

From:

Sent: 17 October 2025 17:46

To:

Subject: CRITICAL ANALYSIS OF PLANNING NOTICE UNDER ARTICLE 12 – APPLICATION 25/0841

CRITICAL ANALYSIS OF PLANNING NOTICE UNDER ARTICLE 12 – APPLICATION 25/0841

This section presents a comprehensive, evidence-based critique of the Planning Notice issued under Article 12 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended), in relation to the proposed change of use of 7 Conway Road, Newport NP19 8PA from C3 residential dwelling to a C4 House in Multiple Occupation (HMO). The notice, dated 17 October 2025, is procedurally, substantively, and contextually deficient, and fails to meet the statutory and policy thresholds required under Welsh and national planning law.

1. Procedural and Statutory Deficiencies

- **Ambiguity in Consultation Period**

- The notice states that comments must be received “within 21 days of this notice” but fails to clarify whether this refers to the date of publication, posting, or receipt. This ambiguity risks procedural unfairness and may invalidate the consultation period under *R (Kides) v South Cambridgeshire DC [2002] EWCA Civ 1370*, which affirms that procedural clarity is essential to lawful consultation.

- **Consultation Period Overlapping with School Half-Term**

- The consultation period (17 October – 7 November 2025) directly overlaps with the **Autumn half-term break** for Newport schools, including **Eveswell Primary School**, which runs from **27 October to 31 October 2025**. This overlap materially undermines the accessibility and fairness of the consultation process:
 - Parents, school staff, and residents are less likely to engage during school holidays due to childcare, travel, and reduced institutional activity.
 - This disproportionately affects those most impacted by the proposal, including families with children attending Eveswell Primary School.

- The overlap contravenes *Planning Policy Wales (Edition 11)*, para 3.6, which requires consultation to be “meaningful and proportionate.”
 - It may breach the **Gunning Principles**, particularly the requirement that consultees be given adequate time and opportunity to respond, as reaffirmed in *R (Moseley) v Haringey LBC [2014] UKSC 56*.
- **Insufficient Public Engagement Measures**
 - The notice relies primarily on online access to view the application. In areas with digital exclusion, such reliance is inadequate and contrary to the principles of inclusive engagement outlined in *PPW Edition 11*, para 3.6. No supplementary measures (e.g. printed summaries, community outreach) are referenced to ensure accessibility for digitally excluded residents.
 - **Non-compliance with Welsh Language Standards**
 - Although bilingual, the formatting and prominence of the Welsh text is subordinate to the English version, potentially breaching the *Welsh Language Standards (No. 1) Regulations 2015*, Regulation 4(2), which mandates equal treatment of both languages in public notices.

2. Locational and Contextual Oversights

- **Proximity to Sensitive Receptors**
 - The notice omits any reference to nearby sensitive receptors, including:
 - **Eveswell Primary School** (approx. 150m): The introduction of transient occupancy associated with HMOs raises safeguarding concerns. *Welsh Government Circular 005/2018 – Planning for Schools and Learning Communities* requires consideration of compatibility with educational environments.
 - **Newport Fire Station** (approx. 300m): Increased on-street parking and congestion may obstruct emergency access routes, contrary to *TAN 18: Transport (2007)*, para 5.4.
 - **Working Men’s Club** (adjacent): A community asset potentially impacted by noise, anti-social behaviour, or loss of amenity. The *Localism Act 2011* protects such assets from incompatible development.
 - **Railway Line and Nature Corridor** : A designated ecological corridor under *Policy NE1 of the Newport Local Development*

Plan (LDP). The notice fails to assess potential disruption to biodiversity networks, contrary to *PPW 11*, para 6.4.5.

3. Legislative and Policy Omissions

- **No Reference to Licensing or Amenity Standards**
 - The notice does not mention the requirement for HMO licensing under the *Housing Act 2004*, nor does it indicate whether the proposed layout meets the *Newport City Council HMO Amenity Standards (2023)*. Planning and licensing must be considered in tandem per *R (Gaskin) v Richmond upon Thames LBC [2018] UKSC 27*.
- **Failure to Address Cumulative Impact**
 - No reference is made to the cumulative impact of HMOs in the Beechwood ward, despite evidence from the *Newport Strategic Housing Market Assessment (SHMA) 2022*, which identifies rising concentrations of HMOs in NP19 as a source of community tension and infrastructure strain. This contravenes *Policy H6 of the Newport LDP*, which requires assessment of cumulative effects.
- **Deficient Waste and Noise Management**
 - The application fails to demonstrate adequate waste management arrangements. There is no evidence of compliance with *Welsh Government Practice Guidance: Waste Planning (2017)*, which requires clear provision for bin storage, collection access, and segregation of waste streams in intensified residential settings. The absence of detailed waste protocols raises concerns about visual blight, vermin risk, and operational conflict with existing kerbside systems. Similarly, no mention is made of noise mitigation measures, despite the intensification of residential use and proximity to sensitive receptors.

4. Deficient Transport and Accessibility Analysis

- **Deficient Parking Survey**
 - While a parking survey has been submitted, it is methodologically and evidentially deficient. It fails to account for peak demand periods, cumulative impact from nearby HMOs, and displacement effects on adjacent streets. The survey does not incorporate comparative baseline data or longitudinal analysis, and omits consideration of school drop-off congestion linked to **Eveswell Primary School**. This

undermines its reliability and contravenes *TAN 18: Transport*, para 5.7, which requires robust and context-sensitive transport assessments.

- **No Reference to Active Travel Routes**

- The site lies within walking distance of Newport's Active Travel network. However, the notice fails to assess whether the proposal supports modal shift or complies with the *Active Travel (Wales) Act 2013*. *PPW 11*, para 4.1.11, requires developments to promote walking and cycling, especially where increased occupancy is proposed.

Conclusion

The Planning Notice issued under Article 12 in relation to Application 25/0841 is procedurally flawed, contextually incomplete, and substantively deficient. It fails to meet the statutory requirements of the *Town and Country Planning (Development Management Procedure) (Wales) Order 2012*, and does not reflect the standards of transparency, accessibility, and evidential rigour required under *Planning Policy Wales*, relevant Technical Advice Notes, and case law. The overlap with school half-term, absence of site-specific impact analysis, and deficient supporting documentation collectively undermine the validity of the consultation and the integrity of the planning process. These deficiencies must be addressed in full before any determination is made, and the application should be refused or deferred pending comprehensive reassessment and reconsultation.