

# Delegated Decision Report

<b>Application No:</b>	25/0425	<b>Statutory Period Expires:</b>	5 <sup>th</sup> March 2026
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<b>Site:</b>	140 Caerleon Road Newport NP19 7GS		
<b>Proposal:</b>	<i>DEMOLITION OF THE EXISTING GARAGE AND ERECTION OF TWO-STOREY EXTENSION AT THE REAR TOGETHER WITH THE CHANGE OF USE THE FORMER FUNERAL DIRECTORS (A1) TO FACILITATE THE CREATION OF NO.5 FLATS FOR SPECIALISED SUPPORTED HOUSING WITH OVERNIGHT ACCOMMODATION FOR CARE PROVIDER</i>		
<b>Applicant:</b>	L Watzema		
<b>Type:</b>	Full	<b>Ward:</b>	St Julians
<b>Decision:</b>	GRANTED WITH CONDITIONS SUBJECT TO S106 LEGAL AGREEMENT		

**1. BACKGROUND**

1.1 None.

**2. SITE LOCATION AND CONTEXT**

2.1 The application site is located on the junction of Caerleon Road and Morden Road and occupies a raised and prominent corner plot. Formerly a funeral director, the building is currently vacant and whilst the application forms do not state when the previous use ceased, street view imagery shows the building as vacant and windows boarded up from September 2023.

2.2 The building is a large detached double bay fronted building with a detached garage and to the rear the site benefits from an area of hardstanding for vehicle parking, accessed off Morden Road. To the east the site adjoins the gable end of 79 Morden Road and to the south adjoins the residential property of 138 Caerleon Road, which is located at a lower ground level. The site fronts the highway at Caerleon Road to the east and is located directly opposite the District Centre.

**3. DESCRIPTION OF DEVELOPMENT**

3.1 This application seeks planning permission for the demolition of the existing garage and erection of two storey extension at the rear together with the change of use of the former funeral directors to facilitate the creation of no.5 flats for specialised supported housing with overnight accommodation for care provider.

3.2 The proposed store room and garage/store is to be demolished to facilitate the proposal. A limited two storey extension is proposed to the main body of the existing building that would infill a small area of void to the rear. This would measure 4.70 metres by 3.25 metres and would have an eaves height of 6.20 metres and ridge height of 8.50 metres to create a double valley roof. The main extension projects 10.50 metres from the rear elevation of the building and would measure a maximum of 8.00 metres in width. It would be set down from the ridge of the main building by 450mm and set back from the side elevation by 0.80 metres. Fenestration would be sash window style and would comprise of headers and footers (material tbc). The external walls are a mix of render and facing brick and roof tile would match the main building.

3.3 Within the main body of the existing building the ground floor will comprise of a one bedroom flat, communal lounge and overnight accommodation for care provider and at first floor 2no. one bedroom flats. Within the proposed extension at both ground and first floor a 1no. bedroom flat is proposed.

3.4 Externally, the layout comprises of 2no. parking spaces and refuse storage to the east of the two storey extension. To the south of the building a shared outdoor amenity area is proposed for residents to use and contains a secured cycle store, seating area and lawned

space. To the front of the property the previously hard landscaped area is proposed to be soft landscaped.

3.5 The proposal is intended to deliver supported accommodation for up to 5no. individuals with learning disabilities, autism, mental health conditions and/or physical disabilities, including wheelchair users. It is advised that this type of accommodation is designed to offer alternative care to institutional care, allowing residents to live more independently within the community whilst receiving the assistance they need. Each individual identified for this scheme will receive continuous, round-the-clock support, with a care provider available 24 hours a day, seven days a week, to meet their specific needs. Given the significant level of support required, it is advised that the individuals who will reside in this accommodation would not be capable of living independently without structured assistance.

3.6 Upon practical completion, the property will be granted on a long-term lease to a Registered Provider of Social Housing, with the intention of creating permanent, life-long homes for the Specialist Supported Housing (SSH) tenants. Whilst these intentions are noted, the characteristics of occupiers or landlords are not ordinarily planning matters.

#### **4. RELEVANT SITE HISTORY**

None.

#### **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 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)**

SP1 – Sustainability;

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;

H2 – Housing Standards;

H6 – Subdivision of Curtilages, Infill and Backland Development;

H8 – Self Contained Accommodation and Houses in Multiple Occupation;

T4 – Parking;

W3 – Provision for Waste Management Facilities in Development.

##### **5.4 SUPPLEMENTARY PLANNING GUIDANCE**

PARKING STANDARDS;

SUSTAINABLE TRAVEL;  
PLANNING OBLIGATIONS;  
FLAT CONVERSIONS;  
WASTE STORAGE AND COLLECTION;  
AIR QUALITY.

## **6. CONSULTATION RESPONSES**

6.1 Welsh Water Dwr Cymru: No objection.

6.2 Local Highways Authority:

### Final Response

No objection subject to conditions.

6.3 Trees: No objection.

6.4 Landscape:

### Initial Response

Has raised comments and feedback in relation to the proposed planting scheme, but has confirmed a condition would be sufficient to secure a revised soft landscaping scheme responding to comments made.

### Re-consultation

No comments received.

6.5 Drainage: No response.

6.6 Ecology: No response.

6.7 Waste: No response.

6.8 Senior Scientific Officer: No objection subject to conditions.

6.9 Environmental Health: No response.

6.10 Waste: No response.

6.11 Planning Contributions Manager:

## **1. Introduction**

The S106 obligations below are based upon the assumption that all the dwellings are affordable (comprising 5 x 1 bed flats). As such, Council policy stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations.

Prior to commencement of the development, the Owner and/or developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings

## **2. Affordable Housing**

Should the developer decide to sell or rent the properties on the open market there would be a minimum requirement for 20% affordable housing provision on-site. Alternatively, in exceptional circumstances, an off-site commuted sum could be agreed (in accord with the most up-to-date Affordable Housing SPG) for the provision of affordable housing for the City of Newport.

## **3. Education**

The development falls within the catchment area of St Julians High School and Glan Usk Primary School. Whilst it is recognised that no education contribution is requested for affordable housing, it is necessary to build-in safeguards to ensure that if any of the dwellings are sold or rented on the open market, the following formula will be applied:

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

Prior to commencement of the development, the Owner and/or developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings

All Education Sums will be index linked to the BCIS and paid prior to occupation

#### **4. Leisure**

NB: one bed flats are exempt from contributing towards equipped play

There is a deficit of equipped and informal outdoor play provision within the St Julians Ward.

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

- Number of one bed 'open market' apartments (prior to commencement of development) x £397;

Prior to commencement of the development, the Owner and/or developer will notify the Council in writing of the number and type of dwellings which are to be 'open market' dwellings

All Leisure Sums will be index linked to the RPI and paid prior to occupation.

### **7. PUBLIC REPRESENTATIONS**

Neighbour notification letters were sent on 3<sup>rd</sup> June 2025.

7.1 NEIGHBOURS: Sharing a common boundary and located opposite the site have been consulted (20no. properties). 1no. formal response has been received objecting to the development, as summarised below;

- Concerns regarding the existing types of accommodation within the area, including number of HMOs, a hostel and other supported living accommodation and the impact these have on the community;
- Concerns regarding the proposed parking provision and overspill onto the public highway, such as Morden Road, where parking is already in high demand and problematic for local residents;
- Impact of the extension on 79 Morden Road, that has a kitchen window that looks directly on the current vacant site;
- The extension will be a blot on the landscape and will not enhance the area of the building;

- Concerns regarding amenity of future residents of the site and ability to sit outside;
- Concerns around proposed construction phase and impact from workers, deliveries and skips etc.;
- Raises issues with the current state of the site, which is overgrown and impacts negatively on the surrounding area.

7.2 COUNCILLORS HOURAHINE/BRIGHT/TOWNSEND: No formal comments on the planning application received.

## 8. **ASSESSMENT**

### 8.1 **Principle of Development:**

8.1.1 The application proposes the reuse of a currently vacant building within the urban boundary and within a highly sustainable location directly opposite the Caerleon Road District Centre. Policy SP1 and SP18 offer policy support, however all other material planning considerations must also be addressed.

### 8.2 **Quality of Design and Impact on Character and Appearance;**

8.2.1 The frontage of the main building would remain unaltered, which is welcomed as it is considered to be of a good design quality with pleasant architectural detailing and offers a positive contribution to the street scape along Caerleon Road. The infill extension to the rear is out of public sight and is a small addition with a roof design that replicates the existing pitch and along with materials to match the main building it integrates successfully. The main design consideration is the two storey rear addition, which will be prominent along Morden Road. Whilst large, it is considered that this addition is appropriately set down from the ridge and back from the existing side elevation at Morden Road so that it remains subservient to the main building and appropriately scaled within the street scape. The fenestration form and detail match that of the main dwelling and headers and footers are included, which provides continuity as these are existing architectural features of the building and other nearby properties. The principal elevation of the extension which faces Morden Road is predominantly rendered to match, however is broken up by the use of brick and along with the use of windows (which also provide natural surveillance) this is considered to sufficiently break up the overall massing of the extension. The roof form matches the pitch of the existing rear gable and materials will match, providing continuity an integration.

8.2.2 The objection received from a local resident raises design concern in relation to the extension, claiming it to be a 'blot on the landscape'. However the advice provided within the pre application response has been taken on board, with the extension now scaled down and appropriately detailed as described above and it is considered to be of good design quality and appropriate in scale, design and materials. The objection also highlights concerns regarding the current condition of the site and its detrimental impact on the surrounding area. During the site visit, it was observed that the building appears in need of investment, with windows boarded up, and the rear external space overgrown and accumulating litter. The proposed redevelopment, which includes the removal of the existing flat roof extension and garage and their replacement with a suitably designed extension, is considered to represent a positive addition and re-use of the building. It would bring the site back into a sustainable and active use, while also contributing to an enhancement of the visual quality of the streetscape.

8.2.3 The proposal is considered to comply with Policy GP2(ii) and GP6 of the NLDP 2011-2026 (adopted January 2015).

### 8.3 **Residential Amenity:**

#### Future Occupiers

8.3.1 The future occupiers of the property are advised as being individuals with learning disabilities, autism, mental health conditions and/or physical disabilities who would not be able to reside independently without 24 hour care (up to two staff), however are able to live more

independently than if they were in institutional care. It is advised that there will be up to 5no. residents i.e. 1no. resident per one bedroom flat.

8.3.2 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.*

8.3.3 Policy H8 is supported by the adopted Supplementary Planning Guidance “Flat Conversions”. In respect of future occupiers, the SPG has the function of ensuring that the occupants of converted flats have reasonable living conditions.

8.3.4 For one bedroom flats, the SPG outlines desired gross internal floor space and this differs whether the flat is a conversion or a new build. In this instance some of the flats form part of the existing converted building and some are new build within the proposed extension. The below table considers this against the proposed floor space for the units;

<b>Flat Number</b>	<b>No. Bedrooms</b>	<b>Desired Gross Internal Space (SQM)</b>	<b>Proposed Gross Internal Space (SQM)</b>	
One	1	45	48.15	+3.15
Two	1	46	50.57	+4.57
Three	1	45	45.01	+0.01
Four	1	45	45.15	+0.15
Five	1	46	50.57	+4.57

8.3.5 Each of the proposed flats meet or exceed the desired GIA as per the SPG and are considered to be of a good layout, with suitable windows providing access to natural light, ventilation and outlook. Furthermore, in addition there is a communal lounge provided within the ground floor of the main body of the building should residents wish to socialise in a shared space. A noise assessment has been undertaken and submitted and this demonstrates that there is no harmful adverse impact on the amenity of future residents through noise impact that needs to be mitigated for.

8.3.6 Turning to external amenity, the SPG advises that outdoor amenity space, whether a back garden or patio, should be made available to the occupants of a converted flat wherever the opportunity exists. The site is fairly constrained given its urban location, however the scheme does provide outdoor amenity space for residents, with a patio and seating area provided, along with small lawned garden with ability to dry clothes as well as secure cycle storage and refuse storage provision within the curtilage. Whilst not always possible to provide this for conversions, this is seen as a positive and would offer residents outdoor amenity space should they wish to use it. The site is also located within approximately 450m of Brecon Park, 800m of Woodland Park and the Glebelands located just under 1000m away.

8.3.7 It is considered that the scheme provides sufficient amenity for its future occupiers and accords with Policy GP2 and H8 of the NLDP 2011-2026 (adopted January 2015).

#### Neighbouring Amenity

- 8.3.8 In terms of the change of use of the property from commercial to residential, there is no demonstrable concerns for the residential amenity of the neighbouring occupiers arising from the change. The vicinity of the local area is a mix of residential and commercial, and along this side of Caerleon Road and onto Morden Road the properties are predominantly residential. However, the operational development in the extension of the property will need to be considered, with the relationship between the site and 79 Morden Road and 139 Caerleon Road considered as being the most sensitive.
- 8.3.9 Taking the two storey infill extension first, this will be located in proximity to the shared boundary with 138 Caerleon Road to the south. Both properties currently share a close relationship and the extension will not bring the property any closer to no.138 than the existing building, as it aligns with the original side elevation and a separation distance of approximately 4.00 metres will be maintained. However, no.138 is located at a lower ground level and benefits from openings in the side elevation that face the application site at ground floor and first floor. These openings serve a mix of rooms, but the two storey bay window in this side elevation serves a living room at ground floor and bedroom at first floor. There is not considered to be any overbearing impact on these openings given the existing close relationship, their position and that the design of the bay has three windows of which one faces the front of the site and will remain unimpacted. The site is located to the south of the extension and this orientation means that the existing benefit from direct sunlight is limited in any case. In the two storey rear projection of no.138 ground floor facing windows serve a kitchen which also benefits from secondary openings to the rear that would remain unimpacted.
- 8.3.10 The two storey rear extension is set off the southern rear boundary with 138 Caerleon Road by 5.00 metres and has been designed with a pitched roof that has a lower eaves height to the south. This element of the proposal includes demolishing an existing garage building that extends right up to the neighbouring boundary, so the set back of the extension away from the boundary is considered to improve the relationship here, despite the increased height. The extension is also located to the north so impact on sunlight is not considered to be a significant issue given the setback and orientation. The only first floor window facing the shared boundary serves a hallway and is obscure glazed (to be controlled by condition) and the 3no. small rooflights would not allow views. To the east of the site is the blank gable end elevation of 79 Morden Road. Over 5.00 metres separates the side elevation of the extension (that contains no openings) and the garage contained in the side elevation of no.79. The extension is also designed so that it is angled away from the rear garden of no.79 and there is not considered to be any harmful impact on the amenity of the garden.
- 8.3.11 The northern elevation of the two storey extension fronts onto Morden Road and is located opposite the side of 142 Caerleon Road and 1a Morden Road. The proposed extension is approximately 17.00 metres from their elevations and would not directly align with any openings in either property. As such there is not considered to be intervisibility between protected windows that results in a privacy issue.
- 8.3.12 The proposed site layout plan annotates that a new brick wall will be constructed at the boundary with 138 Caerleon Road. The existing boundary wall varies in height and in order to preserve amenity of the neighbouring property through the residential intensification of the site and external amenity space, details of the proposed wall and its provision will needed to be secured through the inclusion of a planning condition.
- 8.3.13 Overall, it is considered that the proposal has been designed in such a way to manage the impact on neighbouring residential properties and is considered to be acceptable in that respect. Therefore, the proposal complies with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

#### **8.4 Biodiversity, Green Infrastructure and Trees:**

- 8.4.1 The proposal includes roof works and demolition of existing structures on site and the application has been checked against Section 7.0 Figure 4 of the Wildlife and Development SPG, which sets out criteria for deciding whether a bat survey is required. Owing to the location of the site and the works proposed, it does not suggest there is a reasonable likelihood of an impact upon roosting bats.

8.4.2 Chapter 6 'Distinctive and Natural Placemaking and Well-Being' of Planning Policy Wales (PPW) Edition 12 (updated February 2024) states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long term benefit. PPW 12 also advises that a Green Infrastructure Statement (GIS) should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. PPW 12 states that having worked iteratively, in line with Figure 12 through the stages of The Stepwise Approach, and providing a GIS that the step wise approach has been followed, a scheme of enhancements must be provided to ensure a net benefit for biodiversity.

8.4.3 A GIS has been submitted which has referred to the Stepwise Approach and is considered to be commensurate with this site and the proposed development. One existing tree is to be removed from the site, however the Tree Officer has confirmed that this is the wrong tree in the wrong location and has offered no objection to the removal. A soft landscaping and planting plan has been submitted, which includes a planting specification for the site and this includes SuDS featured, as required for the SAB approval for the site. The scheme also includes biodiversity enhancement of 2no. bat boxes and 2no. bird boxes.

8.4.4 Overall, the proposed landscaping and biodiversity enhancement for the site is considered to be proportionate to the scale of development and is acceptable, however final details will need to be secured via planning condition. The proposal complies with Chapter 6 of PPW12 and GP5 of the NDLP 2011-2026 (adopted January 2015).

**8.5 Highway Safety and Parking:**

8.5.1 Within the objections received by local residents the matter of parking has been raised as an issue. It is advised that there are currently ongoing capacity issues in relation to parking within Morden Road and the surrounding streets, and residents are concerned that the proposal will further negatively impact the existing situation if planning permission is approved. The site has a previous use as a Funeral Directors, which is unrestricted. As such, this would be considered the fallback of the site when taking into account the assessment of highways impact and parking, and is a material planning consideration.

8.5.2 The proposed use of the site is for 5no. one bedroom flats (Use Class C3) that would be used in supported living. The application states that it is not anticipated that residents would have access to vehicles due to their mental and physical health. However, the application is seeking planning permission for a C3 use and this will be the parking demand that needs to be assessed for the proposal. In accordance with the Parking Standards SPG the parking demand would be 5no. spaces plus 1no. visitor space i.e. a total of 6no. parking spaces. The proposal can provide 2no. off street spaces and therefore 4no. spaces would be relied upon on street.

8.5.3 The existing use as a Funeral Directors would generate 3no. operational spaces. It is difficult to establish how many non-operational spaces would be required since this previous use is not in operation. At a rate of 1no. space per 2no. staff for a building of this size it could be reasonable to anticipate anywhere between 6 to 8no. staff generating 3 or 4no. parking spaces. This would give a total of 6 or 7no. spaces.

8.5.4 The building could lawfully for other purposes in the same use class as the use is not restricted and a fall back use is relevant to the assessment of potential parking impact for the proposed development.

Use	Operational	Non Operational	Total
Funeral Directors	3 Commercial	1 space per 2 staff	6/7no. spaces potentially.

**Figure 1 – Existing Parking Demand**

- 8.5.5 As such, it is considered likely that the previous use and potential fallback position are likely to generate a comparable, if not higher, parking demand than the proposed 5no. one bedroom flats. However, with that being said, the existing site would reasonably benefit from 2no. external parking spaces and 1no or 2no. garage spaces. Therefore, when taking this into consideration, the parking demand that would need to be accommodated on street for either of these uses is likely to be circa 3 to 4no. spaces.
- 8.5.6 The Council's Highways Officer originally objected to the proposal, mainly due to a lack of information. Further information was duly submitted to provide further clarification to Highways but the proposal still had not demonstrated any parking shortfall could be accommodation safely on street where required.
- 8.5.7 A Parking Appraisal of the local area has been submitted for consideration by a Transport Consultancy. This includes a parking stress survey that is of much greater detail (day time and overnight) and Highways have confirmed that this is checkable in terms of parking capacity and is acknowledged as being representative and are prepared to accept the findings. The submission considers both the care and private flat scenarios and the survey suggests that there is sufficient safe parking within 200m of the site. Appendix 2 of the Appraisal sets out the findings in detail, however the below table (Figure 2) is an example of data showing the number of vehicles parked vs the number of spaces available (capacity).

LINK	TIME PERIOD	
	00:30 - 05:30	09:00 - 17:00
Annesley Road (East)	19	15
Annesley Road (West)	16	13
Caerleon Road (East)	13	14
Caerleon Road (West)	11	21
Morden Road (East)	25	17
Morden Road (West)	27	23
Somerset Road (East)	29	17
Somerset Road (West)	25	16
York Road (North)	8	9
York Road (South)	8	10
<b>OCCUPANCY</b>	<b>181</b>	<b>155</b>
<b>CAPACITY</b>	<b>219</b>	<b>215</b>

**Figure 2 – Vehicle Occupancy by Link**

- 8.5.8 Figure 3 below then goes on to demonstrate the percentage of occupancy for the identified on street spaces for the overnight survey, as an example. There is a range of availability within the survey area at the time of assessment, but on average within the 200m area there is an 82.6% capacity and this demonstrates that the uplift in parking can be accommodated on street.

STREET NAME	00:30 - 05:30		
	CAP	TOT	%OCC
Annesley Road (East)	20	19	95.0%
Annesley Road (West)	16	16	100.0%
Caerleon Road (East)	15	13	86.7%
Caerleon Road (West)	29	11	37.9%
Morden Road (East)	32	25	78.1%
Morden Road (West)	27	27	100.0%
Somerset Road (East)	31	29	93.5%
Somerset Road (West)	29	25	86.2%
York Road (North)	9	8	88.9%
York Road (South)	11	8	72.7%
<b>TOTAL</b>	<b>219</b>	<b>181</b>	<b>82.6%</b>

**Figure 3 – Overnight Capacity**

- 8.5.9 The Highways Officer also acknowledges that the proposal now includes an additional in curtilage space. They advise that on the basis of the submitted assessment, the parking related objection is removed, and all other matters can be addressed by way of condition. The conditions requested are considered to be acceptable and can be included within the conditional regime. The site is located in a highly sustainable location and whilst demand for on road parking in the locality is typically high due to both commercial and residential pressures, consideration of the fall back and parking information supplied in this case, along with provision of off road parking to serve the development, mean that on balance, impact upon highway safety and residential amenity in parking terms is acceptable.
- 8.5.10 Overall, it is accepted that the proposal would not result in a demonstrable and significant adverse impact on matters of highway safety. The proposal complies with Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

## **8.6 Waste:**

- 8.6.1 The site layout includes a refuse storage area which is set back from public view to the rear of the parking bays in an accessible location for residents and also within close proximity of the highway for convenience when presenting for collection. Final details and retention will need to be secured by condition.
- 8.6.2 The proposal is considered to be acceptable in this regard and complies with Policy W3 of the NLDP 2011-2026 (adopted January 2015).

## **8.7 Air Quality:**

- 8.7.1 The site is located just outside of the Caerleon Road Air Quality Management Area (AQMA). An Air Quality Assessment (AQA) has been submitted and concludes that future occupants would not be exposed to any unacceptable levels of air quality. In terms of the impact of the proposed development on the surrounding area and AQMA, it concluded there would be no significant impacts and no mitigation is required.
- 8.7.2 An Electric Vehicle Charging Points (EVCP) will be required to meet sustainability objectives and this will also contribute as mitigation to air quality, along with the increased planting on site as part of the proposed development. Details of the EVCP will be controlled via planning condition.
- 8.7.3 The scheme complies with Policy GP7 of the NLDP 2011-2026 (adopted January 2015).

## **8.8 Other Issues**

- 8.8.1 In the local resident's objections received, reference has been made to the number of HMOs and other similar types of accommodation in this area. The proposed development is for the conversion and extension of the building to 5no. one bedroom supported living flats (Use Class C3) and is not a House in Multiple Occupation or hostel. There is no policy requirement or adopted guidance that requires concentration of uses within the surrounding area to be assessed like the adopted HMO Supplementary Planning Guidance. As assessed within this report, the proposal is for residential use and it has been established that in this location this use is acceptable.

## **8.9 Section 106 Planning Obligation matters**

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:

In this case, the developer has provided information in relation to the viability of the planning obligations relevant to the scheme...(officers must explain what information

received, what viability issues raised and our assessment of them, how has this affected the planning obligation agreed by officers)?

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.

<b>Service Area that requires planning obligation</b>	<b>Purpose of planning obligation</b>	<b>Planning obligation initially sought by Planning Authority</b>	<b>Summary Heads of Terms agreed by applicant(s)</b>	<b>Viability Issues?</b>
Regeneration and Economic Development	To provide on site affordable housing	20% affordable housing units	Agreed	No.
Education	Financial contribution to Education.	£29,741 – Secondary Education Sum  £19,034 - Primary Education Sum	Agreed	No
Leisure	Financial Contribution to Leisure (Deficit of equipped and informal outdoor play provision in St Julians.	£397 per 1no. open market apartment	Agreed	No

#### 8.9.1 HEADS OF TERMS AGREED BY APPLICANT

The proposed dwellings are affordable. As such, Council policy stipulates that affordable housing is exempt from contributing towards leisure and education planning obligations.

However, the Council will need to safeguard the future situation should the units come onto the open market and a Section 106 Legal Agreement is required to be signed. The applicant has agreed to the Draft Heads of Terms.

## 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, it is considered that the proposed development is a sustainable reuse of the currently vacant property and provides future occupiers sufficient residential amenity whilst preserving the character and appearance of the existing streetscape, residential amenity of neighbouring properties and matters of highway safety.

10.2 The proposal complies with the relevant Newport Local Development Plan 2011-2026 (adopted January 2015) policies.

10.3 Planning permission is granted with conditions subject to the signing of the Section 106 legal agreement.

**11. DECISION**

**GRANTED WITH CONDITIONS SUBJECT TO S106 LEGAL AGREEMENT**

## Approved Plans and Documents

01 The development shall be implemented in accordance with the following plans and documents: Drawing No. 4304 .PL.11 Proposed Site Plan Rev F; 4304 .PL.06 Proposed Elevations Rev E; 4304 .PL.05 Proposed Plans Rev M; Green Infrastructure Statement (Final); R01a Noise Assessment;

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- commencement conditions***

#### Demolition & Construction Environment Management Plan

02 Prior to the commencement of development (including site clearance and demolition) a Demolition and Construction Environment Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall address, but not be limited to, the following measures;

- Roles, Responsibilities and Contacts;
- Dust and Air Quality;
- Noise and Vibration;
- Waste Disposal;
- Lighting;
- Contractor Parking;
- Traffic Management;
- Timing of Deliveries.

The approved DCEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the local environment and matters of highway safety during the construction phase and to protect the retail function, vibrancy and vitality of the District Centre in accordance with Policy GP2, GP4 and GP7 the NLDP 2011-2026 (adopted January 2015).

#### Scheme of Soft Landscaping

03 Notwithstanding the information submitted, prior to the commencement of development, a proposed scheme of soft landscaping for the development (including location, species, height and spacing) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be carried out in its entirety by a date not later than the end of the full planting season following the first beneficial occupation of the development hereby approved. Thereafter the soft landscaping shall be maintained for a period of 5 years from the date of planting and any which die or are damaged shall be replaced and maintained until satisfactorily established. The monitoring and remediation of the landscape mitigation planting during the 5 years establishment phase is to be confirmed by:

- b) A short report with photo evidence by the landscape consultant to be submitted to and approved in writing by Newport City Council immediately following the completion of the landscape scheme and showing the site before and after planting, seeding, fencing has been undertaken, and to confirm this is all in line with the approved documents e.g. plant species, plant size, planting operations etc; and
- b) A report with photo evidence by the landscape consultant to be submitted to Newport City Council by 31st July for year 2 and 5 of the five-year establishment period (and thereafter approved in writing by the Local Planning Authority) summarising any issues with planting or seeding, any replacement planting required and the timetable for replacements.

For the purpose of this condition, the planting season shall mean the period of October to March.

Reason: To secure the satisfactory implementation and maintenance of the soft landscape scheme in the interests of visual amenity and biodiversity/ecological enhancement having regard to Chapter 6 of Planning Policy Wales Edition 12 and Policy SP1, GP2 and GP5 of the adopted Newport Local Development Plan 2011-2026 (adopted January 2015).

### ***Pre – construction conditions***

#### External Materials

04 Prior to the construction of the extensions hereby approved final details of the external surfaces (including window footers and headers) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and they shall be retained thereafter.

Reason: In the interest of good design and visual amenity in accordance with Policy GP2 and GP6 of the NDLP 2011-2026 (adopted January 2015).

#### Details of Integral Bird and Bat Boxes

05 Prior to the construction of the extensions hereby approved final details of the integral bat box/tubes and integral bird boxes as per the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The extensions shall thereafter be constructed in accordance with the approved details and retained thereafter.

Reason: In the interest of providing ecological enhancement as part of the development in accordance with Policy GP5 of the NLDP 2011-2026 (adopted January 2015) and PPW12.

### ***Pre –occupation conditions***

#### Electric Vehicle Charging Point Details

06 Prior to installation details of an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The approved charging point shall be installed as agreed prior to the first beneficial use of development hereby approved.

Reason: In the interest of promoting sustainable development and mitigating local air quality in accordance with Policy SP1 and GP7 of the NLDP 2011-2026 (adopted January 2015).

#### Boundary Enclosure Details

07 Prior to installation, details of the proposed boundary enclosure with 138 Caerleon Road shall be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be installed prior to the first use of the development hereby approved and retained in that state thereafter.

Reason: To preserve neighbouring residential amenity and in the interest of good design, in accordance with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

#### Cycle Store Details

08 Notwithstanding the details submitted, prior to installation details of a secured cycle store shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed as agreed prior to the first beneficial use of the development hereby approved and retained thereafter.

Reason: In the interest of promoting sustainable development and mitigating local air quality in accordance with Policy SP1 and GP7 of the NLDP 2011-2026 (adopted January 2015).

#### Refuse Store Details

09 Notwithstanding the details submitted, prior to installation details of a secured refuse store shall be submitted to and approved in writing by the Local Planning Authority. The

approved details shall be installed as agreed prior to the first beneficial use of the development hereby approved and retained thereafter.

Reason: In the interest in providing adequate refuse storage and preserving visual amenity in accordance with Policy GP2 and W3 of the NLDP 2011-2026 (adopted January 2015).

#### Visibility Splays

10 No part of the development shall be brought into use until visibility splays of 2 metres by 2 metres have been provided on each side of the access and firstly submitted to the Local Planning Authority for written approval. The depth shall be measured from the back of footway/verge; and the width measured outward from the edges of the access. The splays shall be created clear of obstructions to visibility at or above a height of 0.6 metres above footway level. Once created, the visibility splays shall be maintained clear of any obstruction and shall be retained at all times.

Reason: To provide the driver of a vehicle using the access and other users of the public highway with adequate inter-visibility in the interests of road safety in accordance with Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

#### Provision of Outdoor Amenity Space

11 The outdoor amenity space shall be provided and made available for use prior to the occupation of the development hereby approved and kept available for residents to use thereafter.

Reason: In the interests of providing adequate residential amenity for future occupiers in accordance with Policy GP2 of the NLDP 2011-2026 (adopted January 2015).

#### Obscure glazing of FF landing window

12 The first floor window in the south facing elevation of the extension hereby approved shall be fitted with a non opening unit and obscure glazed to a minimum obscurity of Pilkington Level 4 prior to the first use of the extension hereby approved and retained in that state thereafter.

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

#### Provision of Parking Spaces

13 The 2no. parking spaces hereby approved shall be provided prior to the first use of the development hereby approved and kept free from obstruction and available for use thereafter.

Reason: In the interest of providing parking on site and in the interest of highway safety in accordance with Policy GP4 and T4 of the NLDP 2011-2026 (adopted January 2015).

#### **General conditions**

##### No Gates or Means of Enclosure

14 No gates or other means of obstruction shall be placed across the vehicular access formed as part of this development.

Reason: To permit vehicles to pull clear of the carriageway when entering the site in the interests of road safety in accordance with Policy GP4 of the NLDP 2011-2026 (adopted January 2015).

##### Surface Water

15 No surface water from any increase in roof area of the building or impermeable surfaces within the 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.

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Drawing No. 683.01 - Planting and Management Plan; 4304 .PL.10 Existing Landscaping; 4304 .PL.04 Existing Elevations Rev B; 4304 .PL.03 Existing Floor Plans Rev A; 4304 .PL.01 SLP; Planning Statement May 2025 FINAL

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP13, SP18, GP2, GP4, GP5, GP6, GP7, H2, H6, H8, T4 and W3 were relevant to the determination of this application.

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