

Delegated Decision Report

Application No:	23/0703	Statutory Period Expires:	7 th January 2025
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Site:	West Of England Hotel 42 Mill Parade Newport NP20 2JS		
Proposal:	CONVERSION OF FIRST AND SECOND FLOORS TO CREATE 7NO. RESIDENTIAL APARTMENTS, COMMUNITY FACILITY (D1) AT GROUND FLOOR AND ASSOCIATED INTERNAL AND EXTERNAL WORKS		
Applicant:	F David		
Type:	Full	Ward:	Pillgwenlly
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The site is located within an urban area in relative close proximity to the River Usk, the Grade II listed Transporter Bridge and Grade II listed Waterloo Hotel. The site is accessed from Brunel Street which links through to Mill Parade. To the south of the site lies structural ground anchors for the Transporter Bridge. To the west lies a row of terraced properties; historically to the north of the site further terraced properties were presented, however they were demolished a considerable time ago. This area is now used as allotments. To the north of the West of England hotel features a car parking area leading onto a grassed verge with a single mature tree. The three storey building has many period features typical of the mid 19th – early 20th century which include arched windows, stone headers and recessed brickwork. To the rear, a modern extension was added which has very limited architectural details and does not integrate well with the appearance of the host building. The site is located in the Waterloo Conservation Area, Flood Zone 3 and Parking Zone 3.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposal seeks to reinstate the parking area to provide 21no. off street parking spaces along with the conversion of the first and second floors to create 7no. apartments with a community facility (D1) at the ground floor.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 Historic Environment (Wales) Act 2023

Part 4 CONSERVATION AREAS, Section 160 *Exercise of planning functions: general duty relating to conservation areas*

5.2 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 12 – Regional Connectivity

5.3 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

- SP1 – Sustainability
- SP3 – Flood Risk
- SP4 – Water Resources
- SP9 – Conservation of the Natural, Historic and Built Environment
- SP13 – Planning Obligations
- SP18 – Urban Regeneration
- GP2 – General Amenity
- GP4 – Highways and Accessibility
- GP5 – Natural Environment
- GP6 – Quality of Design
- GP7 – Environmental Protection and Public Health
- CE7 – Conservation Areas
- H2 – Housing Standards
- H4 – Affordable Housing
- H8 – Self Contained Accommodation and Houses in Multiple Occupation
- T4 – Parking
- CF2 – Outdoor Play Space Requirements
- W3 – Provision for Waste Management Facilities in Development

5.5 SUPPLEMENTARY PLANNING GUIDANCE

- Sustainable Travel
- Planning Obligations
- Affordable Housing
- Wildlife and Development
- Flat Conversions
- Waste Storage and Collection
- Parking Standards
- Trees, Woodland, Hedgerows and Development Sites

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales: No objection.

6.2 Highways Officer: Objection on grounds of parking and sustainability policies.

Following receipt of amended plans reflecting reduced ownership we would update our comments as follows. The plans still show inadequate and unsuitable provision for cycles. These should have a minimum spacing of 1000mm for ease of use and to allow all bike types and abilities. In addition, the arrangement of the doors makes it extremely difficult to use. Quality is more important than quantity in encouraging cycle use. The amended plans appear to show a reduction in parking without any other changes. Clearly this results in parking numbers below the required levels and raises further objection.

6.3 Drainage Manager: No response.

6.4 Principal Heritage Officer: Further to the additional information, I am generally ok with the proposals in principle. My one concern is the lack of information on window replacements. There is no inclination as to the number being replaced, what they are being replaced with and how this would impact the character of the property. It would be good to have some more

information on this prior to determination, but the specific details and cross sections of the windows I am happy to have conditioned. Please could you request this?

- 6.5 Ecology Officer: Subsequent to my comments of 4th January, I can see that the proposed scheme has been altered, and it is now my understanding that no works are proposed to the roof, roof void or external features, such that the proposal now consists of internal refurbishment to the first and second floors only. If this is the case, then I would have no further comment other than to advise we attach the Bat Advisory Note set out in my existing comments.

Any further new proposals, or alteration to the existing proposals which may affect potential bat roosting areas, should be supported by further bat surveys.

I note that the Landscaping Advisor and Tree Officer have concerns about impacts upon the tree on site, so I would support any advice they give.

- 6.6 Landscape Officer: The rev C confirms the grass verge to the north boundary will be retained.

As highlighted previously note the presence of a semi-mature tree (likely highways) in the grass verge – as a minimum a plan or Condition is required to ensure this is adequately protected by fencing to the extent of the root protection area during construction phase to avoid storage of materials etc – please refer to Tree Officer comments.

A beech hedge is shown at the car park entrance which is welcome provided this does not impact on the visibility splay. As previously the area highlighted as an 'amenity area' is realistically left over space with no function.

- 6.7 Active Travel Officer: No objection.

- 6.8 Planning Contributions Manager: Planning contributions required.

- 6.9 Environmental Health Officer: No objection subject to conditions (CEMP, construction hours, noise insulation, waste storage).

- 6.10 SAB Officer: Having reviewed the information, a SAB application will likely be required due to the scale of the works.

We would encourage the applicant to engage with us at the earliest opportunity to ensure that the planning application and sab application can be reviewed in conjunction to ensure the design satisfies SAB and planning standards.

- 6.11 Waste Manager: No response.

- 6.12 Dwr Cymru/Welsh Water: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system. No new connection to a brick work sewer will be permitted.

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

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers

Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

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 11) 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.

6.13 Senior Fire Protection Officer: No objection.

6.14 Wales & West Utilities: WWU reserves its position completely to enforce the terms of any existing easement against the landowner, even if this results in any planning permission granted not being able to be fully implemented.

You must not build over any of our plant or enclose our apparatus.

Wales & West Utilities have no planning objections to these proposals, although it should be noted that Wales & West's apparatus is held pursuant to easements and it has other private law rights in relation to the use of the land in the vicinity of its apparatus. Wales & West's private law land rights are not material planning considerations and therefore no comment is made in relation to those rights and they have no impact on whether or not planning permission should be granted, or whether, if permission is granted, it can lawfully be implemented. It should also be noted that Wales & West's apparatus may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

6.15 National Grid: No assets affected.

6.16 Tree Officer: Objections remain

Gill also raised issues – see attached .

Existing and Proposed Block Plan SD724 01a shows a clear incursion into NCC land shown as orange - it alludes to this on the plan : "property ownership does not align with the grass verge "

This is clearly unacceptable and was previously raised in my original comments along with tree issues.

All trees to be evaluated in line with BS5837:2012 – this has not been done.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on the 15th August 2023, Site Notice was put up on the 18th August 2023 and Press Notice dated 19th August 2023.

7.1 NEIGHBOURS: No response.

8. ASSESSMENT

8.1 Principle of Development:

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

8.2 Impact on Flooding

8.2.1 The Development Advice Map (DAM) indicates the site is located within Flood Zone C2 and the Flood Map for Planning (FMfP) indicates the site is located within Flood Zone 3. The FMfP represents the most up to date data with regard to flood risk and shall be given significant weight as a material planning consideration as per the Chief Planners letter of the 15th December 2021.

8.2.2 The proposal seeks to change the use of the ground floor to D1 of the Town and Country Planning (Use Classes) Order 1987 as amended, with C3 residential above to form 7no. units. The current lawful use of the site is established as a public house with a hotel to the upper floors. The upper floors of the unit are considered to fall under use class C1, which is a form of highly vulnerable development as confirmed within the wording of Technical Advice Note 15. It is noted that the consultation response from Natural Resources Wales sets out that the justification tests as outlined within section 6.2 of Technical Advice Note 15 cannot be applied to highly vulnerable development within Flood Zone C2. However, when taking into account the existing lawful highly vulnerable use at the upper floors of the building, it is considered that the proposed residential C3 use at the upper floors would not alter the vulnerability of the site. The submitted Flood Consequences Assessment (FCA) has received no objection from Natural Resources Wales and the FCA confirms that the residential units would be flood free in a flood event. Taking into account the existing use, it is considered that an assessment of the justification tests, firstly does not apply to the site given its location within Flood Zone C2 / 3 and that the vulnerability of the site is not changing. Therefore, the intensification of the use from C1 to C3 would not result in a level of intensification that would warrant a refusal as both uses are forms of highly vulnerable development.

8.2.3 Turning to the proposed ground floor use as D1 community facility, the existing use of the ground floor is considered to be A3; both of these uses are considered to be *less vulnerable development*. As above, there is no change to the vulnerability status of the ground floor use. Therefore, it is considered that the application of the justification tests are not required in this instance as the vulnerability of the use proposed at ground floor is not changing.

8.2.4 Furthermore, the regeneration of the site is significantly weighted in the consideration of the acceptability of the proposed development in regard to flood risk.

8.3 Impact on Water Resources

8.3.1 Policy SP4 seeks to ensure water consumption is minimised and water quality is protected during and after construction, and that developments do not result in an increase of surface water runoff. The site area measures 108sqm as shown on the submitted Site Location Plan (Drawing ref: SD724 01A), therefore the site is required to have separate approval through the Flood and Water Management Act 2010 for methods of sustainable urban drainage (SUDs). Therefore, it is considered that surface water runoff is suitably controlled via this legislation.

8.3.2 Turning to water consumption, the Building Regulations 2010 Appendix G suitably controls water consumption within residential dwellings. Therefore, it is considered that water consumption is also suitably controlled via separate legislation.

8.3.3 With regard to capacity within the existing foul water drainage system, a consultation was undertaken with Dwr Cymru/Welsh Water who have confirmed that there is sufficient capacity within the existing sewerage network in order to serve the site. It is therefore considered that the proposal fulfils Policy SP4.

8.4 **Impact on the Conservation Area**

- 8.4.1 The site is located within the Waterloo Conservation Area, therefore due regard shall be given to the preservation or enhancement of the conservation area as per the requirements of Section 160 of the Historic Environment (Wales) Act 2023.
- 8.4.2 The principal elevation facing Brunel Street and Mill Parade have many period features typical of the mid 19th century. However, to the rear a modern extension has been erected which adds very little to the character and appearance of the conservation area. Therefore, it is considered that the most sensitive elevations are those facing Brunel Street and the corner of Mill Parade.
- 8.4.3 It is noted that the works include the replacement of fenestration to the upper floors only with the ground floor windows retained and renovated. Some of the existing windows are clearly modern as identified through the presence of trickle vents, however the arched windows with coloured glass are most likely to be original. The windows of a building are considered an important feature of the character of a building and contribute significantly to the appearance of the conservation area. It is therefore considered necessary that details of the fenestration are secured by way of condition prior to their installation. The external elevations largely remain as the existing appearance except for the alteration of a window to a door in order to provide access for the apartments to the upper floors. No design details of the proposed door have been provided, given the sensitivity of the site it is considered necessary to secure details of the door by condition prior to its installation. Subject to conditions, it is considered that the proposal would preserve the special qualities of the conservation area in accordance with Section 160 of the Historic Environment (Wales) Act 2023 and Policies SP9, CE7 and GP6.

8.5 **Planning Obligations**

- 8.5.1 In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)

b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site).

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

Service Area that requires planning obligation	Purpose of planning obligation	Planning obligation initially sought by Planning Authority	Summary Heads of Terms agreed by applicant(s)	Viability Issues?
<i>Regeneration, Investment and Housing</i>	To provide a contribution toward off site affordable housing and leisure.	A commuted sum of £24,024 toward affordable housing and £12,750 to upgrade open space provision at Riverside Park in accordance with the formula in the adopted Planning Obligations SPG document.	A commuted sum of £36,774.	No.

HEADS OF TERMS AGREED BY APPLICANT

1. Introduction

Based upon a development of 7 x 1 bed dwellings, the following S106 planning obligations are required to mitigate the impact of the development.

2. Affordable Housing

Committed sum payments for affordable housing will be sought on developments of 3-9 dwellings within defined settlement boundaries. The site lies within the Housing Target Area of Newport West. Newport West has aspirations for delivery of 30% affordable housing on new development. The equivalent commuted sum generated is £24,024.

This sum will be index linked to the RPI and paid prior to occupation of the third dwelling

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 Maesglas Primary School. Taking into account the scale and type of development and 'School Capacity', no contribution is required

Secondary

The development is served by John Frost 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 Pillgwenlly ward

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

The proposed development generates a commuted sum of £12,750 to upgrade and maintain open space provision at Riverside Park.

All Leisure Sums will be index linked to the Retail Price Index and paid prior to occupation of the third dwelling

5. Administration Fee

In accordance with the Planning Obligations SPG (2020), a £828 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.

8.6 Urban Regeneration

8.6.1 The proposed development would result in the reuse of a prominent historic building which has experienced a period of decline since it became vacant. The provision of residential and business opportunities within the urban area are encouraged along with the reuse of the derelict site. The proposal accords with the strategic aims of Policy SP18.

8.7 Impact on Amenity

8.7.1 The proposal seeks to provide 6no. one bedroom apartments and 1no. bedsit. The Flat Conversions Supplementary Planning Guidance sets out the desired gross internal floor space for residential units. The proposed floor space is assessed against the desired standards in *Table 1* below.

Flat Number	Flat Type	Number of Bedrooms	Desired Gross Internal Floor Area (sqm)	Actual Gross Internal Floor Area (sqm)
1	Flat	1	45	45.8
2	Flat	1	45	44.5
3	Studio	1	32	31.4
4	Flat	1	45	42.9
5	Flat	1	45	42.5
6	Flat	1	45	47.7
7	Flat	1	45	41.3

Table 1: Table showing desired and actual gross internal floor space.

8.7.2 The above table shows that Flats 1 and 6 fulfil the desired internal floor space. The remaining units fall marginally short of the desired internal floor space, however the discrepancy between the desired and actual standards are considered to not result in a significant impact on the amenity of any future occupant as each units remains to be served by a separate bedroom, kitchen and lounge – notwithstanding the studio unit. The gross internal floorspace for each unit is considered to be acceptable.

8.7.3 With regard to noise, the Environmental Health Officer has recommended the attachment of a condition for a scheme of noise insulation between floors, ceilings and party walls to ensure future occupants do not experience excessive levels of noise. Should all other matters be acceptable, a condition would be attached to that effect.

8.7.4 The proposal is considered to not impact local amenity in terms of disturbance when taking into account the existing lawful use as a public house, overbearing, light, odours or air quality.

8.7.5 No significant alterations are proposed to the external elevations that would result in a different impact than that of the existing building. Therefore, the visual amenities are considered unaffected by the scheme.

8.7.6 Each residential unit is served by multiple windows to allow for daylight and sunlight to enter the habitable rooms.

8.7.7 Criterion (iv) of GP2 sets out that proposal promotes inclusive design both for the built development and access within and around the development. Externally lies the pavement which provides a direct access to the car parking area which is considered to align with this criterion. However, internally, the proposed layout has a staircase leading to the first floor. Therefore, any future occupants who have mobility issues that cannot navigate the stairs to access the first floor would be excluded from the potential use of this site. As such, the proposed layout fails to provide an inclusive accessible layout.

8.7.8 The Flat Conversions Supplementary Planning Guidance document sets out that outdoor space should be provided for future occupants where the opportunity exists. In this instance, the existing parking area is to be retained as a parking area for the residential occupants and the visitors to the proposed D1 use at ground floor. While it is desirable to provide outdoor space for future occupants, in this instance this is not achievable. Despite the absence of the outdoor space, this does not form a reason for refusal. This is due to the balance when taking into account the desirability of securing a reuse of a vacant building which has substantial historic character and the benefits of securing much needed housing units. The proposal is considered to accord with the aims of Policy GP2 and H8.

8.8 Impact on the Highway and Parking

8.8.1 The site is to remain to be accessed from the existing vehicle access point onto Mill Parade. Given the existing use of the site as a public house, it is considered that the proposal would not result in an intensification of the use of the highway.

8.8.2 The application site is located within Parking Zone 3, the Parking Standards Supplementary Planning Guidance documents sets out the parking requirements. The residential element would command 7no. residential spaces, and 1no. residential visitors space. The commercial D1 ground floor (259sqm) element would command 1no. commercial space and 25.9 non operational spaces.

8.8.3 Therefore, the total parking demand for the site would equate to 33.9no. car parking spaces and 1no. commercial space.

8.8.4 The proposed layout drawing shows 19no. spaces, however spaces 12-19 as labelled on the proposed block plan would appear to encroach into land own by the Local Authority. Therefore, these spaces are considered to be undeliverable. As such, it is considered that spaces 1 – 11 are the actual spaces which could be delivered as part of this scheme.

8.8.5 The submitted sustainability appraisal has been assessed by the Highways Officer and its methodology has not been accepted. Policy 12 of Future Wales – The National Plan 2040 sets out that planning authorities must act to reduce the levels of car parking in urban areas and that 10% of the non-residential car parking spaces. Planning Policy Wales (Ed.12) also reinforces that parking provision for new developments are kept down and informed by the local context. In this case, the site is sustainably located, close to public transport links, shop, restaurants and other services. As such, when taking into account the national policy background which is the current stance on parking levels on new developments, it is considered that the useable and deliverable spaces 1 – 11 as shown on the proposed block plan are considered sufficient to serve the needs of the site in line with national policy. It is noted that a minimum of 10% of the non-residential spaces shall be provided with electric vehicle charging points. This could be secured by way of condition.

8.8.6 The proposed residential element would command secure bicycle storage for 7no. spaces on the ground floor of the building. This accords with the secure bicycle storage standards and is thereby acceptable. No cycle storage is proposed externally to serve as the short stay requirement for the residential properties or the commercial element of the scheme. Given the extant use as a public house currently has no outdoor short stay cycle storage, it is considered that the absence of short stay cycle storage on the proposed scheme would not warrant a reason for refusal.

8.9 Impact on the Natural Environment

8.9.1 Planning Policy Wales (Ed. 12) sets out that *planning authorities must follow the step-wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimised, mitigated and as a last resort compensated for.*

8.9.2 This guidance sets out the requirement for a Green Infrastructure statement to demonstrate that the step-wise approach has been followed and the scheme of mitigation and enhancement having informed by the step-wise approach. A Green Infrastructure statement has not been included with the submission. It is acknowledged that the site is predominantly urban and the type and number of ecological enhancements may be curtailed by the sites

location, however despite the ecological baseline for the site, there remains an opportunity to enhance the ecological value of the site.

- 8.9.3 Planning Policy Wales (Ed. 12) sets out within paragraph 6.4.12 *'Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.'*
- 8.9.4 The above extract from Planning Policy Wales (Ed.12) is clear in its guidance that where biodiversity enhancements are not proposed as part of the application, significant weight will be given to its absence.
- 8.9.5 A brief Green Infrastructure Statement has been included in the Design & Access Statement which outlines the urban context of the site and limited opportunities to provide biodiversity enhancements. The scheme of biodiversity enhancements relate to the installation of bird and bat boxes. Should all other matters be acceptable, a scheme for biodiversity enhancement would be secured by condition.
- 8.9.6 The application has been provided with a bat scoping survey and it was confirmed by the agent that the proposal would not result in works to the roof, or roof voids. Taking this into account the Ecology Officer has raised no concerns, but has requested the attachment of a note should bat roosts be encountered during construction.
- 8.9.7 The Tree Officer has objected to the scheme as the proposed parking area appears to encroach onto land not under the ownership or control of the applicant. Furthermore, the laying out of the car parking spaces, according to the proposed site layout plan, would be sited closer to the root protection area and trunk of the existing street tree. No information has been provided in the form of a tree survey in order to ascertain the root protection area or the potential impact on the existing tree from the enlarged car parking area. As such, the proposed layout represents significant harm to the health and long term retention of the existing tree contrary to the aims of Policy GP5.

8.10 **Waste**

- 8.10.1 The residential waste is located internally to the ground floor adjacent the main residential entrance. Regarding the commercial D1 use, the refuse area is located at ground floor however this appears to be sited on the cross section of an internal structural wall.
- 8.10.2 The Waste Storage Supplementary Planning Guidance documents sets out that each residential unit should be served by 1no. 120litre bin, plus 3no. 360 litre bins for paper, plastic and glass, and 1no. 240 litre food waste bin. The commercial element does not have a bin storage standard, but does provide guidance on the design of external bin storage areas. The commercial waste element would be required to be collected by a private contractor and the demands of the unit would inform the size of the external bin storage area required.
- 8.10.3 It is considered that the internal layout for the bin storage for both the residential and commercial elements would be unacceptable and would result in odours within the building, when considering that refuse is currently collected on a 3-weekly basis in Newport. The proposals would not fulfil the requirements of the Waste Storage and Collection SPG document, contrary to the aims of Policy W3. The bins should be sited externally.

9. **OTHER CONSIDERATIONS**

9.1 ***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.

9.2 ***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.

- 9.3 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.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 ***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.

9.6 ***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.

10. CONCLUSION

10.1 The proposed development is considered to result in harm to the health and retention of the existing street tree through the incursion into the root protection area through the enlargement of the parking area to provide car parking spaces 12 – 19 as shown on the submitted proposed site layout plan. Also, the proposal fails to provide sufficient storage for waste and recycling contrary to Policy W3.

11. DECISION

Refuse, for the following reason(s):

01 The development, in particular the extension of the parking area, would have a significant adverse impact upon interests of acknowledged importance, namely the impact upon the street tree. No information has been provided to mitigate this objection in the form of a Tree Survey submitted in accordance with BS 5837:2012 by a bona fide Tree Consultant, contrary to Policy GP5 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

02 The development would have a significant adverse impact upon interests of acknowledged importance, namely the amenity of future residents and the surrounding area, due to inadequate and poorly designed waste storage arrangements for both the residential and commercial elements of the scheme. The bin storage would be internal to the building which would result in odours, to the detriment of the amenities of future occupiers. The waste storage arrangements are contrary to the requirements of the Waste and Recycling

Supplementary Planning Guidance and Policy W3 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

03 The development would have a significant adverse impact upon interests of acknowledged importance, namely it represents an unsustainable form of development which fails to be mitigated by contributions towards affordable housing and off-site leisure improvements. As such, the scheme is contrary to the Planning Obligations SPG dated January 2020 and policies SP1, SP13 and H4 of the Newport Local Development Plan 2011-2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos:

- Block Plan (Drawing ref: SD724 09E)
- Proposed Layouts 7 Apartments (Drawing ref: SD724 07D)
- Ownership with deeds overlain Reduced Scheme (Drawing ref: SD724 10)
- Existing Elevations (Drawing ref: SD724 03)
- Site Location Plan (Drawing ref: SD724 01A)
- Proposed Elevations (Drawing ref: SD724 08A)
- Existing Layouts (Drawing ref: SD724 02)
- Title Deeds 1 – 4 (Received: 04/06/2024)
- Cycle Parking and Landscape Information (Received: 12/03/2024)
- Design & Access Statement (Received: 02/03/2024)
- Flood Consequences Assessment (Received: 08/01/2024)
- Bat Scoping Survey (Received: 31/10/2024)
- Sound Report (Received: 22/08/2023)
- Proposed Elevations (Drawing ref: SD724 05)
- Parking Assessment (Received: 09/08/2024).

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP4, SP9, SP13, SP18, GP2, GP4, GP5, GP6, GP7, CE7, H2, H4, H8, T4, W3 were relevant to the determination of this application.

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