

Committee Report

Application No:	24/0972	Statutory Period Expires:	27th January 2025
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Site:	60 Ombersley Road Newport NP20 3EE		
Proposal:	CHANGE OF USE OF DWELLING (C3 USE) TO AN 8 BEDROOM HOUSE OF MULTIPLE OCCUPATION (SUI GENERIS USE) AND ERECTION OF REAR DORMER		
Applicant:	S Bell		
Type:	Full	Ward:	Allt-yr-Yn
Recommendation:	GRANTED WITH CONDITIONS		

1. BACKGROUND

- 1.1 This application is being reported to Planning Committee at the request of Councillor Pat Drewett.
- 1.2 The proposed site plan has been amended slightly since the original submission to relocate the proposed cycle store further within the plot to reduce its visual prominence in the street scene.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site comprises a 6 bed, two storey, semi-detached dwelling located on the corner of Ombersley and Upton Road. The loft has previously been converted providing 2 bedrooms in the roof space. The property's design consists of a double front and gable end and is constructed of red brick. The external boundary is demarcated by a low brick wall.
- 2.2 The property benefits from an existing single storey side garage/extension and a single storey rear extension arranged as storage. The property benefits from a rear amenity space and 2 vehicular cross overs, one on Ombersley Road providing access to the garage and one on Upton Road providing access to the hardstanding within the rear amenity area.
- 2.2 The property is within the defined settlement boundaries as shown on the proposals maps that accompany the Newport City Local Development Plan (LDP) and is located within a residential area characterised primarily by high-density terraced dwellings with a limited setback from the highway.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks consent for the change of use of the property from a dwelling house classified as a C3 use by The Town and Country Planning (Use Classes) Order 1987 (as amended) to an 8-bedroom house of multiple occupation (HMO). Due to the number of occupiers proposed the use would be considered sui generis as opposed to C4.

- 3.2 The proposed physical alterations to the property are minor, primarily contained to the internal configuration. Externally a dormer window is proposed on the rear roof plane and would replace an existing roof light.
- 3.3 The proposed internal configuration comprises; 2 bedrooms and a kitchen/living area on the ground floor, 4 bedrooms at first floor and 2 bedrooms within the converted loft space. All bedrooms except one are ensuite, the remaining bedroom has an 'off-suite' bathroom. The existing garden store is proposed to be utilised as bin storage and provision for cycle storage is proposed within the rear garden area. No alterations are proposed to the existing garage.

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

Policy 12 – Regional Connectivity

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

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.

4.1.35 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations and public transport interchanges, consideration must also be given to where people will leave their bike at home. Guidance on cycle parking is contained within the Active Travel Act Guidance. Planning authorities may alternatively wish to adopt locally specific minimum cycle parking standards and guidance.

4.1.38 Planning authorities must ensure the layout, density and mix of uses of new development support the use of public transport and maximises accessibility potential. In particular, higher densities and mixed-use development should be encouraged in areas highly accessible by public transport.

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place. 4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed.

4.1.53 Local authorities will need to ensure that their parking standards reflect local transport provision, are adopted by individual authorities as supplementary planning guidance, and are kept under review. Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high-quality places.

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement¹²⁴. Recognising that development needs to take place and some biodiversity may be impacted, the planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well-being.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems.

5.3 Newport Local Development Plan (2011-2026)

5.3.1 Objectives:

1 – Sustainable Use of Land

2 – Climate Change

9 – Health and Well-being

10 - Waste

5.3.1 Policies:

SP1 Sustainability

SP2 Health

GP2 General Development Principles – General Amenity

GP4 General Development Principles – Highways and Accessibility

GP5 General Development Principles – Natural Environment

GP6 General Development Principles – Quality of Design

GP7 General Development Principles – Environmental Protection and Public Health

H8 Self Contained Accommodation and Houses in Multiple Occupation

W3 Provision for Waste Management Facilities in Development

5.4 **Supplementary Planning Guidance**

5.4.1 Sustainable Travel SPG

5.4.2 House Extensions and Domestic Outbuildings SPG

5.4.3 Parking Standards SPG

5.4.4 Housing in Multiple Occupation SPG

6. **CONSULTATION RESPONSES**

6.1 **Environmental Health Housing:** No objection raised, 2 other HMO's recorded on Ombersley Road (No's 6 and 52).

6.2 **Local Highways Authority:** No objection, disputes the conclusions of the parking survey but does not consider it likely that parking demand would increase significantly from the development.

6.3 **Contributions Manager:** No objection, no requirement for contributions.

6.4 **Dwr Cymru Welsh Water:** No objection, confirms there is capacity within the local network to accommodate the proposal. Condition requested relating to Surface Water Drainage.

7. **PUBLIC REPRESENTATIONS**

In accordance with the publicity requirements set out in The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) letters were sent to the neighbouring properties on 05/12/24 and x2 site notices were erected in the vicinity of the application site on 13/12/24.

7.1 **NEIGHBOURS:** 23 representations have been received from the public consultation objecting to the proposal due to:

Impact on character and appearance of the area, impact on neighbours, over intensification of the use, parking pressures, waste management issues, nature of people to occupy and capacity of the house/area to accommodate the development.

7.2 **COUNCILLORS:** Councillor David Fouweather, Pat Drewett and Matthew Evans have responded to the consultation and raised concern regarding the number of HMO's and alternative means of accommodation within the area and the impact this proposal will have on the amenity and character of the area as well as the additional strain on the highway network, parking provision and waste management/collection within the area.

7.3 A representation from Ruth Jones MP's office has been received forwarding the concerns of a local resident. No comment or opinion was made by the MP or their office, they provided the comment and asked that it be considered as part of the assessment of this application.

8. **ASSESSMENT**

8.1 Principle of Development:

- 8.1.1 The application site is located within the defined settlement boundaries where there is a presumption in favour of development and the efficient use of land is encouraged. The property currently benefits from a residential use and the proposed use would be maintained as residential within a residential area, no objection is raised in this respect.
- 8.1.2 The adopted LDP addresses HMO's under policy H8, therefore the requirements of this policy are applicable to establishing the principle of development and additional guidance is contained within the adopted SPG: Houses in Multiple Occupation.

H8 Self Contained Accommodation and Houses in Multiple Occupation

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.

Each criteria will be addressed and expanded upon where necessary within the relevant section(s) below.

i & iv) The property is generously proportioned and is easily able to accommodate 8 occupiers without the need for any significant extension or alteration therefore would not prejudice the character of the building, area or living conditions of neighbouring occupiers. Each bedroom and the living/kitchen area meets the space standards as set by the adopted SPG and the property would afford future occupiers access to an outdoor amenity space. The Local Highways Authority has commented on this application and raise no objection in respect of parking provision or highway safety which is discussed in more detail later on in the report. Criteria i and iv are satisfied.

ii) The Councils adopted methodology for assessing an appropriate concentration of HMO's in this area allows for a 15% limit of the total number of dwellings to be HMO's within a 50 metre radius of the application site. 34 properties have been identified within the 50M radius, one of these properties is a HMO. The proposal would result in 2 HMOs within this 50m radius and the proposal would not exceed the threshold (representing 6%) therefore any impact upon the character of the area or balance of housing stock would be acceptable and in accordance with the adopted policy and SPG. Criteria ii is satisfied.

iii) In respect of noise, the use would remain as residential and would not be expected to generate significant levels of noise above what is generated by a C3 dwellinghouse or what would be unacceptable or incompatible within a residential area. The property is a semi-detached property that is already being used for residential purposes and it is not considered the proposals would result in significantly increased noise and disturbance over that from a C3 dwelling. This matter would also be covered by Building Regulations and it is therefore not considered necessary or reasonable to require a condition in this instance.

In this instance no conflicts with the criteria of Policy H8 or the adopted SPG have been identified, accordingly, the principle of the development is accepted.

8.2 Visual Amenity/ Character and Appearance;

- 8.2.1 The external alterations to the property are minor comprising of the construction of a modest dormer within the rear roof plane of the house. The dormer would be set back from the public realm therefore reducing any visual impact further. Weight is attributed to the fact that the dormer could be constructed as shown without the need for a planning application under the provision of The Town and Country Planning (General Permitted Development) Order 1995. Any internal alterations would not have any different impact upon visual amenity or the character of the area.
- 8.2.2 Other external alterations consist of the addition of a cycle store within the rear garden area and the addition of bird and bat boxes, all of which are typical features within the context of a residential property and therefore no concern is raised in respect of their visual impact or impact upon the character of the area. An amended plan has been received showing the cycle store set back within the plot from the position originally proposed therefore further reducing any visual impact arising from the development.
- 8.2.3 Character is not limited to physical changes/alterations but can also consist of use and how a place operates/functions. In this case both the existing and proposed uses are residential therefore no objection or concern is raised in respect of impact upon character.
- 8.2.4 It is noted that a HMO can be a more intensified residential use than an C3 single dwellinghouse and can result in a different impact upon the character of the area. In order to assess this impact and to safeguard the character of existing residential areas the Local Authority have adopted supplementary planning guidance (SPG) which identifies HMO thresholds for areas to ensure an over concentration does not occur.
- 8.2.5 As identified within an earlier section of this report the threshold in this area for HMO's is 15% of properties within a 50M radius of the application site. 34 properties have been identified within the 50M radius with one other being a HMO. The Local Planning Authority have record of only 1 other property within this radius being a HMO therefore the proposal would not exceed the threshold, representing 6% of the dwellings and it is considered any impact upon the character of the area arising from this proposal would not be of an unacceptable level.
- 8.2.6 The below map shows the full extent of HMO's (green squares) within the immediate area and the 50 metre radius of the property (orange circle).



8.3 Residential Amenity:

- 8.3.1 The use of the property for residential purposes is considered to be acceptable and compatible within the context of the site, no concern is raised to the ongoing use of the property for residential purposes. It is acknowledged that the proposed use consists of an intensification of the residential use on site, however the property is substantial and capable of accommodating 8 occupiers without resulting in overdevelopment that would prejudice the living conditions of neighbouring occupiers.
- 8.3.2 The physical alteration with the potential to result in the greatest amount of impact upon the living conditions of neighbouring occupiers is the addition of the rear dormer due to its proximity to the common boundary with No.11 Upton Road, however due to the relationship of the dwellings any outlook from the dormer would be over the roof plane of No.11 and therefore any potential unacceptable overlooking/overbearing impact would be avoided. As previously stated, the dormer as shown could be constructed at will utilising Permitted Development rights, significant weight has been afforded to this fallback position in the assessment of this application. All other alterations are minor and would not result in any unacceptable adverse impact upon the living conditions of neighbouring occupiers.
- 8.3.3 When considering the living conditions of future occupiers of the property no concern is raised as; there would be a suitable amount of common space within the kitchen/living area relative to the number of occupiers, each bedroom is a suitable size for one occupier each with its own bathroom, each bedroom has a suitable

window to provide outlook, light and ventilation, additionally the property benefits from a rear amenity space that occupiers could avail of.

- 8.3.4 In order to protect the living conditions of future occupiers ensuring there is sufficient space for the number of residents it is considered necessary to condition that the number of occupiers is limited to a maximum of 8 with one occupier per room.

8.4 Movement:

- 8.4.1 The application site is within the defined settlement boundaries, in a well-established urban area in close proximity to the Handpost Local Centre. Accordingly, future occupiers would be well served by easy access to local amenities and access to public transport. Due to the highly sustainable nature of the site no concern or objection is raised in respect of parking provision as the proposal is considered to accord with the aims and objectives of local and national planning policies which seek to reduce the amount of off street parking within suitable, sustainable locations and to facilitate the modal shift away from trips made by private vehicles, this accords with the aims of Llwybr Newydd: the Wales Transport Strategy, which sets a mode share target of 45% of journeys to be made by walking, cycling and public transport by 2040, Policies 2 and 12 of Future Wales, Planning Policy Wales 12 (4.1.50 - 4.1.53) and Objective 2 and Policy SP1 of the Newport City Council LDP.
- 8.4.2 The existing parking space on site would be retained for the use of future occupiers, as would the existing garage. The proposal includes the provision of cycle storage within the rear garden area thus adding to the sustainable credentials of the scheme. The application is supported by a parking survey which concludes that the parking demand can be adequately accommodated within the area.
- 8.4.3 The Local Highways Authority (LHA) has been consulted on this application and whilst they do not fully accept the findings of the parking survey as it relies on some assumptions and does not clearly depict the 11 spaces as claimed they raise no objection to the development on the basis that they do not consider that the development would significantly raise parking demand within the area that could not be accommodated. The proposal therefore does not compromise highway safety.

8.5 Biodiversity:

- 8.5.1 In respect of ecology and bio-diversity the site as existing comprises a residential dwelling and garden area, all floors of the property are currently available for occupation and no conversion of the loft space is required. Additionally, the garden areas are primarily hard-surfaced within an urban environment therefore, the site offers little ecological value and the potential habitat for bats or other European Protected Species is limited.
- 8.5.2 PPW sets out that " Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems" (para 6.4.5). This element and subsequent requirements in Chapter 6 of PPW respond to the Section 6 Duty of the Environment (Wales) Act 2016.

- 8.5.3 The submission is accompanied by a Green Infrastructure Statement that outlines the consideration for biodiversity and green infrastructure onsite/within the area and details compliance with the stepwise approach contained within chapter 6 of PPW12.
- 8.5.4 The proposal includes the provision of a bird and bat box to be erected on the side and rear elevation of the property. Given the nature and extent of development proposed in conjunction with the limited ecological value of the site as existing it is considered that a net benefit for biodiversity would be achieved through the granting of this consent thus according with the requirement of LDP Policy GP5. It is considered necessary to condition that the biodiversity enhancements as submitted are constructed on site and retained for the lifetime of the development.

8.6 Waste:

- 8.6.1 The proposed plans show that bin storage would be accommodated within an existing garden store, no concern or objection is raised to this arrangement. However, no details in respect of bin storage facilities have been provided upfront therefore it is considered that such details can be submitted for approval at a later date controlled via a condition.
- 8.7.2 In respect of any surface water impact the proposed physical development(s) are small scale and would result in only a minimal change to surface water flows. The proposed changes are permitted development not requiring planning consent therefore it would not be reasonable to attach a condition relating to SWD as it would not meet the tests within Welsh Government Circular: The Use of Planning Conditions for Development Management (WGC 016/2014). Additionally, surface water drainage is controlled by separate legislation outside the remit of the Town and Country Planning Act.

8.7 Drainage:

- 8.7.1 The property as existing benefits from a connection to the mains sewers, this would be unchanged as a result of the application and Dwr Cymru Welsh Water have provided comments stating that they have no objection to the proposal and that sufficient capacity exists within the existing sewerage network

8.8 Other Issues/response to third parties

- 8.8.1 The majority of points raised through the public consultation/from third parties have been addressed within the earlier sections of this report. The following points provide further clarification or address matters not covered within the above.
- 8.8.2 The nature of occupiers is not a material consideration in the assessment of a planning application, it would not be reasonable to assume that a person occupying a HMO would not be of good character therefore comments made in this regard have been given little weight in the assessment of this application.
- 8.8.3 In respect of the capacity of the service infrastructure and its capability to accommodate the additional usage, there has been no evidence provided or comments received to suggest that existing infrastructure would not be able to cope with the impact of the development therefore this element of the objections has been given limited weight in the assessment of the application.

- 8.8.4 A number of other concerns/objections raised such as the siting of the cycle store and the paving of the rear garden area would not require planning consent and could be achieved at will therefore would not constitute a reason to withhold consent in this matter.
- 8.8.5 A comment relating to the timescale and publicity around this application has been received, in this case the minimum publicity requirements have been exceeded and when combining the overall consultation period of the direct letters and site notice in excess of 21 days has been provided therefore no concern is raised in this respect.

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 raises no concern in respect of the principle of development or compatibility within its context. No unacceptable impact upon the living conditions of neighbouring occupiers has been identified and the property is of a sufficient scale as to accommodate the use without resulting in overdevelopment or prejudicing the living conditions of future occupiers. No adverse impact in respect of parking provision or highway safety has been identified. The proposed development accords with the relevant criteria of the LDP and is therefore recommended for approval subject to conditions.

11. RECOMMENDATION

GRANTED WITH CONDITIONS

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

LJR Planning: Planning Statement (November 2024), LJR Planning: Green Infrastructure Statement (November 2024), LJR Planning Parking Survey (November 2024), 4336.PL.06 Rev A.- Proposed Elevations, 4336.PL.05 Rev A - Proposed Plans, 4336.PL.02 Rev C.- Existing / Proposed Block Plan, 4336.PL.01 Rev A - Site Location Plan.

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

02 Prior to the development hereby approved coming into beneficial occupation the cycle store as detailed on approved plan 4336.PL.02 Rev C shall be constructed on site and then maintained for the lifetime of the development.

Reason - Reason - To make adequate provision for cycle storage in accordance with Policy GP4 of the Newport City Council Local Development Plan.

03 Prior to the development coming into beneficial occupation, details for the provision of bin storage facilities shall be submitted to an approved in writing by the local planning authority. The bin storage facility shall be provided in accordance with the approved details prior to the occupation of the House in Multiple Occupation and retained for the duration of the development.

Reason - To make adequate provision for cycle storage in accordance with Policy W3 of the Newport City Council Local Development Plan.

04 Prior to the development hereby approved coming into beneficial occupation the biodiversity enhancements as detailed on approved plan 4336.PL.06 Rev A shall be constructed on site and then maintained for the lifetime of the development.

Reason - In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9 and to accord with Policy GP5 of the Newport City Council Local Development Plan.

05 Each room shall not be occupied by more than 1 resident at any time and no more than 8 residents shall occupy the premises.

Reason: To ensure there is adequate space available for each occupier in accordance with the space standards as set by the Housing in Multiple Occupation SPG as adopted by Newport City Council and in accordance with Policy H2 of the Newport City Council Local Development Plan.

NOTE TO APPLICANT

01 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1 Sustainability, SP2 Health, GP2 General Development Principles – General Amenity, GP4 General Development Principles – Highways and Accessibility, GP5 General Development Principles – Natural Environment, GP6 General Development Principles – Quality of Design, GP7 General Development Principles – Environmental Protection and Public Health, H8 Self Contained Accommodation and Houses in Multiple Occupation and W3 Provision for Waste Management Facilities in Development were relevant to the determination of this application.

EIA Screened – ES Not Needed

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