

Delegated Decision Report

Application No:	24/0774	Statutory Period Expires:	29th November 2024
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Site:	2 Clyffard Crescent Newport NP20 4GE		
Proposal:	CONVERSION OF 5NO. BEDROOM HOUSE TO 2NO. FLATS		
Applicant:	A Williams		
Type:	Full	Ward:	Stow Hill
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is within the Stow Hill ward and is a 4-storey terraced property. The application site sits along Clyffard Crescent, with primary access to the front of the dwelling. The site is situated within parking zone 2, with close links to Rail and Bus routes and within close vicinity to the town centre. The site is defined within the urban boundary.

3. DESCRIPTION OF DEVELOPMENT

3.1 The development looks at the conversion of a 5no. bedroom house to 2no. flats. The ground floor flat would have 2no. bedrooms, 1no. bathroom and a kitchen/dining/living area, with 2no. storage cupboards. The first floor flat would have 3no. bedrooms, 1no. kitchen area, 1no. living area, and 1no. bathroom. The ground floor flat is served with outdoor amenity space, however, the first floor flat does not benefit from outdoor amenity space. No information on bin or cycle storage have been provided. No external changes have been proposed as part of the development.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
92/0469	CHANGE OF USE FROM SINGLE DWELLING TO SIX BEDSITS	REFUSED	03/07/1992

5. PLANNING POLICY

5.1 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 7- Delivering affordable homes
Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 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.

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policy GP2 (General Amenity)
Policy GP4 (Highways and Accessibility)
Policy GP5 (Natural Environment)
Policy GP6 (Quality of Design)
Policy GP7 (Environmental Protection and Public Health)
Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation)
Policy SP13 (Planning Obligations)
Policy W3 (Provision for Waste Management Facilities in Development)

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Flat Conversions SPG
Parking Standards SPG
Planning Obligations SPG
Affordable Housing SPG
Waste Storage and Collection SPG

6. CONSULTATION RESPONSES

6.1 Drainage Manager: No comments received.

6.2 Environmental Health Officer:

I refer to the above application passed to the Environmental Protection Team for comment.

I confirm I have no objections to the proposals; however the following condition should be attached to any permission granted;

Waste Storage and Recycling

There is a lack of information regarding the waste storage and recycling facilities that will be provided to serve the future development. Therefore, either additional information is required or the following condition is recommended;

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.

Development/Construction Hours

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

6.3 Contamination Officer: No comments received.

6.4 SAB: No comments received.

6.5 Waste manager:

We would anticipate each property receive a single 120l bin for kerbside collection with recycling bags, boxes for kerbside collection.

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

6.6 Highways:

The change to two flats with five bedrooms results in a requirement for an additional 2 parking spaces which are clearly not available on site. The area is controlled with Traffic Regulation Orders for waiting and residents' only restrictions. The additional two flats could qualify for two parking permits each, if / when certain qualifying criteria are met (mainly Council tax requirements).

Notwithstanding the permits, we would suggest that there is no demonstrable capacity on street. Highways previously advised that a survey could be submitted to contest this, but no further information has been provided.

We cannot therefore support the application which would increase the parking stress locally.

The site has no access to the rear so creating two units exacerbates the issues of cycle and bin storage, resulting in further objections. Additional bins for collection and issues of where to store them are expected to exacerbate potential amenity and obstruction of footway issues.

6.7 Dwr Cymru Welsh Water:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

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.

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

Condition

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

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

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 26/09/2024.

7.1 9no. neighbours were consulted. No comments received.

8. ASSESSMENT

8.1 Principle of Development

8.2 When assessing the application, it is noted that the application proposes to change an existing 5no. bedroom dwelling to 2no. flats. Therefore, Policy H8 would be applicable.

8.3 Policy H8

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.

8.4 Firstly, Policy H8 suggests, *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.

- 8.5 It is noted that the application site would divide the property into two units. One flat would be on the ground floor and lower ground floor. The second flat would be on the first and second floor. When assessing the intensity of the use, it is noted that the number of the bedrooms are not increasing within the overall dwelling and no external alterations or extensions are proposed in this application. Therefore, it is unlikely that the proposal would create a harmful impact on the character of the building in this regard.
- 8.6 When assessing the amenity on neighbouring occupiers, as forementioned, the unit is already used for residential use, however, given that the unit is now 2no. residential units instead of one, this could increase the number of occupants in the unit. Therefore, the noise impact on neighbouring residential units should be considered. Appropriate insulation should be provided between party walls to neighbouring properties. Environmental Health have not raised any objections on this matter; however, they have stated a condition to keep any construction works within sociable hours and can be attached to any permission granted. Further noise insulation matters are discussed below in the report.
- 8.7 It should be noted Policy H8 suggests, the development should not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers. The SPG suggests, in paragraph 5.6.1 FC 6.1 (Refuse and recycling arrangements), *Dustbins and recycling boxes should be provided outside the flat, but within the curtilage of the property, in the least conspicuous location possible.* It should be considered that no bin storage has been provided in line with the application. On a site visit, it was apparent that many bins from neighbouring properties were kept on the street given that the many properties are terraced. The applicant has confirmed that each kitchen area would have areas for waste and recycling but the need for wheelie bins would be kerbside as there is no alternative. The applicant has suggested that the current need is similar to the proposed. Although it is considered that the current situation of the dwelling would likely keep bin storage on the street given that the rear amenity space is accessed down a staircase, the increase in a unit would exacerbate the presence of bins on the street. The highways officer has also raised concerns with this relationship. The image below shows the current situation of bins along Clyffard Crescent. Policy W3 states, *where appropriate, provision will be sought in all new development for facilities for the storage, recycling and other management of waste.* The proposed development, without reasonable external storage would not be acceptable as the addition of a dwelling would add to the bins present along the street. Environmental Health have suggested a condition be attached for details on waste storage, however, given the limited options for the flats and the proposed bin storage kerbside, this would likely pose a negative effect on the street scene and as suggested, exacerbate the existing situation. Therefore, the scheme is contrary to Policy H8, W3, and Waste Storage and Collection SPG.



- 8.8 Policy H8 also states the development should not lead to on-street parking problems. The Council's SPG suggests that a 5no. bedroom house has a parking demand of 3no. spaces. The 2no. flats would generate a parking demand of 5no spaces. This would have an increase in demand of 2no spaces. No parking survey or sustainability assessment has been provided in line with the application. Highways have suggested that the additional two flats could qualify for two parking permits each, if / when certain qualifying criteria are met (mainly Council tax requirements). The applicant has suggested that the property is located within close proximity to zone 1 with excellent public transport accessibility. The Highways Officer has been consulted on the application and has suggested that the area is controlled with Traffic Regulation Orders for waiting and residents' only restrictions. Notwithstanding the permits, highways would suggest that there is no demonstrable capacity on street. On assessment of highways comments, given the site's sustainable location located near to the City Centre, and the availability for parking permits which can be applied for, the proposal would be deemed acceptable. Highways goes on to state, the site has no access to the rear so creating two units exacerbates the issues of cycle and bin storage, resulting in further objections. Additional bins for collection and issues of where to store them are expected to exacerbate potential amenity and obstruction of footway issues. Bin storage has been assessed within the report. The lack of cycle storage would be contrary to the SPG, and details for this could not be conditioned given the lack of available space, especially for the upper floor flat.
- 8.9 It is suggested with the Parking Standards SPG that sustainability points can reduce the need for parking. It is considered given the sustainability of the site, and its proximity to the City Centre and train station, some reduction in spaces potentially could be achieved, however, no information has been provided on this. Therefore, currently, the parking demand is not met and has not been reduced contrary to Policy H8, GP4 and Parking Standards SPG.
- 8.10 Policy H8 goes on to suggest, *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;*
The development does not propose a HMO and therefore, this aspect does not apply to the proposal.

- 8.11 Policy H8 also suggests *ADEQUATE NOISE INSULATION IS PROVIDED*. It is suggested from the plans that soundproofing between flats will be added to the first floor - floors IAW Part E in line with building regulations. The flat conversions SPG suggests, *living rooms, moreover, should not be next to, directly above or directly below a bedroom in a neighbouring property unless the fabric of the building contains suitable acoustic insulation*. It is not understood what the neighbouring properties relationship is to the flats, however, it should be considered there is an existing residential use on the property. Within the residential unit, it is noted that there is a bedroom next to the front entrance of the dwelling, and a kitchen from the first floor flat above a bedroom on the ground floor flat, as well as a living room over and below bedrooms which is contrary to the SPG. Appropriate insulation should be provided to protect the amenity of residents, however, as there is an existing relationship of residential in the unit, this can be deemed acceptable. Further correspondence should be made with Building Regulations.
- 8.12 Lastly, Policy H8 suggests there should be, *ADEQUATE AMENITY FOR FUTURE OCCUPIERS*. The Flat Conversions SPG sets out parameters for space requirements in a flat.

Beds/bedrooms	Flat type			
	<i>Studio</i>	<i>Converted</i>	<i>New</i>	
			<i>Common Access²</i>	<i>Walk Up³</i>
1	32	45	46	50
2	n/a	58	59	65
3	n/a	74	84	90
4	n/a	86	93	99

Figure 1: Desired standards for gross internal floor space (square metres)

- 8.13 Within the unit, the 3no. bedroom flat holds an internal floor space of approximately 78sqm. The 2no bedroom flat has approximately 74sqm. Therefore, both flats meet the standard of the flat conversion space requirements and would be in line with Policy GP2 and H8 for residential amenity and the Flat Conversions SPG.
- 8.14 When assessing the amenity of occupiers, it is considered that all rooms are served by natural light. The bedrooms on the second floor are within the loft. The bedroom which is situated to the front of the dwelling is only serviced by a roof light. It should be considered that this bedroom was existing, and this relationship was existing. From the image below it is also considered that there is some degree of outlook from the roof light which would be deemed acceptable, given its existing use. The bedroom to the rear of the property on the second floor is also serviced by a small window as shown below, however, it is considered that this is also an existing relationship and would provide some form of outlook. Therefore, this would be deemed acceptable for current and future occupiers in line with Policy H8.



8.15 Moreover, it is considered that there would be no worse effect of overlooking to neighbouring properties from upper bedroom windows other than what is already experienced. Therefore, this would be deemed acceptable.

8.16 In terms of amenity space for occupants, the SPG suggests, *outdoor amenity space, whether a back garden or a patio, should be made available to the occupants of a converted flat wherever the opportunity exists.* The existing dwelling is served by a rear garden for occupants. However, the flats are now divided over different floors. One flat does not have access to the rear amenity space. This does not allow residents to have an outdoor sitting area, no external area for clothes drying or outdoor storage facilities etc., This would be seemed unacceptable over the existing situation and contrary to the SPG at the detriment of resident's amenity.

8.17 Biodiversity

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 GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect, and enhance ecological networks and features of importance for biodiversity. No ecological enhancements are proposed as part of the development. As such the proposal is currently not compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015), however, this could be secured via condition.

8.18 **Section 106 Planning Obligation matters**

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>	<i>To provide on site affordable housing</i>	<i>30% affordable housing units on new development at £1,218</i>	<i>30% affordable housing units on new development at £1,218</i>	<i>No</i>
<i>Regeneration, Investment and Housing</i>	<i>Administration Fee</i>	<i>£200 administration fee for monitoring the agreement</i>	<i>£200 administration fee for monitoring the agreement</i>	<i>No</i>

8.19 HEADS OF TERMS AGREED BY APPLICANT

The applicant agreed the HoT in principle as stated above on 14/10/2024.

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 Overall, the proposed development would meet the size requirements for a flat conversion and outlook from all rooms would be acceptable. The sites location and availability of parking permits would make the proposal acceptable despite highways concerns. However, there is a lack of amenity space for the upper flat and this would be contrary to the SPG, Policy GP2 and H8, providing poor residential amenity for current and future occupiers. There is a lack of information on bin and cycle storage which would not be deemed acceptable on residential amenity. The absence of a storage scheme would be contrary to Policy and can create a negative impact on the character of the street scene. Therefore, the application is refused.

11. **DECISION**

REFUSED

01 The development will have a significant adverse impact upon interests of acknowledged importance, namely residential amenity, and highway safety. The scheme fails to provide details of any cycle parking provision or appropriate waste storage schemes at the detriment to residential amenity and exacerbate waste storage in the streetscene which would have a profound negative effect on the area. The lack of outdoor amenity space for the upper floor flat would provide a negative impact on resident's amenity. This is contrary to the SPG on Parking Standards, SPG on Sustainable Travel and Waste Storage and Collections SPG. The proposal is also contrary to policies GP2, GP4, W3, H8 and T4 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 it represents an unsustainable form of development which fails to be mitigated by contributions towards affordable housing. 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: 2 Clyffard Crescent - Site and Floor Plans_rev.B; Site Location Plan and Existing/Proposed Floor Plans;

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

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

04 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

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

06 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 requirements.