

Delegated Decision Report

Application No:	25/1091	Statutory Period Expires:	20th April 2026
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Site:	236 Cromwell Road Newport NP19 0HS		
Proposal:	RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE TO 6NO BED HMO		
Applicant:	J Ayaabah		
Type:	Full	Ward:	Liswerry
Decision:	DECLINE TO DETERMINE		

1. BACKGROUND

- 1.1 The application was submitted following the serving of an Enforcement Notice, under ref. E24/0312. The Enforcement Notice requires that the use of the land as a HMO ceases for the following reasons:

1) It appears to the Council that the above breach of planning control has occurred within the last four years

2) The use of land as a House in Multiple Occupation for six bedrooms including two ground floor bedrooms causes significant harm to health and safety of occupiers and unacceptable risk to personal belongings of the residents of ground floor bedrooms in terms of flood risk. Therefore the use of the land as a House in Multiple Occupation is contrary to policy SP3 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and Technical Advice Note 15: Development and Flood Risk (TAN 15).

- 1.2 The proposed development has not changed since the Enforcement Notice was served and includes six bedrooms, two of which are located on the ground floor. A site visit confirms that the development has already been implemented and that several of the bedrooms are currently occupied. The use of the property is therefore in breach of the Enforcement Notice, and the application fails to provide any alternative information or measures to address the reasons for which the Notice was served.

2. SITE LOCATION AND CONTEXT

- 2.1 The application comprises of a mid-terraced property located within the Liswerry ward. The property is accessed from both Cromwell Road and via a lane to the rear off Hampden Road. There is no off-road parking at the property but there is unrestricted on street parking outside the property. There is a small courtyard to the front and an amenity space to the rear. The property is situated within a primarily residential area, however there are some commercial properties nearby. There is a public park known as the Oliver Road park to the rear of the property. The site is highly sustainable. In terms of flooding the property is in a TAN 15 Defended Zone from the Sea (Flood Zone 3) and Flood Zone 2 from Rivers.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks retrospective planning permission for the change of use of a residential property to a 6no. bedroom House in Multiple Occupation. The internal layout comprises of 2no. bedrooms, an open plan kitchen diner at ground floor and 4no. bedrooms and a communal bathroom at first floor. Externally, a communal garden which is accessed through the kitchen is located to the rear and the small forecourt to the front.

4. RELEVANT SITE HISTORY

- 4.1 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.

6.4.5 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 Policies SP1 (Sustainability), GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural environment), GP6 (Quality of Design), GP7 (Environmental Protection and Public Health), H8 (Self Contained Accommodation, Houses in Multiple Occupation), T4 (Parking) and W3 (Provision for Waste Management Facilities in Development) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

5.4.1 The Councils Supplementary Planning Guidance on Houses in Multiple Occupation (HMOs) (Updated January 2017), Parking Standards (Adopted August 2015) And Sustainable Travel (July 2020) are relevant to the determination of this application.

5.5 TECHNICAL ADVICE NOTES

5.5.1 The following Technical Advice Notes are relevant to the determination of this application: Technical Advice Note (TAN) 5: Nature Conservation and Planning, Technical Advice Note (TAN) 11: Noise, Technical Advice Note (TAN): Development, Flooding and Coastal Erosion, Technical Advice Note (TAN) 18: transport, Technical Advice Note (TAN) 21: Waste

6. CONSULTATION RESPONSES

6.1 **Natural Resources Wales:** We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

Flood Risk

The planning application proposes change of use to 6 bed HMO (highly vulnerable development). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 2 Rivers, Flood Zone 3 Sea, TAN15 Defended Zone. 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.

Therefore, we have reviewed the following additional information submitted in support of the application: - Flood Consequence Assessment, 236 Cromwell Road Newport NP19 0HS, Report Reference EF000876R1, prepared by Geosmart Information, dated 20/02/2026.

The FCA states:

- The general ground levels on the Site are between 6.71 and 6.97 mAOD with the Site rising to the north and south.

Whilst noted in the FCA that the site is within the fluvial Flood Zone 2, there is no assessment from this source of flooding. We would expect flood levels to be provided for this event, even if not considered the main source of flooding. TAN 15 requires all sources of flooding be assessed. The Fluvial flood risk may be associated with the Liswerry Pill Reen and the FCA should provide flood levels/depths for this source of flooding. Defences on this stretch of the watercourse may provide protection to the site, and this should also be assessed to provide a complete FCA.

Figure 5 TAN15

We note that no Finished Floor Level (FFL) have been provided. However, during the 0.5% (1 in 200 year) annual exceedance Probability (AEP) plus climate change (CC) flood event the FCA confirms that the site is expected to flood up to a depth of 1.08m.

The flood depth for a breach/undefended 0.5% (1 in 200 year) plus climate change (2126) event the depths of flooding will increase to 2.07m on site.

The proposed development is therefore not compliant with Figure 5 TAN15. Given the TAN 15 Defended Zone designation of the site and in lieu of breach data the FCA has scale of the development, we are satisfied this information can be used.

Figure 6 TAN15

We note that no Finished Floor Levels (FFL) have been provided. However, during the

0.1% (1 in 1000 year) AEP plus CC flood event (undefended) the FCA confirms the site could experience flood depths of up to 2.75m AOD. The depths of flooding exceed the tolerable limits as set out in TAN15. Therefore, the proposed development is not compliant with Figure 6 TAN15.

Given the TAN 15 Defended Zone designation of the site and in lieu of breach data the FCA has used undefended data to establish the flood risk in a 'breach' scenario. Given the scale of the development, we are satisfied this information can be used.

We note that ground floor bedrooms are proposed as part of the change of use. We note from the supporting proposed plans, that whilst there is internal access to the upper floors there is no communal area for occupiers to gather during a flood event.

- 6.2 **Highways:** Not policy compliant. It is not clear if the existing use is a four bed HMO or single dwelling. The proposals change it to a Six Bed HMO.

If it is a single dwelling, this increases the parking required by the SPG from three spaces to seven including visitor space. If it is already a HMO, it only adds two spaces to the requirement. In reality the actual demand is likely to be less.

No information has been provided to demonstrate if parking is available on street.

There is no cycle parking indicated or detail of the rear yard/bin storage/ The requirement for cycle storage could be addressed via condition.

It appears unlikely that the small increase in parking would be sufficient to warrant a refusal. Therefore there are no formal objections subject to conditions relating to cycle storage.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 27.02.2026. A Site Notice was put up on 06.03.2026.

- 7.1 NEIGHBOURS: 85no. neighbours were consulted. 8no. representations were received. The comments are summarised as follows:

- Concerns are raised that the owner has not followed the correct planning process, despite assurances, and has reportedly undertaken works without permission.
- Concerns over a high turnover of occupants, with multiple tenants over a short period.
- Concerns over the type of occupants living at the property
- Concerns over parking demand as there is already limited parking
- The HMO is contrary to the residential character of the area, which is primarily made up of family homes, and consider an HMO use to be inappropriate.
- Concerns are raised regarding the loss of family housing and the cumulative impact of HMOs in nearby streets.
- The property backs onto an area used by children and families, giving rise to concerns about noise, disturbance, and the suitability of the HMO in this location

- 7.2 COUNCILLORS: Cllr Morris, Cllr Howells, Cllr Peterson and Cllr Sterry were consulted on the application. No representations were received.

8. ASSESSMENT

8.1 Principle of Development

- 8.1.1 The application site is located within a settlement boundary as designated by the maps contained within the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Therefore, the principle of development accords with Policy SP1.

- 8.1.2 Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) states; 'within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation will only be permitted if:

- i) the scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems;
- ii) the proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock;
- iii) adequate noise insulation is provided;
- iv) adequate amenity for future occupiers.'

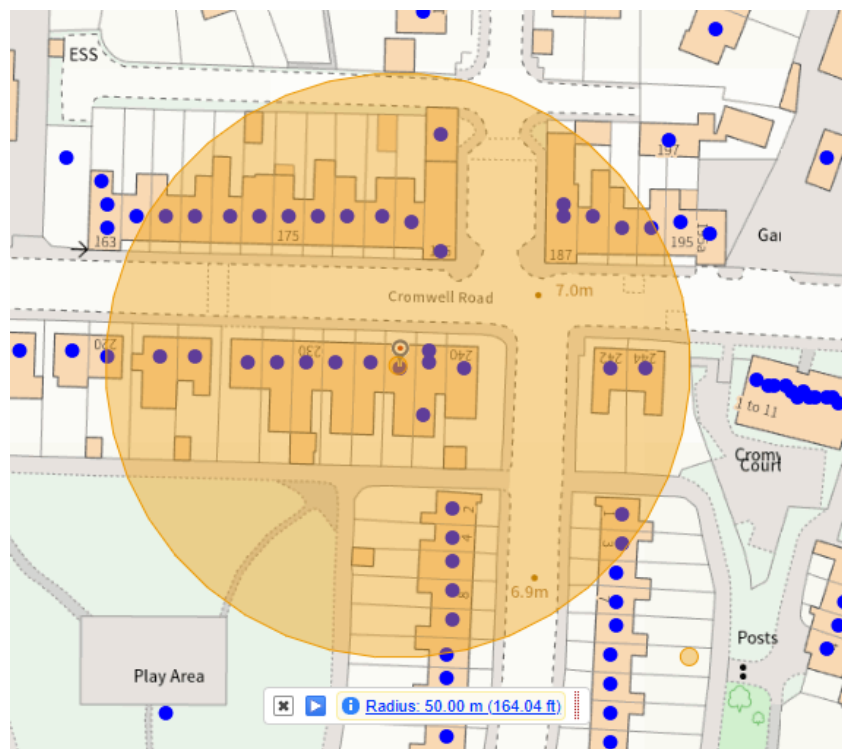
8.1.3 In support of Policy H8, the Council has adopted Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation, which provides further detail on how such applications are assessed.

8.2 Concentration of HMOs and Visual Amenity

8.2.1 There are no proposed external changes to the property, as confirmed by the submitted design and access statement. Notwithstanding this, character is not limited to physical changes or alterations and can also apply to how a place operates and functions.

8.2.2 In order to assess the 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. The SPG on Houses in Multiple Occupation seeks to avoid clusters of HMOs as they can alter the composition of a community and detract from local amenity. The Local Planning Authority will not support an application that would take the number of HMOs above a certain threshold within a 50m radius of the application property. In this case, the limit is 10%.

8.2.3 A survey of the housing stock within a 50m radius of the site identifies the full front elevations of 34 residential properties, of which only the enforcement site (236 Cromwell Road) is a registered HMO. This equates to a current HMO concentration of 3% thereby complying with the threshold set out in the adopted SPG.



8.3 Residential Amenity

8.3.1 When considering the living conditions of future occupiers of the property, the House in Multiple Occupation (HMO) Supplementary Planning Guidance (SPG) states that bedrooms should be 6.51sqm. The bedrooms range from 6.89sqm and 14.02sqm, which exceeds the space standards as outlined in the SPG. The bedrooms each have its own bathroom and suitable window to provide outlook, light and ventilation.

- 8.3.2 The HMO standards also state that shared kitchens and living rooms for up to 6 persons should be 10m² and 12m² respectively. In this case, on the ground floor, the plans detail a kitchen and living room, which are 11.5sqm and 9.76sqm respectively. The total communal space required under the HMO standards would be 22smq. Typically, the HMO licensing team allow for a 10% discretion, as such, the size of the communal areas combined would be within the allowance permitted. The HMO Licensing Officer has offered no objection to the proposals.
- 8.3.3 The SPG also states that 'HMO's should provide outdoor amenity space 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 they serve.' The property has an outdoor amenity area to the rear of the property that will be accessible for residents. Externally it is considered that adequate outdoor space is afforded for the HMO. Refuse storage is usually stored to the front and the rear outdoor amenity space can be used for residents for drying of clothes for example, or for general outdoor amenity and is of an acceptable size.
- 8.3.4 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 it is not considered that it would be such an intensification that would result in a demonstrable adverse impact to the residential amenity of neighbouring occupiers. The bedrooms introduced at ground floor would abut the living rooms of the adjoining neighbour at no.234 Cromwell Road, however there is no reason to suggest that the noise from a bedroom would be significantly greater than a living room. Additionally, noise transmission related matters are dealt with the by Building Regulations.
- 8.3.5 Overall, it is considered that the proposed use of the property as a HMO would not result in an overconcentration of HMOs leading to an adverse impact on the character of the surrounding area or local amenity and would provide acceptable living accommodation for future occupiers. As such, is compliant with Policies GP2, GP7 and H8 of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) in this regard.

8.4 Highways

- 8.4.1 The application site is situated on Cromwell Road, a predominantly residential street characterised by two rows of terraced dwellings. Cromwell Road connects to Somerton Road via a roundabout to the east and meets Corporation Road to the west. The road is a busy classified highway, and the surrounding area includes local commercial uses. A bus stop is located almost directly opposite the site, and as such the property is considered to be in a highly sustainable location.
- 8.4.2 The property was a four bedroom dwelling house, which in accordance with the Parking Standards (adopted August 2015) generates a parking demand of 3no. spaces. No provision is available at the site off street and it is therefore reliant upon on street parking. The proposed used as a 6no. bedroom HMO generates a parking demand of 1no. space per bedroom plus 1no. visitor space per 5 bedrooms. As such, the proposed parking demand is 7 no. spaces, leading to an increase in 4no. spaces that would need to be accommodated on street.
- 8.4.3 Parking is commonly a significant concern of residents in relation to HMO applications, particularly where no off road parking is proposed. The LPA has tested parking objections in areas of high parking demand in various appeals. It is not unusual in a dense urban location of terraced streets, where car ownership has increased over time, to render on-street parking a matter of some inconvenience owing to competition. The LPA must give considerable weight in application decisions to the sustainability of the development and note from appeal cases that this type of accommodation is often considered likely to be attractive to those without a car. The rigid application of parking standards is not appropriate or robust in the circumstances. In this case, unrestricted on road parking is close by but likely to be in high demand. The issues raised primarily relate to matters of convenience, which are not sufficient to justify enforcement action by itself as the nature of

the use and the sustainable location outweigh on street parking stresses. This view is compatible with recent appeal decisions on comparable cases.

- 8.4.4 Inspectors at planning appeal will often assume that car ownership in HMO properties will be lower and most notably in sustainable locations, such as this. The Local Planning Authority may not agree with this stance, particularly where no evidence of it is given but being aware of recent appeal decisions, the generally positive attitude of the PEDW to HMOs in sustainable locations irrespective of whether they have off street parking and the policy move of maximum parking standards rather than minimum standards espoused in the SPG, it is considered that there is no demonstrable adverse effect in relation to parking demand that could robustly be argued to impact upon highway safety or upon neighbouring amenity in this case. With this in mind and previous considerations relating to character, criterion (i) of policy H8 is met.

8.5 Biodiversity

- 8.5.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity.

- 8.5.2 In accordance with Chapter 6 of PPW 12 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, informing the development in accordance with the step-wise approach and identifying an appropriate scheme for biodiversity net-benefit. In this case, neither a GIS or biodiversity enhancement scheme has been submitted. Given the scale of development, it is considered that this could be secured via condition.

8.6 Flooding

- 8.6.1 Technical Advice Note 15 sets out a precautionary framework and identifies that new development should be directed away from areas which are at high risk of flooding (defined as Zone 3), and where development has to be considered in such areas, only those developments which can be justified on the basis of the tests outlined in the TAN are to be located in such areas.

- 8.6.2 The key points of TAN15 are:

- The Council is expected to consult Natural Resources Wales (NRW) when considering development in Zone 3. Where a planning authority is minded to go against the advice of NRW it should inform NRW prior to granting consent allowing sufficient time for representations to be made;
- Residential development is defined as 'highly vulnerable development' which is 'development where the ability of occupants to decide on whether they wish to accept the risks to life and property associated with flooding, or be able to manage the consequences of such a risk, is limited'.
- The TAN states 'it would certainly not be sensible for people to live in areas subject to flooding where timely flood warnings cannot be provided and where safe access/egress cannot be achieved'.
- There should be minimal risk to life, disruption and damage to property.

- 8.6.3 The Flood Map for Planning (FMfP) represents the most up to date data with regard to flood risk. The site is located within a TAN 15 Defended Zone from the Sea (Flood Zone 3) and Flood Zone 2 from Rivers (undefended, as per the Flood Maps for Planning (FMfP)). The existing use of the site as a dwelling house (C3) and the proposed use of the site as HMO (C4) are both highly vulnerable in flood risk terms, so there is no change in vulnerability. The proposal does intensify the use of the property by introducing an additional 2no. bedrooms that are both at ground floor. It is the Local Planning Authority's responsibility to ensure that the proposed development meets the tests contained within TAN15.

8.6.4 Section 10.23 of TAN 15 refers to redevelopment proposals and that they must be consistent with the acceptability considerations outlined in section 11. In all circumstances, there are requirements that must be in place for any development that is permitted to be located in flood risk areas. In all circumstances, developers and planning authorities should ensure the following conditions are met, which are outlined in section 11.4:

- No increase in flooding elsewhere
- Occupiers aware of flood risk
- Escape/evacuation routes present
- Flood emergency plans and procedures agreed and in place
- Flood resistant and resilient design
- Acceptable consequences for type of use

8.6.5 Section 11.5 of TAN15 states that the Flood Consequences Assessment should establish if suitable avoidance and mitigation measures can be incorporated, in a manner compatible with the placemaking aims of Planning Policy Wales, within the site design to ensure that development is safe and there is:

- minimal risk to life;
- minimal disruption to people living and working in the area;
- minimal potential damage to property;
- minimal impact of the proposed development on flood risk generally; and
- minimal disruption to the sustainable management of natural resources.

8.6.6 An enforcement notice was served in respect of the property due to the presence of ground floor sleeping accommodation and its location within Flood Zone 3. The proposals have not altered since the enforcement notice was served and it has not demonstrated that the scheme satisfies all of the tests as set out within Section 11 of TAN 15. The FCA submitted with the application states that the current proposals do not meet the TAN 15 acceptability criteria or tolerable conditions and that the ground floor sleeping accommodation should be relocated. Furthermore, the FCA has not demonstrated that the consequences of flooding can be acceptably managed. The proposals are contrary to policy SP3, TAN 15 and NRW objects.

8.7 **Waste**

8.7.1 Storage of refuse receptacles is accommodated in the front forecourt of the property, and this is a common feature of how these front spaces are used by properties within the wider area. There is adequate space, and it is adjacent to the pavement for roadside collection. As such, the proposal complies with Policy W3 of the NLDP 2011-2026 (adopted January 2015).

8.8 **Other Matters**

8.8.1 A number of representations raised concerns relating to the high turnover of occupants and the perceived type of individuals residing at the property. However, the personal characteristics of occupants, as well as the reputation, background, business practices, or identity of the landlord or owner, are planning matters but are regulated in part by separate regulatory powers.

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 development is subject to an extant Enforcement Notice E24/0312 for exactly the same development. The Local Planning Authority have powers to decline to determine a planning application when the development is specified in and subject to a pre-existing enforcement notice through Section 70(c) of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority hereby decline to determine the current planning application for this reason. There is no right to appeal a Local Planning Authority's decision under Section 70(c) of the Town and Country Planning Act 1990 (as amended).

10.2 Section 70c states:

70C Power to decline to determine retrospective application

- (1) A local planning authority may decline to determine an application for planning permission or permission in principle for the development **of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.**
- (2) For the purposes of the operation of this section in relation to any particular application for planning permission [or permission in principle], **a "pre-existing enforcement notice" is an enforcement notice issued before the application was received by the local planning authority.]**

11. **RECOMMENDATION**

DECLINE TO DETERMINE

01 The development is subject to a pre-existing enforcement notice that requires cessation of use due to unacceptable risk to ground floor occupants in terms of flooding . In accordance with the Town and Country Planning Act 1990 (as amended) Section 70C, the Local Planning Authority declines to determine this application.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Existing and Proposed Plans, Proposed Floor Plan, Site Location Plan, Flood Consequences Assessment

02 The Town and Country Planning Act 1990, Section 70(c) was relevant to the determination of the planning application.

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

04 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.