (i.e. 51% of the development), representing a significant 'additionality' over and above policy requirement	The site lies within the Housing Target Area of Newport West, where there is a requirement for 30% of the development to be affordable dwellings i.e. 14 dwellings. The Applicant, however, is proposing 22 affordable dwellings (i.e. 51% of the development), representing a significant 'additionality' over and above policy requirement	No

### Heads of Terms Agreed by Applicant

#### **1. Introduction**

Based upon a development of 43 dwellings (comprising 7 x 1 bed affordable apartments, 15 x 2 bed affordable apartments, 14 x 1 bed market apartments and 7 x 2 bed market apartments), the following S106 planning obligations are required to mitigate the impact of the development.

Please Note:

- Council policy stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations. As such, only the 'market' units count towards leisure and education contributions.

#### **2. Affordable Housing**

The site lies within the Housing Target Area of Newport West, where there is a requirement for 30% of the development to be affordable dwellings i.e. 14 dwellings. The Applicant, however, is proposing 22 affordable dwellings (i.e. 51% of the development), representing a significant 'additionality' over and above policy requirement

NB: Mix and type of dwellings to be agreed with the Housing section

#### **3. Education**

School Capacity' is calculated taking account of current school capacities, demand generated by extant permissions and/or Joint Housing Land Availability supply, as well as future pupil number projections over the lifetime of the related planning permission.

#### **Primary**

The development is served by Crindau Primary School. Taking into account the scale and type of development and 'School Capacity', no contribution is required

## Secondary

The development is served by Newport High School. Taking into account the scale and type of development and 'School Capacity', no contribution is required.

## 4. Leisure

There is a deficit of 'Equipped' and 'Formal' play in the Allt-Yr-Yn ward

NB: one bed apartments are exempt from contributing towards Equipped Play

The proposed development generates a commuted sum of £52,214 to upgrade and maintain off-site play provision at Sorrell Drive and/or Glasllwch play area.

All Leisure Sums will be index linked to the Retail Price Index and paid prior to occupation of the 20<sup>th</sup> dwelling

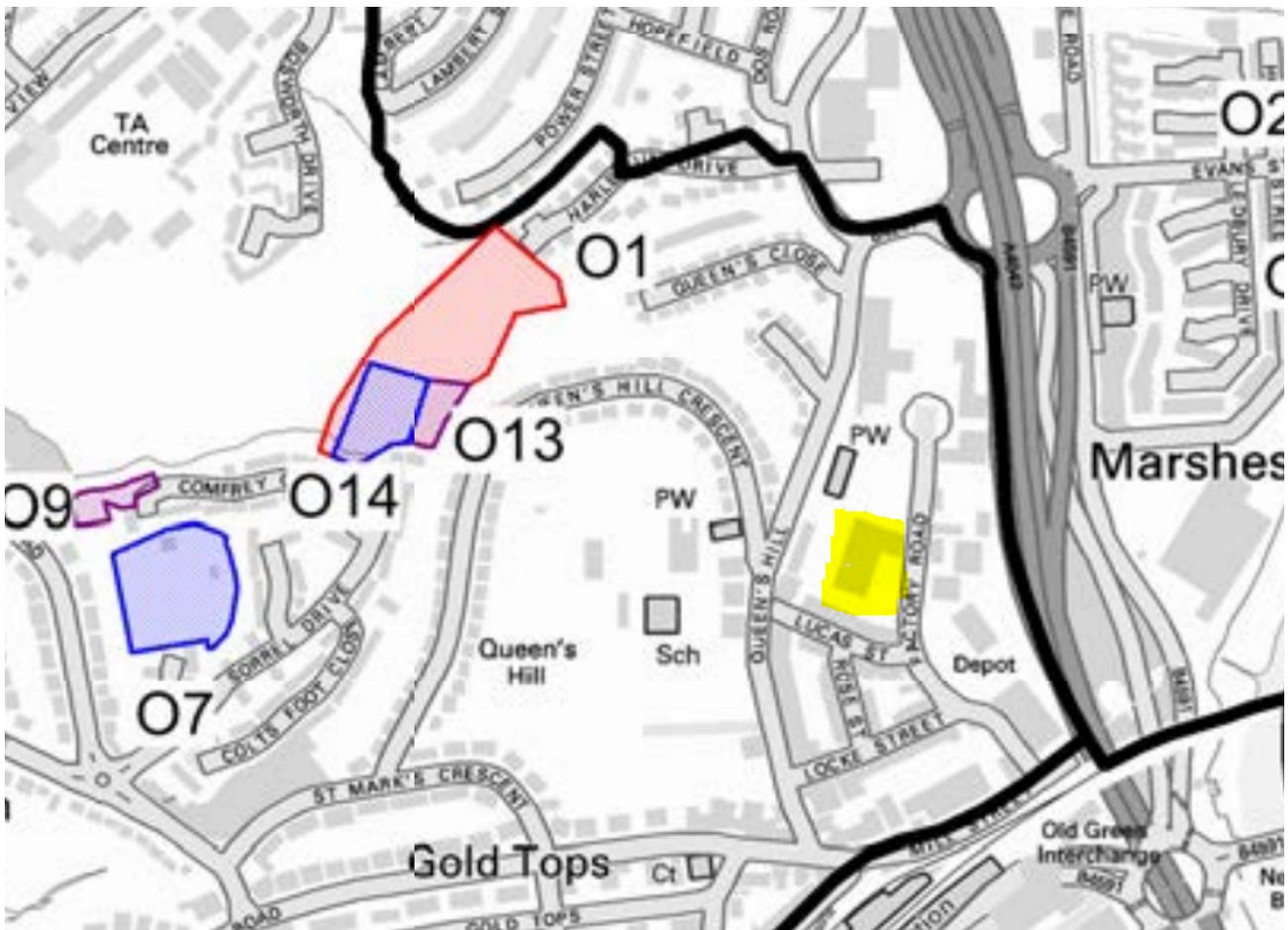


Figure 1: Map showing the Glasllwch and Sorrell Drive areas (O1 and O13) for which the Section 106 funds will be spent on, with the application site highlighted in yellow.

## 7.9 **Urban Regeneration**

7.9.1 The site is currently in a state of disrepair which negatively impacts the overall character and appearance of the area. A scheme which brings the site back into beneficial use would positively contribute toward the vitality, viability and quality of the environment. The proposed scheme would seek to provide a residential use within the urban area, thereby meeting criterion (ii) of Policy SP18. The proposal would also result in the reuse of derelict land. The proposal accords with the aims of Policy SP18.

## 7.10 **Climate Change**

7.10.1 The proposed development includes the provision of a green roof across both apartment blocks. Green roofs are beneficial in terms of providing additional ecological habitat and reduce the amount of heat released into the atmosphere by the building. Furthermore, the green roof can reduce surface water runoff. Photovoltaic panels are also proposed to the roof in order to provide micro energy generation onsite. It is considered that the proposal accords with the aims of Policy GP1.

## 7.11 **Employment**

7.11.1 The existing site has a use class of B2 – General Industry as set out in the Use Class Order 1987 (as amended). Therefore, Policy EM3 – Alternative Use of Employment Land is applicable to the scheme.

7.11.2 The site was marketed from July 2021 with one offer being received 25% below the asking price due to the poor condition of the building. A total of five offers were received however none were acceptable to the current owners at that time. The offers received were all from residential developers. The feedback from potential occupiers outlined concerns regarding the buildings current state, site levels and access to the site. Also, the application site suffers from a low Energy Performance Certificate rating; in order to bring this up to the required EPC level would result in significant costs. No industrial developer was interested on taking on such a project. As such, due to the lack of interest from the marketplace due to the condition of the site for its current use, it is considered that the site was sufficiently marketed to generate interest for the existing use.

7.11.3 The Planning Policy section have confirmed that Newport has a remaining 136ha of employment land which has not been developed or been granted planning permission for development. These areas shall provide the equivalent of 12 years of employment land supply which is an acceptable level of employment land supply to serve the future needs of Newport.

7.11.4 The neighbouring employment uses adjacent the site are noted, however it is considered that the proposed residential use would not have an adverse impact on those uses given that existing residential is already present in the area. The proposal accords with Policy EM3.

## 7.12 **Character and Appearance**

7.12.1 The proposed layout shows 2no. apartment blocks which are separated by a pedestrian walkway forming an L shape within the plot. The main block faces Factory Road with the secondary block being sited near the northern boundary; hereafter referred to as the eastern and northern block respectively. The eastern block would be set back from the edge of the footway with Factory Road by 4.4m – 4.6m and the northern block would have a setback varying between 4.6m and 2.4m with Factory Road. The northern block would be set off the common boundary with the Church of Jesus Christ of Latter-day Saints by 2m. The south elevation of the eastern block would have a separation distance of approximately 8m with the rear boundary line of the properties on Lucas Street. The eastern block has a separation distance with the properties know as Dos Cottages varying between 36m – 45m.

7.12.2 The existing access point to the site from Factory Road is retained as the principal access point. The eastern block as seen from Factory Road features a stepped appearance; the heights of the eastern block are 9.7m, then moving to 15.4m and finally 18.4m. The footprint of the eastern block measures 43.75m in length by 12.9m in width. The northern block would not exceed the highest point of the eastern block and also features a step down. The footprint of the northern block is 11m in width by 31m in length.

7.12.3 The materials proposed for the external finishes are composed of two types of brick which provide contrast and break up the built form of the apartment blocks. The use of the brick alternates between the northern and eastern blocks in order to provide visual interest. The proposal seeks to activate the frontage along Factory Road making use of the space between the edge of the footway and Factory Road elevation. All elevations have a vertical emphasis with regard to window placement and size. The elevations also have visual relief in the built form through the provision of balconies.

- 7.13.4 A visual impact assessment has been submitted in the form of CGI images and supporting document. This document sets out that the proposal would have a moderate to high impact on views looking west from Riverside and the A4042, also from Factory Road. This report highlights that the use of materials and architectural design is an important factor due to the prominence of the building.
- 7.13.5 The character of the area sees a transition between the traditional 19<sup>th</sup> century terraced properties and that of the more modern commercial development located at the end of Factory Road. These contrasting uses, character and architectural styles result in a varied character and appearance of the area. A material consideration is the sites location just north of the city centre; therefore the principle of having a low-to-mid rise style development would not be out of keeping with the overall character of the area. The proposed design seeks to step the development away from the most sensitive surrounding feature – that being the residential properties located on Lucas Street. Neighbours have expressed concerns with regard to overbearing and an overdevelopment of the site. Due to the stepped height of the proposed eastern block and its separation distance from the common boundary with the properties on Lucas Street, it is considered the proposal would not represent an overdevelopment of the site.
- 7.13.6 The proposed layout seeks to provide two points of pedestrian access onto Factory Road, along with the lower ground floor units facing Factory Road having their own access also. A pedestrian crossing point is to be formalised across the vehicle access point. The specific engineering details of this is to be agreed through the Highways Act 1980 as the Highways Officers comments.
- 7.13.7 The proposed development represents a contemporary form of higher density housing; Policy GP6 sets out that new developments should have regard to existing architectural features but avoid pastiche forms of development. The neighbouring properties on Lucas Street feature a range of finishes, however the overarching appearance is that of buff brick accents with stone. The colour palette chosen for the bricks to be used on the external elevations take inspiration from those existing properties on Lucas Street.
- 7.13.8 The site is located within a sustainable location and would be energy and water efficient. The reuse of the existing building for residential purposes is considered not suitable as it would not be economically viable to convert the existing building. The proposed development is considered to accord with the aims of Policy GP6 which seeks positively contribute toward the character and appearance of the area, promote architectural creativity and be a sustainable form of development.

#### 7.14 **Amenity**

- 7.14.1 Section drawings have been provided demonstrating the proposed developments relationship with neighbouring residential properties on Lucas Street and Dos Cottages. The Section CC drawing shows that the eastern block would have a separation distance of 64m to the rear elevation of Dos Cottages, and the northern block would have a separation distance of 39.7m to the rear elevation of Dos Cottages. The Section AA & BB drawing shows the eastern block would have a separation distance of 19.5m from the original rear elevation of 19 Lucas Street. Furthermore, the section drawing shows that a 25 degree line take from the upper floor rear elevation of 19 Lucas Street would not be breached by the proposed development. The doors and windows present on the ground, first and second floor south elevation of the eastern block would serve a landing, a bedroom and a maintenance door leading to the flat roof area. Due to the bedroom window having a separation distance of 19.5m from the original rear elevation of 19 Lucas Street, it is considered that while this does fall below the desired 21m separation distance, given the absence of first floor windows on the rear elevation of the properties on Lucas Street, it is considered this relationship is acceptable.
- 7.14.2 With regard to overshadowing, as the apartment blocks are located to the eastern and northern boundaries of the site the shadow created by the proposal would fall onto the shared amenity space in the centre of the site in the morning, and onto Factory Road in the afternoon. Therefore, the proposal is considered to not result in overshadowing of existing residential properties adjacent to the site.

7.14.3 The New Dwellings SPG document sets out the desired space standards for future occupants. The amount of private amenity space desired for the flatted units is set out in *Table 1* below.

Type of Home	No. of Beds	Type of Amenity Space	Desired Space
Flat	1	Balcony	1.5sqm x 1.5sqm
Flat	2	Balcony	1.5sqm x 2sqm

*Table 2: Desired standards for private amenity space.*

7.14.4 All 43no. units proposed meet or exceed the minimum size requirements for the provision of private amenity space. The private amenity space proposed includes balconies with 16no. units having a second balcony or private garden also. Given the amount of private amenity space afforded to future occupants, it is considered that the private amenity space provided accords with the aims of Policy GP2.

7.14.5 The application is supported by a noise assessment. This assessment found that as the site is categorised as a Noise Exposure Category B, Technical Advice Note 11 states that conditions should be considered to ensure adequate levels of protection against noise are incorporated into the scheme. The Noise Assessment confirms that this is achievable through the use of good acoustic design principles. The proposed site layout already incorporates those principles and desirable acoustic conditions are achievable for the majority of the site. An open ventilation strategy is suitable for any habitable rooms on the inward facing elevations. The northern and eastern elevations have a clear line of sight to the road traffic noise sources. The glazing units on the northern and eastern elevations can be specified to achieve a sound reduction performance requirement to ensure internal noise levels are acceptable to future occupiers. Noise levels within the communal amenity space are considered acceptable with no mitigation required. The Noise Assessment sets out that the daytime noise levels would be 56dB  $L_{Aeq,16hrs}$ . The World Health Organisation sets out that noise levels in outdoor living areas should achieve 50 – 55dB  $L_{Aeq,16hrs}$ ; These guidelines frame the consultation response from the Environmental Health Officer. An additional statement from the applicants Noise Consultant sets out that the measures noise levels of 56dB  $L_{Aeq,16hrs}$  would not have a noticeable impact when compared to the noise level guidelines as set out by the World Health Organisation. The Environmental Health Officer confirms that the measured noise levels of 56dB  $L_{Aeq,16hrs}$  would not have a significant impact on the noise levels experienced by future occupiers. Therefore, the outdoor amenity space facing Factory Road is considered to be acceptable in terms of noise levels experienced.

7.14.6 The New Dwellings SPG document states that all new dwellings should meet the relevant minimum desired standard for gross internal floorspace. The desired minimum standards for gross internal floorspace are provided in *Table 2* below.

Number of Bedrooms	New Flat	
	Common Access (sqm)	Walk up Access (sqm)
1	46	50
2	59	65

*Table 3: Desired minimum gross internal floorspace.*

7.14.7 All proposed residential units meet or exceed the minimum gross internal floorspace requirements. Therefore, it is considered the proposal provides suitable residential amenity for future occupants.

7.14.8 The New Dwellings SPG also sets out that a new block of flats should provide communal amenity space. The desired communal amenity space is set out in *Table 3* below.

Number of Occupants	Square metres per occupant
1-20	15
21-40	14
41-60	13
61-80	12
81-100	11

*Table 4: Desired standards for communal amenity space.*

- 7.14.9 The occupancy schedule outlines that the proposed development would have a minimum occupancy of 43 persons and a maximum of 113 persons. This equates to a communal amenity space requirement ranging from 559sqm to 1,130sqm. It is noted that the submitted Ground Floor drawing (ref: PL 02 GF Plan Rev C) includes an area on the western boundary as amenity space. Due to the gradient of this land and that it is to be soft landscaped, it is considered this area could not be counted toward the communal amenity space provision due to its useability.
- 7.14.10 The central area extends to 881sqm and is annotated as the communal amenity area and as part of the sustainable drainage strategy for the site. The Councils Landscape Architect raises concern that this area is likely to be unusable for amenity purposes due to the area being used for sustainable drainage resulting in water being present in the central area. The details of the landscaping for the central amenity area are secured by condition through the soft landscaping scheme to ensure its appearance is suitable for the use as amenity space.
- 7.14.11 Further information has been provided by the applicants drainage consultant which confirms that the central area shall only have water present during storm events where significant rainfall has occurred. The reason why the water will disperse quickly from the central amenity area is due to the sustainable drainage links to the proposed combined sewer, which in turns connects to the wider combined sewer network. Therefore, during regular weather conditions, the central amenity area is considered to be useable for the needs of occupants to enjoy at their leisure.
- 7.14.12 It is acknowledged that the size of the central amenity area falls short of the desired communal standards as set out in the New Dwellings SPG document. However, a material consideration is that all residential units feature their own private amenity space either meeting or exceeding the standards contained within the New Dwellings SPG. This aspect coupled with that the future occupants would benefit from the useable communal amenity space of 881sqm, it is considered that the amenity spaces provided are adequate for future occupants within the urban setting.
- 7.15 Highways and Parking**
- 7.15.1 The site is not proposed to be accessed from Queens Hill for pedestrian or vehicles. The site is proposed to be accessed from Factory Road for vehicles, pedestrians and service vehicles. The Highways Office has no objection with regard to visibility splays serving the junction. The position of the pedestrian crossing would ensure that pedestrian and vehicles have intervisibility when approaching the junction. The Highways Officer has confirmed that the specific design of the pedestrian crossing across the access road is controlled via the Highways Act 1980 and is satisfied that for the purposes of planning the scheme is acceptable.
- 7.15.2 The application site is located within Parking Zone 3; the Parking SPG documents sets out an apartment development should provide 1 space per bedroom for residents and 1 space per five units for visitors. The proposed 43no. residential units would therefore command the provision of 69no. parking spaces to serve residents and visitors. The Parking SPG document states that where clear evidence of low car ownership has been provided, a more flexible approach to car parking standards may be taken. Furthermore, the Parking SPG sets out that sustainability points will be awarded for developments that meet the criteria for their proximity to local facilities by active travel and public transport modes.
- 7.15.3 The Highways Officer has assessed the sustainability appraisal which provided information regarding walking routes through to the city centre demonstrating that the site is well connected to amenities and public transport nodes. As such, the site benefits from a reduction in parking standards to one space per unit. The proposed flats would be served by 43no. off street parking space, equating to one per residential unit. Therefore, the proposal accords with the Parking SPG document and Policy T4. The Highways Officer is content that any visitor parking could be catered for on the unrestricted highway adjacent to the site on Factory Road.

- 7.15.4 The proposed development includes secure cycle storage located at the lower ground floor of both buildings totalling 58no. long stay cycle spaces and 3no. short stay cycle spaces. The Sustainable Travel SPG sets out that the proposed development should provide 27.5 long stay cycle spaces and 2.75 short stay cycle spaces. Therefore, the proposed cycle spaces exceed the minimum requirements as set out in Sustainable Travel SPG document.
- 7.15.5 The scheme provides an off street area for the waste and recycling bins to be placed on refuse collection days. Therefore, no bins will be sited on the footway or the highway. In order to ensure access from the highway is kept clear to allow for collection, 3no. H bars are proposed to be painted on the highway. Therefore, servicing vehicles would not need to enter the site for the purposes of refuse collection.
- 7.15.6 Within the site, this features a turning head to allow for car and delivery vehicles to enter the site, turn and leave in a forward gear. The visibility splays and intervisibility at the junction with Factory Road has raised no objection from the Highways Officer.
- 7.15.7 Concern has been raised by third parties regarding access to the site during the construction phase with particular emphasis on the corner of Mill Street and Factory Road. This would be the primary route for construction vehicles visiting the site as Locke Street experiences cars park each side of the highway thereby restricting the width of the highway. The Highways Officer has raised no concern with vehicles accessing the site from Mill Street. Furthermore, it is highlighted that Factory Road currently serves a number of commercial units which have regular commercial vehicle traffic visiting those sites. Data provided by crashmap.co.uk shows that there have been no vehicle collisions on Mill Street or Factory Road in the last 5 years. It is considered necessary to ensure that demolition and construction traffic is controlled to ensure that they are routed along Mill Street. However as the Highways Officer has raised no objection regarding construction traffic, and that the area is not experiencing a high number of vehicle collisions it is considered the proposal would not result in an adverse impact on the safe and efficient use of the highway network.

#### 7.16 **Impact on Ecology and Trees**

- 7.16.1 A Bat Survey has been submitted with the application which concluded that no bats were observed emerging from the existing buildings. Therefore the demolition of the building would have a negligible impact on the local bat population. The existing building did not offer suitable conditions for hibernating bats, nor was there evidence of nesting birds. The report concludes that the proposed development presents an opportunity to enhance onsite biodiversity through the provision of bird and bat boxes/bricks and that any external lighting should not directly illuminate existing mitigation areas.
- 7.16.2 The Councils Ecologist has assessed the context of the survey and supports the methodology and the conclusions drawn. A condition is recommended in order to secure the biodiversity enhancements in order to achieve the net gain in biodiversity. The Councils Ecologist also notes the proposed sedum roof would also provide benefits for biodiversity.
- 7.16.3 The intervening western boundary with Dos Cottages features a number of cypress trees at a height of approximately 19m and the Fir Tree which is protected through the Tree Preservation Order. The proposed development would require the demolition of the existing building and the removal of an existing retaining wall to the rear of the building. The condition of the retaining wall is questionable as there is clear evidence that the wall is leaning into the application site. The removal of this wall would likely affect the stability of the existing bank and the existing trees – including the tree subject of the Tree Preservation Order. The *do-nothing* option is to leave the existing retaining wall as is, however the wall is likely to require works to reinforce to avoid future collapse into the site.
- 7.16.4 The permanent removal of the trees would result in significant and clearly defined public benefits. Currently, the existing trees have not been managed thereby resulting in a height of approximately 9m. Their presence is overbearing on the amenity of existing occupiers of Dos Cottages and the consistent dropping of needles will have an impact on the enjoyment of the private amenity spaces of Dos Cottages. Furthermore, the existing trees are to be removed to aid in the delivery of affordable housing, of which there is a significant need for in the Local Authority area. The indicative landscaping scheme includes the provision of trees

to provide compensatory planting as required in para. 6.4.42 of Planning Policy Wales (Ed.12) and the species of which can be secured by condition to ensure the quality of the trees to be planted positively contribute toward the wider biodiversity of the site. However, the number of trees to be planted on the site could not meet the ratios of 3 to 1 as requested by Planning Policy Wales (Ed.12). Furthermore, the indicative replacement trees to be planted on the site do not meet the guidelines within the Wildlife and Development SPG which sets out that replacement trees shall be compensated at a ratio of 1 to 1.5. The number of trees to be felled on the site total 44, therefore to meet the Planning Policy Wales (Ed. 12) requirements and Wildlife and Development SPG would equate to 132 and 66 trees respectively. The setting and physical constraints of the site mean that this level of compensation cannot be facilitated on the site.

7.16.5 The Tree Officer has provided additional comments on the existing trees which confirms the roots are pushing the existing retaining wall over. The conifer hedging is of low value in terms of aesthetics and quality; however they do provide some screening for the benefit of Dos Cottages. The Tree Officer also confirms that the TPO'd Fir tree also has a low value and all of them are not worthy of retention.

7.16.6 The Ecology Officer has also provided comments setting out that ecological value of the existing trees is low. Therefore, the emphasis in this case is to ensure that the trees to be provided are of good quality in respect of their contribution toward achieving a net gain in biodiversity and the species of tree planted. A further material consideration in the balancing of the scheme is that it would provide in excess of 30% affordable housing, of which there is a significant need for in the city. As such, the indicative landscaping scheme provided is considered to strike the right balance in providing suitable tree planting to serve the site, enhancing onsite biodiversity, and the delivery of affordable housing.

## 7.17 **Waste**

7.17.1 The proposal requires onsite storage of waste and recycling; the lower ground floor includes a dedicated areas for the storage of waste and recycling which can be accessed by all residential units using the communal stairwell and/or lifts. The waste and recycling areas all feature an external access door to allow for the bins to be presented for collection served by a ramped access. The highway adjacent the bin collection point would be painted with a H bar indicating this space shall remain free from obstruction. The forms of enclosure for the bin collection points have not been provided, however can be secured by condition for the submission of a hard landscaping scheme. The Councils Waste Officer has raised no objection to the proposed scheme, and the Councils Highways Officers accepts the refuse collection point arrangements are acceptable in highways terms. The proposal accords with Policy W3.

## 8. **OTHER CONSIDERATIONS**

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

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

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

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

8.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and

- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

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

- 8.4 The above duties have been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.
- 8.5 ***Planning (Wales) Act 2015 (Welsh language)***  
Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.
- 8.6 ***Newport's Well-Being Plan 2018-23***  
The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## **9. CONCLUSION**

- 9.1 The proposed development would represent as a form of brownfield development to provide much needed affordable housing to serve the residents of Newport. The scheme includes private and communal amenity space, off street parking, sustainably located and of benefit to the overall character and appearance of the area. The benefit of the scheme outweigh the concerns relating to the loss of existing trees and increased vehicle movements to the site. The proposal is therefore recommended to be granted with conditions.

## **10. RECOMMENDATION**

### **GRANTED WITH CONDITIONS AND SUBJECT TO A SECTION 106 LEGAL AGREEMENT WITH DELEGATED AUTHORITY TO HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT TO USE DISCRETION TO REFUSE IF NOT SIGNED WITHIN 3 MONTHS OF A RESOLUTION**

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

- Second Floor Plan (Drawing ref: PL 04 2F PLAN Rev A)
- SUDS Basin Supporting Information (Received: 21.02.2024)
- Fifth Floor Plan (Drawing ref: PL 07 5F PLAN Rev A)
- Fourth Floor Plan (Drawing ref: PL 06 4F PLAN Rev A)
- Third Floor Plan (Drawing ref: PL 05 3F PLAN Rev A)
- First Floor Plan (Drawing ref: PL 03 1F PLAN)
- Ground Floor Plan (Drawing ref: PL 02 GF PLAN Rev C)
- Lower Ground Floor Plan (Drawing ref: PL 01 LGF PLAN Rev C)
- Crossing at Site Entrance Lower Ground Floor (Drawing ref: PL 14 ENTRANCE CROSSING)
- Existing Elevations (Drawing ref: PL 20 EX ELEVATIONS)
- Existing Plans (Drawing ref: PL 21 EX PLANS)

- Accommodation Schedule Rev 1 (Received: 18.02.2024)
- Sustainability Appraisal by Corun, January 2024 (Received: 23.01.2024)
- Site Layout Plan (Drawing ref: PL 00 SITE PLAN Rev C)
- Transport Statement (Ref: 22-00784/TS01A – November 2023)0
- Drainage Strategy and SuDS Compliance Statement by Quad Consult (Ref: 22211-R-601-0)
- Noise Assessment (Ref: 2308046) dated 16<sup>th</sup> November 2023
- Factory Road – Tree Planting Scheme (Received: 22.11.2023)
- Tree Survey & Existing Features (Drawing ref: CA 2023-FR-01 Rev 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

02 All habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that **all** such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. All habitable rooms subject to sound insulation measures shall be able to be effectively ventilated without opening windows. No dwelling shall be occupied until the approved sound insulation and ventilation measures have been installed to that property in accordance with the approved details. The approved measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy GP2 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

03 No development (including demolition) shall take place until a site specific Demolition and Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Newport City Council Noise & Neighbourhood Team
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within permitted hours
- Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Measures to mitigate demolition dust and material causing a nuisance to local residents, for example sheeting of loads and wheel washing apparatus
- Demolition and Construction traffic routing to and from the site.

Reason: To protect the amenities of occupiers of other premises in the vicinity in accordance with Policy GP2 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

04 No development (excluding demolition) shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means.

Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

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

05 Prior to the first use of the development hereby approved, the ecological mitigation and enhancements measures as set out in Section 10 of the Bat Survey by Ecological Services Ltd. dated February 2023, Version V2.0 shall be incorporated into the development and retained for the duration of the use.

**REASON:** To ensure that the development result in a net gain in biodiversity in accordance with Policy GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

06 Before the commencement of development (excluding demolition), written approval of the Local Planning Authority is required to a scheme of hard and soft landscaping and tree planting for the site (indicating the number, species, heights on planting and positions of all trees and shrubs). The approved scheme shall be carried out in its entirety by a date not later than the end of the full planting season immediately following the completion of that development. Thereafter, the trees and shrubs shall be maintained for a period of 5 years from the date of planting in accordance with an agreed management schedule. Any trees or shrubs which die or are damaged shall be replaced and maintained until satisfactorily established. For the purposes of this condition, a full planting season shall mean the period from October to April.

**Reason:** To safeguard the rights of control of the Local Planning Authority in these respects and to ensure that the site is landscaped in a satisfactory manner in accordance with Policy GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

07 Before the commencement development, other than demolition, drawings of the proposed retaining works and boundary treatments shall be submitted and agreed in writing by the Local Planning. These boundary treatments shall be undertaken in accordance with the agreed details.

**REASON:** In the interests of visual amenity in accordance with Policy GP6 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

08 Prior to the first beneficial occupation of the development hereby approved, the cycle parking and car parking layout as shown on the approved drawings Lower Ground Floor Plan (Drawing ref: PL 01 LGF Plan Rev C) and Ground Floor Plan (Drawing ref: PL 02 GF PLAN Rev C) shall be laid out and retained for the duration of the use.

**REASON:** To provide adequate parking facilities in accordance with Policy T4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

09 Prior to the first beneficial occupation of the development hereby approved, the refuse storage shall be laid out in accordance with the approved drawing Lower Ground Floor Plan (Drawing ref: PL 01 LGF Plan Rev C) and retained for the duration of the use. A refuse management strategy shall be submitted to and agreed in writing by the Local Planning Authority. The agreed refuse management strategy shall operate for the duration of the use.

**REASON:** To ensure the site is served by adequate waste management in accordance with Policy W3 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

10 Prior to the commencement of development (excluding demolition), details of the materials to be used on the external surfaces of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall undertaken in accordance with the agreed details.

**REASON:** In the interests of visual amenities in accordance with Policy GP6 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

11 Prior to the commencement of development (including demolition) a scheme for the removal of non-native invasive species shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be undertaken in accordance with the agreed details.

REASON: In the interests of biodiversity in accordance with Policy GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

12 Prior to the commencement of development (excluding demolition) a scheme for the provision of electric vehicle charging points shall be submitted to and agreed in writing by the Local Planning Authority. The electric vehicle charging points shall be provided in accordance with the agreed details prior to the first beneficial occupation of the residential units.

REASON: To provide a positive contribution toward sustainability in accordance with Policy SP1 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

13 The maximum gradient of the access road leading into the site from Factory Road shall be limited to 1:21 as shown on the approved drawing Site Layout (Drawing ref: PL 00 Site Plan Rev C).

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

#### *NOTE TO APPLICANT*

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP2, SP4, SP10, SP13, SP18, GP1, GP3, GP2, GP4, GP5, GP6, GP7, H2, H3, H4, EM3, T4, W3 were relevant to the determination of this application.

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

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

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

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

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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**END**