

Delegated Decision Report

Application No:	26/0174	Statutory Period Expires:	28th May 2026
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Site:	<i>Ty Derwen Church Road Newport South Wales NP19 7EJ</i>		
Proposal:	<i>CHANGE OF USE OF GROUND FLOOR FROM B1 TO D1 AND FIRST FLOOR FROM B1 TO 7NO. BEDROOM HMO (PART RETROSPECTIVE) (RESUBMISSION)</i>		
Applicant:	<i>Mahmood</i>		
Type:	Full	Ward:	St Julians
Decision:	REFUSED		

1. BACKGROUND

1.1 Previous Use of Site

1.1.1 In 2001 a Certificate of Lawfulness (01/0709) was Issued by Newport City Council establishing the existing use of the application site as an Educational Establishment (D1).

1.1.2 The most recent planning history for the site dates back to 2002 where a change of use to offices and voluntary training centre (02/0459) was Granted with Conditions by Newport City Council. This approval contained Condition 02 which stated;

02 The premises shall be used only for offices and associated training centre but for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order).

Reason: In order to safeguard the use of the premises which are located adjacent to residential properties.

1.1.3 There is no more recent planning history available for the site, and it is understood that the existing lawful use would be as the restricted B1 (Office) only use that is controlled by Condition 02 of 02/0459). Whilst this application is in part retrospective, there is not considered to be any existing lawful residential use of the property.

1.2 Recent Planning History

1.2.1 Planning application 25/0428 for “Change of use of ground floor from B1 to D1 and first floor from B1 to 7no. bedroom HMO (Part Retrospective) was refused on 2nd October 2025, for the below reasons;

01 The proposed development will have a significant adverse effect on interests of acknowledged importance, namely residential amenity, owing to the shared access between the commercial and residential uses and the lack of outdoor amenity space for occupants of the House in Multiple Occupation. No information has been submitted that mitigates this objection, contrary to Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the adopted Houses in Multiple Occupation SPG.

02 The proposed development will have a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity by reason of flood risk arising from an intensification of highly vulnerable residential accommodation on site. No information has been submitted that mitigates this objection, contrary to policy SP3 and GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and Technical Advice Note 15: Development, Flooding and Coastal Erosion. (March 2025).

03 The proposed development will have a significant adverse effect on interests of acknowledged importance, namely highway safety and neighbouring residential amenity arising from an intensification of use of the existing substandard vehicular access at more frequent and dispersed times when residents are likely to expect a quieter environment. No

information has been submitted that mitigates this objection, contrary to policy GP2 and GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the Parking Standards SPG.

04 The proposed development fails to provide separate and adequate refuse and recycling storage for the proposed ground floor commercial use and first floor residential use. This is contrary to Policy SP1 and W3 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the adopted Waste Storage and Collection SPG.

05 The development will have a significant adverse impact upon interests of acknowledged importance, namely affordable housing. No signed legal agreement has been provided for the commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. This is contrary to Policy H4 of the Newport Local Development Plan 2011 - 2026 (Adopted January 2015).

2. SITE LOCATION AND CONTEXT

- 2.1 The site is a large mid terraced Victorian building constructed of red brick and stone with large gables that fronts onto the northern side of Church Road. It is a former Educational building and the site also comprises of a large area to the rear, which would have previously been used as the playground but is now used as parking for the site.
- 2.2 To the east, the site adjoins Newport Nursery School and to the west adjoins a row of residential terraced dwellings. The northern boundary of the site contains a vehicular access onto Gloster Street providing access and egress for vehicles.
- 2.3 Church Road contains a mix of residential and commercial uses, such as retail, food and drink and education. Residential and commercial properties generally rely on street parking, which is generally unrestricted throughout the street, with restrictions (such as permitting) applying on the smaller residential streets located off the main throughfare.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 This application seeks planning permission for the change of use of the ground floor of the property from B1 (Offices only) to D1 (Non Residential Institution) and first floor to a 7no. bedroom HMO at Ty Derwen, Church Road in the St Julians ward.
- 3.2 The ground floor place of worship comprises of 1no. pedestrian entrance directly from Church Road and 2no. entrance points to the rear. The layout comprises of a series of rooms served by a central corridor and comprise of a number of offices, meeting/prayer rooms, kitchen/dining area and children's play area. The area designated for prayer is relatively small in comparison to the layout of the ground floor and the proposed layout plan as listed above suggests use of this area for more than just a place of worship. The layout and labels of the plan suggest more of a community centre based use. However, a place of worship and community centre both fall into Use Class D1 and that is what has been applied for.
- 3.3 The first floor House in Multiple Occupation (HMO) has an exclusive entrance off Church Street and a shared access with the Place of Worship via a lobby and corridor to the rear of the building. The first floor arrangement comprises of a central corridor serving 7no. rooms labelled 'Bed/Sitting Room' that all have ensuite facility and a communal lounge and kitchen with w/c. The proposed plans advise that the description of the bedroom as 'bed/sitting room' is due to their large size facilitating a sitting area within the bedroom, as opposed to the use being a 'bedsit' in planning use terms. The plans also note that first floor acoustic improvements are to be made prior to occupation to overcome any noise from the ground floor use.
- 3.4 Externally, the rear of the site is proposed to accommodate 22no. car parking spaces, of which the Design and Access Statement advises nos. 19-22 (inclusive) are to be for residents only, leaving 18no. spaces available for the ground floor use. Two separate Sheffield cycle racks containing 4no. hoops each are provided, one for each of the ground and first floor uses. A refuse/recycling area is shown at the joint rear lobby for the ground floor use. A covered area to the side and rear of the building is proposed to be utilised as external amenity space for the HMO residents to use. This can be accessed by the car park, or an internal door from the ground floor Church corridor.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
01/0709	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF PROPERTY AS EDUCATIONAL ESTABLISHMENT (D1)	ISSUED	27.07.2001
02/0459	CHANGE OF USE OF PREMISES TO OFFICES AND VOLUNTARY TRAINING CENTRE	GRANTED WITH CONDITIONS	21.06.2002
25/0428	CHANGE OF USE OF GROUND FLOOR FROM B1 TO D1 AND FIRST FLOOR FROM B1 TO 7NO. BEDROOM HMO (PART RETROSPECTIVE)	REFUSED	02.10.2025

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

SP3 Flood Risk

SP12 Community Facilities

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

H8 Self Contained Accommodation and HMOs

T4 Parking

W3 Waste

5.4 SUPPLEMENTARY PLANNING GUIDANCE

PARKING STANDARDS

SUSTAINABLE TRAVEL

PLANNING OBLIGATIONS

HOUSES IN MULTIPLE OCCUPATION (HMO)

AIR QUALITY

6. CONSULTATION RESPONSES

- 6.1 Natural Resources Wales: We note that application CONNEX/26/0174 is a resubmission of a previous application which was subsequently refused permission CONNEX/25/0428. You will be aware that in our response to application CONNEX/25/0428, dated 2 July 2025, we raised no objection with regards to flood risk and provided comments on the submitted Flood Consequences Assessment (FCA).

We have no objection to the proposed development as submitted and provide the following advice.

Flood Risk

The planning application proposes retention of change of use of ground floor from B1 to D1 (less vulnerable development) and first floor to a House of Multiple Occupation (HMO) which is defined as highly vulnerable development in Technical Advice Note 15: Development, flooding and coastal erosion (TAN15), dated 2025. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 – Sea and TAN 15 Defended Zone.

As the highly vulnerable element of the scheme is located above ground level, we are satisfied it is elevated from any flood risk. A less vulnerable use is being maintained on the ground floor.

However, it is for planning authorities to determine whether the risks and consequences of flooding are acceptable. Therefore, you should be satisfied that the proposal has fully considered access requirements, including evacuation routes used in an emergency flood event.

We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult with your Lead Local Flood Authority.

We have reviewed the following information submitted in support of the application:

- Flood Consequences Assessment Addendum and Clarification, Ty Derwen, Church Road, Newport, prepared by Flume Engineers, dated 23/01/2026.

We note that the FCA submitted in support of application CONNEX/25/0428 has not been submitted in support of this current application.

The addendum does not provide any additional flood risk information. It does state that “the determination of acceptability is not a matter for Natural Resources Wales alone, but for the Local Planning Authority to consider in the context of site-specific circumstances, redevelopment constraints and the wider planning balance.” Comments made in the report appear to be for the LPA to aid their decision making.

If any FCA was submitted in support of this application then we would likely maintain a no objection response based on the current proposed scheme.

- 6.2 Dwr Cymru Welsh Water: No objection.
- 6.3 Gwent Police: No response.
- 6.4 Highways:

Highway recommendation:

Objection. The application is not supported by sufficient information to demonstrate that the proposed development will not be prejudicial to the satisfactory functioning of the highway network.

Highway Comments:

Access from highway is via narrow gates which appear to open out onto highway and offer no visibility at all. This is a key safety issue. Notwithstanding the parking practices on Gloster Street the entrance should accommodate two-way traffic as well as pedestrians. It is currently around 2.7m wide with no pedestrian access.

HGVs (including RCVs) are generally 3m wide (including mirrors) with additional space needed if they are unable to approach in a straight line.

Forward visibility and pedestrian visibility could be achieved by reducing the height of the wall. This would start to address highway safety concerns.

The applicant suggests that the proposed uses would represent a reduction in traffic potential however this has not been substantiated.

We previously sought confirmation of the current lawful use, as it appears to be a school with very limited traffic movement and unsuited to any commercial use. The applicant has now made it clear that the extant use is B1 offices.

Even as office space, movements are limited and tidal. The applicant asserts that the Church has few meetings and generates little traffic but there is nothing to substantiate this. The web site suggests international appeal and multiple activities or at least a significant catchment. Furthermore, the parking allocation is reduced (to 57%) for residents to provide additional (in excess of the SPG) space for the ground floor use.

The de-intensification argument is not accepted. Intensification would also increase conflicts on Gloster Street, but this has an effective carriageway width of 5m albeit partially obstructed by parking.

Notwithstanding the parking SPG, it remains that the access is unsuited to the proposed uses and cannot be considered safe. It is suggested that the gate would be open most of the time and that residents of Gloster Street would benefit from a turning area. However, they would have no right of entry, and this cannot be secured.

Highways would not support the retention of gates unless they are set back into the site and provision is made for pedestrian access. A condition to remove them would be requested. If there is a heritage issue they could be relocated.

The submission lacks sufficient detail to calculate the required parking provision (or daily trips) accurately. It relies on the parking SPG and suggests that there is little church activity. The ground floor appears to have a significant children's play area as well as prayer rooms and offices.

We note that the applicant suggests that children are not left and parents would be on site, but this doesn't reduce parking demand. Without any supporting rationale we can only assume these are all separate uses generating cumulative parking demands and trips throughout the day and evening. On that basis there appears to be too little parking and an intensification of use. Further information is needed to facilitate a pragmatic approach.

The parking is inefficient and some spaces are obstructed by others (eg 1,2 and 3) and space 4 and 5 are difficult to use with the position of the access. Space is also needed to facilitate servicing (see below). The true parking provision is therefore over-estimated.

It is proposed to reserve 4 spaces for residents which is only half of the SPG requirements. (7 plus 1 visitor space).

It is argued that the church has few meetings, but there is no data to support this and more importantly nothing to provide any scale for it. The SPG is based on prayer space, so

assumes no other activity than praying, but there are additional spaces that could be used in parallel albeit some ancillary use is a reasonable assumption.

We note that the agent suggests that informal observation suggests that there is sufficient space for parking in the evening. Firstly, this would be very unusual for a terraced road and there is insufficient width to park on both sides lawfully. Secondly the concern is around the church parking demand not the residential element. We do not have any information regarding the timing, frequency or scale of this.

Provision should include electric vehicle charging and disability spaces.

Short stay cycle parking is indicated, but all proposed uses would require long stay provision. This must be secure and weatherproof. The church element should be separate from the residential provision.

A refuse collection vehicle (RCV) will also be required to enter and turn which does not appear to be provided for. Amended plans with appropriate access and parking should be submitted with tracking for an 11m RCV.

Other service vehicles are anticipated, but these are not generally any more onerous and can be accommodated if the gates are removed and sufficient space is available for the RCV.

In summary, Highways would request more information, which may help to support the proposals, but at this stage would object on grounds of highway safety and parking policy.

6.5 HMO Licensing:

I confirm I have no objection regarding the proposed change of use of the first floor of Ty Derwen, Church Road, Newport, South Wales, NP19 7EJ to a 7 bedroom house in multiple occupation (HMO).

Having regard to the proposed first floor plans, it did not appear to show that the kitchen near bedsit 6 had any windows to provide natural lighting. In providing a kitchen, at least one window is required to provide natural light during daylight hours to enable normal domestic tasks to be carried out without eyestrain. Therefore, if that room has no windows it would be unsuitable for use as a kitchen.

It was noted that there was a proposed additional kitchen near the communal living room. The applicant's attention is drawn to room size requirements beginning on page 3 in Newport City Council's Houses in Multiple Occupation (HMO) Licensing Standards document.

Where there is a proposed change of use to a House in Multiple Occupation (HMO) the most appropriate person (usually the landlord/owner of the property) must contact the Environmental Health Housing Team on 01633 656656 or EHHousing@newport.gov.uk with regard to HMO licensing.

The applicant is advised to read Newport City Council's Houses in Multiple Occupation (HMO) Licensing Standards referred to above, which details standards and licensing conditions for HMOs subject to licensing. The document can be viewed on Newport City Council's website.

In addition to HMO Licensing, private landlords are required by the Housing (Wales) Act 2014 to be registered. Also private landlords who undertake letting and management activities or their managing agents, will need to obtain a licence from Rent Smart Wales and undergo training. For further information contact the Licensing Authority; Cardiff City Council, Rent Smart Wales, PO Box 1106, Cardiff CF11 1UA, Tel No: 03000 133344, website www.rentsmartwales.gov.wales

6.6 Environmental Health: No response.

6.7 Senior Scientific Officer: No response.

- 6.8 Ecology: No response.
- 6.9 Drainage/SAB: No response.
- 6.10 Waste: No response.
- 6.11 Planning Contributions:

1. Introduction

Based upon a development of 1 x 6 bed HMO, the following S106 planning obligations are required to mitigate the impact of the development.

2. Affordable Housing

Commuted sum payments for affordable housing will normally be sought on developments of one to two dwellings anywhere within Newport. The site lies within the Housing Target Area of Newport East. Newport East requires the delivery of 20% affordable housing on new development. The equivalent commuted sum generated is £1,1250.

This payment will be paid prior to occupation and index linked to the RPI

3. Fees

Administration Fee

In accordance with the Planning Obligations SPG (2025), a £300 administration fee is charged for monitoring the S106 agreement. This is to be paid upon signing of the legal agreement.

Legal Fee

Planning Obligations can be contained in Unilateral Undertakings or s.106 Agreements. Unilateral Undertakings are usually drafted by the developer's solicitors, whereas s.106 Agreements are usually drafted by the Council's in-house solicitors (but there is no general objection to developers arranging for their own solicitors to draft the s.106 Agreement with prior agreement). Either way the developers will be responsible for the Council's legal costs incurred in relation to the process of drafting, approving and completing the s.106 Agreement and Unilateral Undertakings, including costs of title investigation which is necessary to ensure the correct parties enter into the Deed. There is a minimum contribution to legal costs of £700, although more time-consuming and complex documents would require an increased contribution to legal costs.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 2nd April 2026, Site Notice was put up on 10th April 2026.

- 7.1 NEIGHBOURS: 173no. neighbours were consulted and 36no. responses have been received. All responses were objections to the proposal, and the key material planning considerations have been summarised below;
- Siting a HMO directly next door to a nursery school is not appropriate and raises safeguarding and welfare concerns;
 - Existing parking problems within the area and causes problems for parents and taxis at drop off and pick up time for the nursery. Increase in parking generation will likely lead to illegal or inconsiderate parking causing highway and pedestrian safety issues;
 - The transient nature of residents and their high turnover causes concerns regarding child safety of pupils of the nursery;
 - Concerns regarding the use of the under cover car port as amenity space for the HMO directly next to the boundary shared with the nursery;

- Concerns regarding existing anti social behaviour associated with the property, such as lighting of fires, accumulation of rubbish and drug taking (with associated smell);
- Impact on the residential character of the area in combination with existing HMOs and other forms of temporary accommodation that have security measures such as door guards and the impact on/erosion of community and social cohesion and quality of life;
- Fear of crime due to uncertainty of HMO occupiers and late night comings and goings;
- HMO overdevelopment of the upper floor, shared kitchen and amenity space appear insufficient to safely and reasonably support this number of residents;
- It is unclear whether there is sufficient outdoor amenity space for future occupants. A lack of such space may lead to poor living conditions and could increase the likelihood of outdoor congregation, adding to noise and disturbance for neighbouring properties
- Large gatherings associated with place of worship increasing noise levels particularly late at night on several occasions causing elevated noise levels. Requests for controls around noise and hours of operation;
- Additional waste being left on pavements.

7.2 COUNCILLORS HOURAHINE/TOWNSEND/BRIGHT:

Townsend: Has confirmed that they endorse the comments submitted by Newport Nursery School.

Hourahine: No formal comments made.

Bright: No response.

8. **ASSESSMENT**

8.1 **Principle of Development:**

- 8.1.1 The proposal is for the reuse of an existing building within the Urban Boundary and in a location that is generally considered to be sustainable, which until recently was vacant.
- 8.1.2 The reuse of a previously vacant building is supported in principle in line with the aims of Policy SP1 and SP18 of the NLDP 2011-2026 (adopted January 2015). However this is subject to all other material planning considerations and site constraints being addressed.

8.2 **Retail Policy and Community Facilities**

- 8.2.1 Planning Policy Wales Edition 12 advises that a D1 (Non Residential Institution) is a complementary use to retail and commercial centres.
- 8.2.2 Policy SP19 states that retail and associated uses best located in a City Centre will be subject to an assessment of need if not within a defined centre, and application of the sequential test if not within the City Centre. PPW 12 is clear in promoting a hierarchical approach to the consideration of retail, leisure proposals and other uses associated with a town centre location. A place of worship/community centre is a use that would be consistent with this and is considered to be best located within a defined centre.
- 8.2.3 The site is not located within a City Centre or a District or Local Centre and no assessment of need or sequential test has been submitted.
- 8.2.4 Policy SP12 states that new community facilities, in sustainable locations will be encouraged. Proposals for new facilities should be located in sustainable locations, particularly those that attract a high number of visitors, such as community centres, leisure centres and theatres. Such facilities need to be accessible by a choice of transport modes and should be situated within or adjacent to the community that the facility is serving. The reuse of existing buildings is preferable to new buildings. Applications will also need to be considered against the other relevant NLDP policies.
- 8.2.4 The site is considered to be located in a sustainable location. Church Road is on a bus route and is also closely linked to Caerleon Road, which is one of the main links to the City

Centre and also served by several nearby bus stops. Caerleon Road has a district centre. The location is accessible to the surrounding residential area on foot, however it is not entirely clear exactly who the target audience of the place of worship would be. No further information has been submitted relating to the place of worship, however it would appear from the website that it forms part of an international network named 'Winners Chapel International'. Given the nature and use of the place of worship, it is considered likely that users would also travel from a wider catchment to attend service.

- 8.2.5 It is considered that the site is located within a sustainable location served by public transport links and includes the reuse of part of an existing building. Policy SP12 is complied with. Having had regard to Policy SP12 and the sustainable location of the site, in this instance despite the failure to address SP19, it is considered that on balance it would not be grounds to refuse planning permission on this basis and it is noted that the fallback lawful use as B1 offices is also a use best located in a centre.

8.3 Impact on Residential Amenity and Surrounding Area (Place of Worship):

- 8.3.1 Within comments received during the public consultation (and during the previous application consultation) there has been claims that the place of worship that is currently in operation has resulted in noise generation due to large gatherings of people attending service, music being played as part of the service and also the ad hoc timing of services taking place. Responses have also requested that if planning permission is approved that the hours of operation are controlled and a scheme of noise insulation is secured.
- 8.3.2 The surrounding area is predominantly residential but does have several commercial premises. Its character is considered to be mixed but with a large number of residential properties. Taking into consideration the street layout there are a number of residential properties within direct and/or close proximity to the site who could reasonably expect to be impacted if adequate control is not in place. During a site visit, it was evident that live music forms part of the service as there was a drum kit and keyboard set up in the prayer room along with microphones and sound control equipment. Material found online also shows live singing and amplified music taking place during services. All of this would be indicative of a modern place of worship where impact upon nearby sensitive receptors is a key consideration. The application forms do not provide any operating hours for the use, however it could reasonably be expected for services to take place earlier in the morning or during the evening, so limitation of operating hours would need to be controlled by a planning condition if permission is forthcoming. Large windows serve the prayer room to the front and rear and it could not be controlled how these are used, however the use of amplified music equipment outside of reasonable hours would also need to be controlled, as the use of the building outside of these hours without amplified music could be acceptable.
- 8.3.3 A scheme of sound insulation has been requested within a neighbour response, however this is not something that could reasonably be secured and controlled. Even in the event walls were sound proofed, opening a window would allow sound to escape. As mentioned, use of windows cannot be controlled, so the most effective way to impact amenity is via the control of hours and use of amplified music equipment as suggested above.
- 8.3.4 Between the ground floor commercial use and the first floor proposed residential use, a scheme of sound insulation would be necessary as the relationship is changing to a mix of commercial and residential. This could be controlled through a planning condition if permission were forthcoming but building regulations will also control this.

8.4 Concentration of HMOs and Impact on Character and Appearance and Amenity:

- 8.4.1 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.'

8.4.2 In support of Policy H8, the Council has adopted Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation, which provides further detail on how such applications are assessed. The SPG notes that clusters of HMOs can impact the composition of communities and detract from local visual amenity. To manage this, the SPG introduces thresholds beyond which HMOs are considered to negatively affect the character of an area. Specifically, the guidance sets a limit of 15% HMO concentration in defined areas and 10% in all other areas.

8.4.3 The application site falls within the 15% threshold area. A survey of housing stock within a 50m radius of the first floor address point identifies the full front elevation of 28no. residential properties, of which one (70 Church Road) is licensed as an HMO. This equates to a current concentration of 3.60%. The proposed development would introduce a second HMO within this radius, increasing the concentration to 7.15%, but still complying with the threshold set out in the adopted SPG. The HMO Licensing Officer has confirmed no other HMO Licenses or pending licenses are located within the 50m radius.

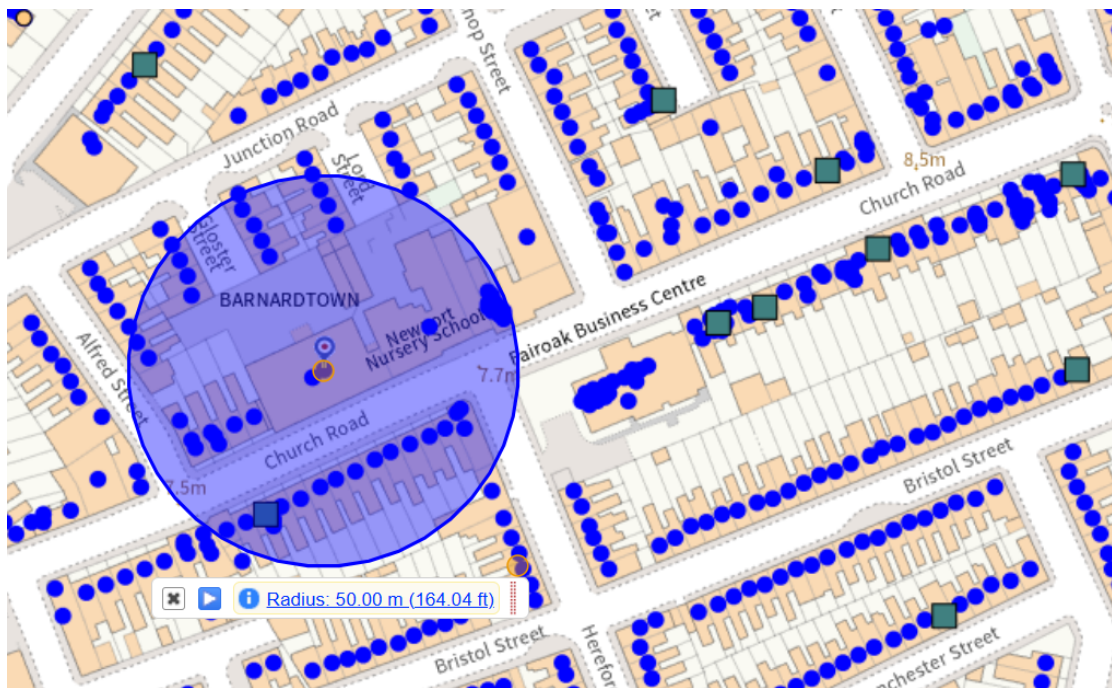


Figure 1 – HMO Radius as per 26/05/2026

8.4.4 There is a reasonably high number of HMOs within Church Road, and objections from members of the public have highlighted this. However, these are located north east of the 50m radius and cannot be counted towards the threshold assessment. Planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise and whilst the adopted guidance should not be stringently applied, the threshold test is a well established indicator of excessive HMO concentration that may lead to social cohesion and associated concerns relating to a highly transient population and an unbalanced housing stock. In this instance, the proposal does not breach the threshold assessment and having undertaken a site visit it is accepted that whilst the appearance of some properties within the area are a little unkempt, which could be an indicator of an issue with social cohesion and visual amenity, there is no evidence that links this to them being HMOs. The only other HMO within the 50m radius is at No.70 and on review, it is not considered that the appearance or condition of this property is resulting in any adverse impact on surrounding amenity, or suggesting any contribution to an issue of social cohesion.

- 8.4.5 A significant number of objections have been received in response to the proposed use of the property as a HMO, largely centred on its proximity to the neighbouring Nursery School. The Nursery School has formally objected, with their concerns supported by Councillor Townsend. The representations highlight issues relating to child welfare and safeguarding, the perceived transient nature of future occupants, uncertainty regarding tenant identities, and the potential for anti-social behaviour. Specific concerns raised include the risk of fire, the accumulation of refuse, and allegations of activities such as drug use, some of which objectors state have occurred previously when the property was occupied.
- 8.4.6 Notwithstanding these concerns, the planning process is required to consider the acceptability of the proposed land use. Whilst the proposal involves an HMO, it is a residential use in planning terms. The applicant has confirmed that the property will be occupied by private tenants and that there is no intention for it to operate as a hostel, bedsits, or as accommodation for a specific demographic group (such as individuals placed by the Council). It is noted that any such alternative use would fall outside the definition of an HMO and would require separate planning permission.
- 8.4.7 In land use terms, residential accommodation at upper floor level is generally considered compatible with adjacent community uses. There is no substantive evidence before the Local Planning Authority to demonstrate that the proposed HMO use would result in a material or demonstrable adverse impact on the operation or function of the neighbouring Nursery School.
- 8.4.8 Therefore, despite it being acknowledged that there are some issues within the wider area, the lack of correlation or evidence to show a link between this to the number of HMOs in the locality means any such concerns are not persuasive in rejecting the HMO use. The fact the threshold stated in the adopted SPG is not exceeded must be afforded substantial weight.
- 8.4.9 In terms of impacting the surrounding character of the local area through the concentration of HMOs, the scale and character of the proposed development and amenity of neighbouring properties the proposal is considered to comply with Policy GP2 and H8 of the NLDP 2011-2026 (adopted January 2015).

8.5 Residential Amenity of Future HMO Occupiers:

- 8.5.1 Criterion iv) of Policy H8 ensures adequate amenity for future occupiers of the proposed HMO. It is important to ensure the first floor HMO proposed has adequate access and internal layout, sufficient bedroom sizes and layout that maximises the living standards for occupants which should include access to natural light, outlook and ventilation. Furthermore, HMOs should provide outdoor amenity spaces in which residents can relax, dry their clothes and store refuse and recycling bins. Shared amenity spaces will be acceptable so long as they can accommodate every resident of the properties that they serve.

- 8.5.2 Reason for Refusal 01 of the refused 25/0428 application stated;

01 The proposed development will have a significant adverse effect on interests of acknowledged importance, namely residential amenity, owing to the shared access between the commercial and residential uses and the lack of outdoor amenity space for occupants of the House in Multiple Occupation. No information has been submitted that mitigates this objection, contrary to Policy GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the adopted Houses in Multiple Occupation SPG.

- 8.5.3 In terms of access, there are two entrances proposed. Entrance Point 1 is at the rear of the building via the car park and would be shared with the ground floor commercial use i.e. place of worship. This entrance also has a lift that provides access to the first floor. Entrance Point 3 is directly accessed off Church Street and would be solely for the first floor HMO. Paragraph 5.4.4 of the SPG states *"In no circumstances may an HMO and a non-residential unit (e.g. a shop) share a single entrance"*. A shared communal entrance with a non residential use does not provide an acceptable level of residential amenity for the first floor occupiers, of which there could be as many as 10no. residents (if controlled my condition as explained later in this report) or 14no. residents if uncontrolled. This would result in a significant numbers of residents needing to use the shared access. It is noted that a private entrance is provided

from Church Road, however with the amenity space, car parking and provision of recycling and refuse storage all shown to the rear, residents would clearly need to utilise the shared access and it would be impractical to solely on the Church Road access. As such, the proposed layout in terms of accessibility is not acceptable in its current format.

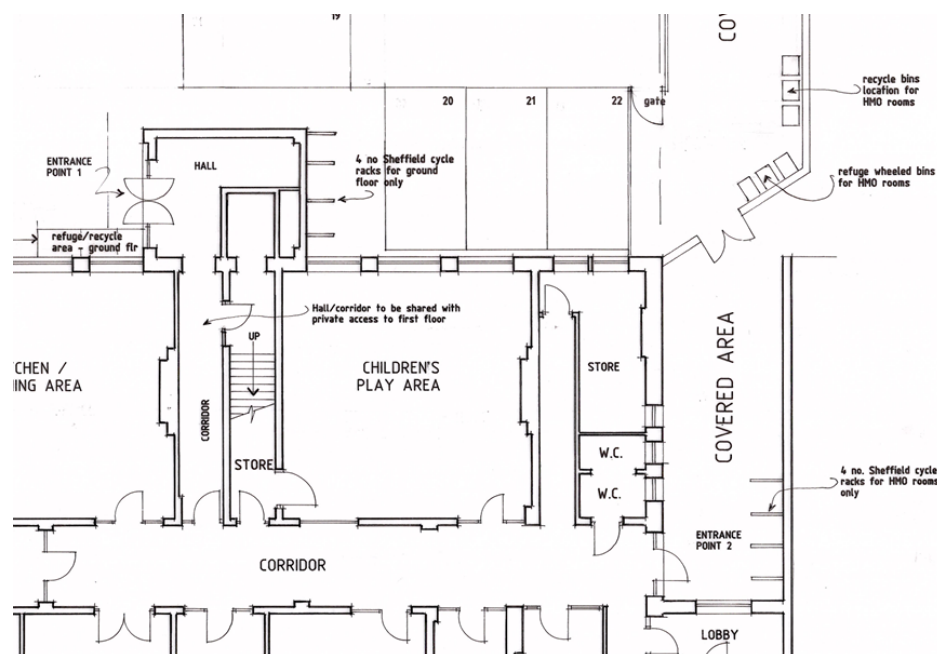


Figure 2 – Extract of Proposed GF Plan

- 8.5.4 These issues were raised in the prior application, as cited in the reason for refusal shown above. The revised scheme has not addressed this issue and the unacceptable shared arrangement is still proposed. Arguably, the situation proposed is now worse since a designated covered area of outdoor amenity space is now located to the side and rear of the site, with Entrance Point 1 and 2 being utilised. Entrance Point 2 would require all residents of this large HMO to walk through the corridor of the ground floor commercial use in order to access the side external amenity space. This shared arrangement causes conflict between the ground floor use which is being intensified as a place of worship of which there will be a range of ages present, and first floor uses. This it is not acceptable and would result in an unacceptable provision of residential amenity for the HMO occupiers.
- 8.5.5 Although it is now recognised that external amenity space is indicated for the HMO, including areas for cycle storage and refuse, this provision is limited to a narrow section within the car park beneath an existing car port, along with a small, covered area to the side of the building. Due to the bedroom sizes within the HMO proposed, there could be up to 2no. occupants per room which would lead to up to 14no. residents (or 10no. if controlled) and it is not considered that the proposed external amenity space is of an acceptable provision for this number of occupants. The covered spaces are located within to the rear of the building, separated only by a 900mm fence and share an awkward relationship with the car park that is used not only by the HMO but also by the place of worship on site. The spaces are narrow and are not considered to offer residents meaningful, functional, or good quality outdoor amenity space. For this reason, the proposal is also unacceptable in terms of residential amenity.
- 8.5.6 Turning to the internal layout of the first floor, it is proposed to retain the majority of the existing layout to facilitate the change of use. Some internal alterations are proposed in order to provide each bedroom with an en-suite facility, an internal wall is to be removed to create a communal lounge and kitchen and part of Bedroom 6 has been partitioned off to provide an additional kitchen. It is also now shown that existing windows along the corridor that were previously maintained and would allow views into bedrooms are to be closed up. Details are not provided but this could be controlled. The proposed bedrooms are spacious and benefit from high ceilings as well as large windows that provide outlook either to the front or rear and access to natural light. Each room is labelled as being a bedroom and sitting room, is very large and has an ensuite. This is not typically compatible with an HMO use and the layout is not characteristic of one, however the application does confirm that the proposal is for an HMO and this is to be taken on face value. In line with the HMO License Guidance each room

would be adequate in size for two persons – which is the maximum permitted occupancy the Council's Housing Department would license for an HMO bedroom. As such, 14no. occupants could be present for the 7no. bedroom HMO.

- 8.5.7 An additional kitchen has now been proposed by partitioning part of Bedroom 6. Assumedly, this is as HMO Licensing guidance advises that a single kitchen is not suitable for more than 10 persons and the proposal has 7no. bedrooms each capable of accommodating two residents. This means that the first floor HMO could have up to 14 occupants residing and using shared facilities. Having regard to the proposed first floor plans, the HMO Licensing Officer has advised that the second kitchen does not have any windows to provide natural lighting. In providing a kitchen, at least one window is required to provide natural light during daylight hours to enable normal domestic tasks to be carried out without eyestrain. Therefore, this would be unsuitable for use as a kitchen, and it would need to be discounted from consideration. As such, the proposal for 7no. bedrooms and up to 14no. occupants is unacceptable and would not provide HMO residents with an adequate level of residential amenity and would also not receive a HMO License on this basis. Therefore, in the event that planning permission is forthcoming then a planning condition would need to be applied that controls the maximum number of occupants to 10. Without this, the proposal would be unacceptable on amenity grounds due to the insufficient provision of shared amenity space i.e. the kitchen.
- 8.5.8 Due to the proposed nature of the ground floor use and the introduction of first floor residential use it is considered that sound insulation will be required between the floors. The plans suggest that the first floor will have acoustic improvements installed prior to occupation to address any ground floor noise impact. Sound insulation for a commercial to residential change of use is controlled via Building Regulations, and in the event planning permission were to be forthcoming then this separate regulatory process would control details.
- 8.5.9 Overall, it is concluded that the proposed layout which contains shared functions and access between the separate ground floor commercial use and first floor residential HMO use and a lack of meaningful and functional outdoor amenity space for HMO residents is contrary to Policy GP2 and H8 of the NLDP 2011-2026 (adopted January 2015) and the Houses in Multiple Occupation SPG.

8.6 Highways Safety & Parking:

- 8.6.1 The previous third reason for refusal stated;

The proposed development will have a significant adverse effect on interests of acknowledged importance, namely highway safety and neighbouring residential amenity arising from an intensification of use of the existing substandard vehicular access at more frequent and dispersed times when residents are likely to expect a quieter environment. No information has been submitted that mitigates this objection, contrary to policy GP2 and GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the Parking Standards SPG.

- 8.6.2 The rear parking area is accessed via a narrow gated access from Gloster Street, a small residential cul de sac off Junction Road, which is paved and has the feel of a 'shared space'. The residents of Gloster Street park at an angle, leaving a narrow central passageway to the site access, which is secured by gates that open out onto the highway. There is no visibility owing to the narrow width and height of the boundary wall and this is the key safety issue raised by the Council's Highways Officer. Highways advise that the entrance from Gloster Street should accommodate two way traffic as well as pedestrians, however it is approximately 2.70m wide with no pedestrian access. The applicant advises that the proposal would represent a reduction in traffic potential, however this has not been substantiated. It is considered by the Highways Officer that the current access is unsuited to the proposed uses, cannot be considered safe and that its intensification would also increase conflicts on Gloster Street. They have objected to the application on highway safety grounds.
- 8.6.3 Turning to parking, the proposed layout plan includes 22no. parking spaces, which is a reduction from the 25no. spaces previously proposed. Of these 22no. spaces, 4no. will be allocated for the HMO with the remaining 18no. spaces for the place of worship.

- 8.6.4 A material consideration of the application when considering the acceptability of the vehicular access and the parking provision on site is the existing lawful use of the site as a fall back.

Fallback Parking Demand

- 8.6.5 The most recent planning application 02/0459 for a change of use to offices and voluntary training centre was granted with a condition restricting the use of the site to only this form of B1 Use. It is understood the use of the site was by the Gwent Association of Voluntary Organisations (GAVO), who were the last known user of the site prior to this application. In accordance with the Council's adopted Parking Standards, in Parking Zone 3, a B1 (Office) use of less than 1,000sqm would generate a parking demand as per the below table;

Development	Requirement	Floor Area (Sqm)	Total Spaces Required
Offices <1000sqm	1no. space per 35sqm	946sqm	27no. spaces

- 8.6.6 Having an existing 25no. spaces shown on the parking layout is broadly accurate and in line with the parking demand as per the SPG. So the existing use of the site as B1 (Office) is considered to be appropriately served in parking terms.

Proposed Parking Demand

- 8.6.7 The proposed change of use is a place of worship at ground floor, with 7no. bedroom HMO at first floor. The proposed parking requirements are set out in the table below;

Development	Requirement	Floor Area (Sqm)/No. Bedrooms	Total Spaces Required
Place of Worship (Ground Floor)	1no. space per 10 seats or 1no. space per 8sqm of praying floor space	104sqm praying floor space	13no. spaces
HMO (First Floor)	1no. space per bedroom 1no. visitor space per 5no. bedrooms	7 bedrooms	8no. spaces
			21no. spaces

- 8.6.8 The proposal is described as a place of worship, although the floor plans suggest that it is likely to be more than just a traditional use and includes elements that could suggest the use as being more akin to a community centre, or a mix of place of worship and community centre. For a place of worship the parking demand is based on the area of praying floor space, however in this example this area is only a small portion of the overall ground floor layout, with approximately 365sqm of floor space unaccounted for when assessing parking demand. This was also evident during a site visit, where there was communal use of rooms taking place in association with the ground floor use. This included a children's play space, kitchen/dining area and rooms allocated as office space, as shown on the ground floor layout plan. The proposal offers more than just a place of worship for its users, and provides an offer more akin to a mix of place of worship and community centre. From a highways assessment this mix has the potential to result in a significantly different impact than a traditional place of worship and a greater intensity of comings and goings overall.

- 8.6.9 The application has offered no substantive supporting information as to how the ground floor use operates, for example the regularity of services, days and times these take place, the typical number of attendees and also how the remaining floor space is used. It is understood from online advertisement that the place of worship is part of a wider and international network and offers multiple activities to members and this would suggest a wider or significant catchment. As outlined by the Highways Officer in their response, the lack of detail makes it

very difficult to make an assessment of the required parking provision and associated daily trips.

- 8.6.10 The assessment of highways impact extends beyond the number of vehicles requiring access or parking at the site, and this is only one aspect of a broader evaluation. The Highways Officer has advised that the existing office use is likely to generate limited and predominantly 'tidal' vehicular movements, typically concentrated at the beginning and end of the working day. This pattern of use is likely to place less demand on the existing substandard access.
- 8.6.11 In contrast, the proposed mixed use development comprising a place of worship/community centre and 7no. bedroom HMO is expected to result in more frequent and dispersed vehicular movements throughout the day, including weekends and into the evening. These movements are more likely to coincide with periods when residents are at home, thereby increasing the intensity of use of the substandard access.
- 8.6.12 This intensification raises significant highway safety concerns, and the Highways Officer has objected to the proposal. Whilst the application has provided a brief summary of parking consideration and claims that there will be a deintensification, it is not considered that this supporting information has not satisfactorily addressed or mitigated the concerns.
- 8.6.13 Additionally, the proposed use is anticipated to generate peak traffic volumes during weekend periods when residential parking demand is typically higher and expectations for quieter conditions are greater. This increases the potential for conflict between users and adversely affects both highway safety and residential amenity.
- 8.6.14 The proposal is contrary to Policy GP2 and GP4 of the NLDP 2011-2026 (adopted January 2015).

8.7 Green Infrastructure:

- 8.7.1 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.
- 8.7.2 A GIS has been submitted with the proposal and proposes the installation of a bird box to the rear elevation of the building as an ecological enhancement measure. The GIS advises that given the proposal is for a change of use, and that there is no existing GI on site that would be impacted, the bird box would be a proportionate enhancement. This is agreed, and it is considered that if planning permission is forthcoming then the provision of this feature could be controlled through a suitably worded planning condition.
- 8.7.3 The proposal complies with Policy SP1 and GP5 of the NLDP 2011-2026 (adopted January 2015).

8.8 Flood Risk:

- 8.8.1 The site is located within Flood Zone 3 (Sea) and the TAN 15 Defended Zone (Sea), as per the Flood Maps for Planning (FMfP). The existing lawful use of the building is a 'less vulnerable' use in flood risk terms. The proposal would retain this less vulnerable use at ground floor and introduce a 'highly vulnerable' use i.e. residential at first floor.
- 8.8.2 In their response, NRW have advised that as the highly vulnerable element of the proposal is elevated from any flood risk, they do not object to the proposal. However, NRW have

advised that it is for planning authorities to determine whether the risks and consequences of flooding are acceptable and whether the proposal has fully considered access requirements, including evacuation routes used in an emergency event.

8.8.3 The 2025 TAN15 confirms that a Flood Consequences Assessment is required for any development proposal located fully or partly in Flood Zone 2 and 3. The assessment will help the planning authority determine whether the risk and consequences of flooding are acceptable and can be appropriately managed over the lifetime of development. The assessment can also be used to establish whether appropriate avoidance or mitigation measures could be incorporated within the design of the development to ensure that over its lifetime, development minimises risk to life, damage to property and disruption to people living and working on the site, and does not increase flood risk elsewhere. The TAN also sets out the tolerable conditions (rate of water rise, speed of inundation etc) and an FCA should provide Authority's with details of how the development would comply/compare with these.

8.8.4 No FCA has been submitted with this application. An FCA technical note has been provided but this only provides clarification as opposed to a technical assessment. Whilst a resubmission of the previously refused application, this planning application is assessed in its own right and either a new FCA should be submitted or the previous FCA resubmitted. The lack of FCA is a reason to refuse planning permission. The following section of this report refers to the FCA that was previously submitted;

8.8.5 **No Increase in Flooding Elsewhere**

The FCA confirms that the proposed conversion does not involve any ground raising, extensions to the building footprint, or alterations to the existing layout. As such, there will be no impact on flood storage capacity or flow paths.

8.8.6 **Occupiers' Awareness of Flood Risk**

The FCA states that residents will be informed of the flood risk associated with the site and will be advised to register with the NRW Flood line service.

8.8.7 **Escape and Evacuation Routes**

While the first floor residential use is expected to remain flood free during extreme flood events, the ground floor commercial use and building access will be subject to flooding. The site is accessed directly from Church Road, which provides two pedestrian entrances. However, flood modelling indicates that Church Road could experience flood depths of up to 1.546m during the defended 1 in 1000-year (2115) event, exceeding tolerable access thresholds for highly vulnerable uses. Consequently, safe, dry access cannot be maintained during such events, and reliance on evacuation alone is not acceptable.

Paragraph 11.3 of TAN 15 requires that:

- Escape and evacuation routes are present; and
- Flood emergency plans and procedures are agreed and in place.

The area's flood defences comprise a flood wall currently rated as being in poor condition. The FCA notes that breach data is available and NRW advise this should be included. The revised TAN 15 provides explicit requirements for overtopping and breach scenarios, which should be considered as the 'design event' in accordance with paragraph 10.26 and Figure 5.

To comply with the revised TAN 15 and fully assess the risks, NRW recommends that a breach assessment is undertaken.

This test is not met.

8.8.8 **Flood Emergency Plans and Procedures**

The FCA advises that a flood warning and evacuation plan will be prepared, setting out

the necessary precautions and actions to be taken in the event of a flood to mitigate potential impacts and damage.

8.8.9 Flood Resistant and Resilient Design

The building is an existing structure within a terrace, limiting the scope for additional flood resilience measures. However, due to the age and construction of the property, it is considered less susceptible to structural damage.

8.8.10 Flood-Free Design for 1% and 0.5% Events Plus Climate Change

For a 0.5% (1 in 200-year) annual probability tidal flood event, including climate change allowance to 2115, the predicted flood depth is 7.83m AOD. With a ground floor finished floor level (FFL) of 7.83m AOD, the development is predicted to remain flood-free.

However, the FCA applies a 90-year development lifetime, rather than the 100-year period required for highly vulnerable development. While the site is predicted to be flood-free in 2115, the additional 10-year period is not accounted for. NRW has confirmed that flood depths are likely to increase over this period, meaning the test is not met.

The proposal does not account for the required 100-year lifetime plus climate change allowance, and therefore fails this test.

8.8.11 Flood Depth and Velocity in Extreme Events

During a 0.1% (1 in 1000 year) annual probability tidal flood event, including climate change allowance to 2115, the predicted flood depth is 9.00m AOD. With a ground floor FFL of 7.83m AOD, the development would experience flooding to a depth of 1.17m, exceeding the tolerable limits set out in Figure 6 of TAN 15. The FCA does not assess potential flood velocities.

Again, the FCA uses a 90-year lifetime rather than the required 100 years. The predicted flood depth already exceeds tolerable limits, and this is likely to worsen over the additional 10-year period.

This test is not met.

8.8.12 Flood Assessment Conclusion

The previous FCA was based on a 90-year development lifetime, contrary to Section 10.28 of TAN 15, which requires a 100-year period for new dwellings. The submitted FCA Note has not provided any insight on the remaining 10 years or technical assessment of flood risk and this is not acceptable and remains unaddressed within this submission.

Paragraph 10.17 of TAN 15 states: "On brownfield sites, redevelopment proposals should not result in over-intensification of use, nor should they diminish the area's capacity to absorb flood water or contribute to flooding elsewhere. All applications should explore opportunities to incorporate flood-resilient design where appropriate, and any proposal involving highly vulnerable development must comply with the tolerable conditions outlined in Section 11."

Despite the data provided, the FCA does not demonstrate compliance with the tolerable conditions in Section 11 of TAN 15.

Furthermore, Church Road is predicted to flood to a depth of 1.56m during the defended 1 in 1000-year (2115) event, exceeding tolerable access thresholds for highly vulnerable uses. Safe, dry access cannot be maintained, and reliance on evacuation is not sufficient. Paragraph 11.3 requires that escape and evacuation routes are present. This raises significant concerns regarding the ability of residents to safely evacuate and the ability of emergency services to access the site during a flood event.

The submitted FCA note refers to Paragraph 11.8 of TAN15 which recognises that greater

flexibility may be applied to redevelopment, conversions and changes of use where the ability to substantially redesign a development is limited, and that the tolerable limits should be treated as guidance in such circumstances. The Note also refers to another site not too distant away in Newport where a scheme did not comply with TAN15 requirements and the LPA considered that the risks of flooding could be managed because vulnerable uses were located at upper floor and refuge was available above flood levels.

While it is acknowledged that the Local Planning Authority is able to apply a planning balance in circumstances where other material planning considerations have been satisfactorily addressed, this position is not considered to apply in the present case. Firstly, an FCA has not been submitted for this application, which is a reason to refuse planning permission for a highly vulnerable use in this flood zone. Furthermore, as set out within this report, a number of material planning considerations remain unsatisfactory. Consequently, it is not considered that sufficient weight can be attributed to other factors so as to outweigh the identified conflict with Technical Advice Note 15, and the balance does not fall in favour of the proposed development. The proposal fails to demonstrate compliance with TAN 15 and represents an unacceptable intensification of use from less vulnerable to highly vulnerable, contrary to Policy SP3 and TAN 15.

8.9 Waste:

8.9.1 Previously, the fourth reason for refusal related to waste and refuse storage, stating;

The proposed development fails to provide separate and adequate refuse and recycling storage for the proposed ground floor commercial use and first floor residential use. This is contrary to Policy SP1 and W3 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the adopted Waste Storage and Collection SPG.

8.9.2 In response to this, this application now separates the provision of refuse and recycling storage. For the commercial ground floor use, a storage area is proposed to the rear elevation and whilst details have not been provided, this is likely to be a suitable location. Commercial collection would need to be arranged privately by the user.

8.9.3 In terms of the residential provision, this is shown under the covered amenity area adjacent to the shared boundary. Whilst there is no issue in principle with the location, the Waste Storage and Collection SPG advises that for a HMO with 8 to 12 residents individual 180L bins, communal 660L bins and/or 1100L bins will be required, along with a combination of recycling boxes as assessed by the Waste Department. The Waste Department has not responded to the consultation, however after review, the gated access to this area appears narrow and would not be able to facilitate the larger bins if they were deemed necessary. Therefore, in the event planning permission was approved a condition would be required securing a detailed scheme of refuse storage along with final details of the access, as this may require a wider gate than shown on the plan, however this would appear achievable in broadly the same location as shown.

8.10 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.

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?
Regeneration and Economic Development	To provide a financial contribution towards off site affordable housing	20% affordable housing contribution.	Not Agreed	No.

8.10.1 HEADS OF TERMS AGREED BY APPLICANT

8.10.2 As the application is recommended for refusal, no agreement to Heads of Terms have been sought.

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 would result in an intensification of the use of the site that would result in an adverse impact on matters of flood risk, highway safety by reason of use of an existing substandard access and the lack of acceptable amenity for future occupiers of the site. Whilst there is merit in the re-use of a vacant/underused building, this does not outweigh the objections raised.

10.2 The proposal is contrary to Policy SP3, GP2, GP4, H8 and T4.

11. **DECISION**

REFUSED

01 The proposed development will have a significant adverse effect on interests of acknowledged importance, namely residential amenity of future occupiers of the HMO, owing to the layout and close juxtaposition of the commercial and residential uses and the lack of acceptable outdoor amenity space for occupants of the House in Multiple Occupation. No information has been submitted that mitigates this objection, contrary to Policy GP2 and H8 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the adopted Houses in Multiple Occupation SPG.

02 The proposed development will have a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity by reason of flood risk arising from an intensification of highly vulnerable residential accommodation on site and the lack of Flood Consequence Assessment being submitted. No other information has been submitted that mitigates this objection, contrary to policy SP3 and GP2 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and Technical Advice Note 15: Development, Flooding and Coastal Erosion (March 2025).

03 The proposed development will have a significant adverse effect on interests of acknowledged importance, namely highway safety and neighbouring residential amenity arising from an intensification of use of the existing substandard vehicular access at more frequent and dispersed times when residents are likely to expect a quieter environment. No information has been submitted that mitigates this objection, contrary to policy GP2 and GP4 of the Newport Local Development Plan 2011-2026 (adopted January 2015) and the Parking Standards SPG.

04 The development will have a significant adverse impact upon interests of acknowledged importance, namely affordable housing. No signed legal agreement has been provided for the commuted sum contribution to assist the Council in meeting its on-going requirement for affordable housing. This is contrary to Policy H4 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; KD1995 1 – Existing Ground Floor/Site Plan; KD1995 2 – Existing/Proposed First Floor Plans; KD1995 3 – Proposed Ground Floor; Green Infrastructure Statement; FCA Technical Note Jan 2026; Design Statement LDC and Resubmission.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, SP12, SP13, SP18, SP19, GP2, GP4, GP5, GP7, H8, T4, W3 were relevant to the determination of this application.

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