

APPLICATION DETAILS

No: 25/0496 **Ward:** Shaftesbury
Type: Full
Expiry Date: 5th September 2025
Applicant: G Jones
Site: 28 Brynglas Road Newport NP20 5RZ
Proposal: **CHANGE OF USE FROM A 3 BEDROOM DWELLING (C3 USE) TO A 5 BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4 USE)**

Recommendation: Granted with Conditions

1. INTRODUCTION

- 1.1 This application seeks full planning permission for the change of use of a property from a three bedroom dwelling to a five bedroom House in Multiple Occupation (HMO). The proposal has been amended during the course of the application to reduce bedroom numbers from six to five and the additional first floor window to the front elevation that was initially proposed has now been omitted.
- 1.2 A HMO is a house occupied by people who are usually unrelated and have private bedrooms but shared facilities such as kitchens, living areas and bathrooms. The proposed 5no. bedroom HMO falls into the C4 Use Class which allows between 3 and 6no. unrelated occupants to reside and share amenities.
- 1.3 The application is reported to Planning Committee at the request of Councillor Cockeram due to concerns relating to inadequate waste storage and parking.
- 1.4 The current layout includes a hallway, lounge, dining room, kitchen and bathroom at ground floor and three bedrooms at first floor. The proposed layout shows a hallway, communal living area, bedroom, kitchen and shower room at ground floor. At first floor an existing bedroom is to be sub-divided to provide four bedrooms at first floor and a new shower room is to be created. The property is set at an elevated level compared with the footpath and highway with steps leading to the entrance door. It has an enclosed rear garden.

2. RELEVANT SITE HISTORY

None.

3. POLICY CONTEXT

3.1 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

3.2 PLANNING POLICY WALES (EDITION 12) 2024

6.6.22 Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.

6.6.25 Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself.

3.3 TECHNICAL ADVICE NOTE 15 DEVELOPMENT, FLOODING AND COASTAL EROSION

8.1 - The TAN reflects the core principles of the National Strategy for Flood and Coastal Erosion Risk Management in Wales,⁹ to adopt a risk-based approach in respect of development in areas at risk of flooding and coastal erosion.

10.24 - In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused. In these zones, Planning Authorities should seek all opportunities to provide enhanced flood protection for existing communities at risk.

3.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – Sustainability;
SP3 – Flood Risk;
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 Houses in Multiple Occupation;
T4 – Parking;
W3 – Waste.

3.5 SUPPLEMENTARY PLANNING GUIDANCE

PARKING STANDARDS SPG;
HOUSES IN MULTIPLE OCCUPATION;
WASTE STORAGE AND COLLECTION.

4. CONSULTATIONS

4.1 Natural Resources Wales:

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

Flood Risk

The planning application proposes highly vulnerable development (residential). The Flood Map for Planning indicates that Flood Zone 2 (sea) and TAN 15 Defended Zone clip the front of the property, and the site appears adjacent to Flood Zone 3.

Given the limited extent of flood risk shown to be affecting the application site and there are steps up to the property/the building is elevated above pavement level we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas.

- 4.2 Dwr Cymru Welsh Water: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

4.3 Gwent Police: No response.

5. INTERNAL COUNCIL ADVICE

5.1 Local Highways Authority: **Highway recommendation:**

Not supported on grounds of parking, cycle parking and refuse management policies.

Highway Comments:

The parking survey is now based on a more acceptable area, however it still shows that the area is currently experiencing very high parking stresses and there is no practical capacity for more parking.

It should be noted that the summary table (ref p7 of the survey) suggests that there would be 6 spaces available on one night and 5 on the other. Bearing in mind that these nights are not necessarily the worst case and other factors including:

Statistical confidence with only two data sets.

Driver behaviour, perceived security and skill.

Variance in car sizes.

Mathematical approach used not measurement of actual spaces.

Impact of searching for spaces and so on.

We would suggest that the survey only serves to prove there is an existing problem and parking availability is at a critical stress level.

Whilst actual demand may not increase substantially, we cannot support any further development that may absorb the little scope there may be for parking.

It is noted that the photographs show a few spaces were available, but in practical or amenity terms, we could not support anything above 85% occupancy. As with car park or junction design, 100% is only a theoretical limit. It may not always be achieved in practice.

Our comments with respect to cycle and bin storage remain as previously stated.

Based on the above Highways cannot support the proposals. Should Officers be minded to approve we would request a condition to secure more appropriate cycle storage.

5.2 Environmental Health (Housing): I would not have concerns regarding the re submitted floor plan proposal.

As there are no exact measurements on the room sizes on the attached plan, it must be noted that 6.51m² is the minimum standard for 1 person accommodation in a shared house HMO, please refer to Newport City council Licencing Standards <https://www.newport.gov.uk/documents/Housing-documents/HMO/HMO-Licensing-Standards.pdf>

The owner of the property will have to ensure adequate fire protection. A Fire Risk Assessment should be complete by a competent person, so the owner/ landlord is aware of the fire safety requirements. I would advise that the owner reviews the LACORS Fire Safety Guidance and also reviews the HMO Licencing Standards <https://www.newport.gov.uk/documents/Housing-documents/HMO/HMO-Licensing-Standards.pdf>

5.3 HMO Licencing: Confirm there are no other HMOs within the area.

5.4 Waste Manager: No response.

5.5 SAB Drainage: No response.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (61no properties), and a site notice displayed. 39no objections received and summarised as follows:

- Parking is already stretched especially during business hours when people park whilst visiting the two businesses either side of Malpas Lane and also on Sunday mornings when people park whilst attending services at Malpas Road Evangelical Church.

-The property is not suitable for conversion from a three bedroomed house to a HMO.

-The Parking Survey/Proposal is a joke. Parking on the lower part of Brynglas Road where this property is situated is already difficult because of double yellow lines on both sides;

-A local motor repair business uses Brynglas Road, Aston Crescent and Ross Street to park clapped out minibuses, vans and cars. Once on a Sunday morning there were 12 vans or minibuses parked and I was unable to park near my property having to park behind in Spring Street where I cannot see my vehicle.

-Due to parking on both sides of the road from the intersection with Aston Crescent to All Saint's Church, it is not possible for two vehicles to go up/come down Brynglas Road at the same time resulting in queuing both coming down and going up. This is particularly dangerous when the queues extend to the cafe as vehicles coming in off Malpas Road cannot see what is around the bend. Additionally, the dropped kerb crossing area at the bottom of the upper set of steps that come down onto Brynglas Road, is often obstructed by these queuing vehicles. Given it is the main crossing point for children coming from Crindau School this is unsatisfactory.

-At the top of Brynglas Road are two schools. Both are served by school buses. At 0900 this morning at least six coaches were queuing to get up the hill.

All of the above deals with the impracticability of the proposal adding potentially six more vehicles to a location already overstretched. If you add to that the uncertainty of the type of people who will be homed there in what is very much a family orientated community it doesn't bear thinking about.

-There is another HMO/Halfway house in Spring Street/Redland Street and their rubbish is piled up outside on the pavement and there are frequently police cars in the vicinity. That is not what should be allowed on Brynglas Road in the position that the property is located in.

-This family house is unsuitable to be converted to a HMO. The local GP surgery has difficulty coping with the number of patients.

-I have 4 young children that the property currently already overlooks over back garden. -

-There isn't enough parking to accommodate the already busy street. Residents including myself who try and unload are ticketed weekly. Parking here is stressful. To add a potential additional 6 more vehicles to be is just outrageous.

-I have concerns due to the use of the property moving forward. I am a vulnerable single mum to two young people, and to think that myself and my children would be subject to criminality and disturbance to our area is really a worry. I am also a home owner here, I strongly believe a HMO two door up will also impact the value and desire ability to my property if I wish to sell. This is a pleasant residential street and without question for me as a resident I do not believe such accommodation would be of benefit to us as residents.

-As the developer will have no real control over vehicles it could, effectively, be an additional 12 vehicle spaces in the surrounding junction area.

-Whilst I appreciate that the UK is currently experiencing a housing crisis, this is clearly just a money-grabbing exercise by a 'landlord' who is exploiting the poor and vulnerable. How anyone can think you can comfortably and morally accommodate (a minimum) of six people in a three bedroomed house. I am shocked that you have allowed the application to progress this far.

-Residents are often forced to park their cars in the surrounding streets. This has led to several altercations, some of which have required a Police response. The addition of just a single car would have a significant impact on our residents.

-I am a single parent and it is essential that I have a parking space near my home for taking the babies to and from the car.

-I have personal experience to support the argument that in areas where HMOs have been accommodated the crime level has increased exponentially. A high percentage of residents in this area are elderly or have young families, and crimes such theft, violence, anti-social behaviour, or worse, is causing a lot of distress amongst our inhabitants.

-Another major issue is the effect it will have on the children of the community. Brynglas road is a thoroughfare for children walking to and from school. This type of accommodation is low priced for a reason and could attract a certain type of person, ones to which I don't feel is right for children to have to witness.

-The reduction in refuse collection imposed by your organisation has already had a serious impact on the health of the people of Newport. A HMO housing six people will create an

impossible situation and add further rubbish, further pressure on waste draining systems and no doubt increase rodents and add to an already stretched waste collection.

-I think that this development would further overstretch existing public services. I have found it almost impossible to get an appointment at the Malpas Brook doctors surgery (the only one in this area). To wedge in six accommodation units into one house would further erode the ability of local infrastructure to cope.

-It is my understanding that this proposed development is not, in any way, a Social Housing Project, but is an attempt by a private owner to increase their bank balance at the expense of other residents, and his own tenants. I have many acquaintances that work in the social housing sector in Newport and have experience of having to place clients into HMOs, Generally speaking it's a grim picture, even where the many vulnerable people in these properties are closely supported by social housing enterprises. This is not a property owned by such a group, and I'm afraid that, in the hands of (potentially) unscrupulous landlords, this property will very quickly deteriorate into a Dickensian slum.

-The interior design of this proposal is clearly designed to put the landlord before his tenants. Is there a limit to the number of people that can be squeezed into these cell-like units.

-What is the situation with two of the first floor bedrooms regarding the Building Regulations stipulations about the amount of window space compared to the floor space?

-There should also, surely, be concern about the ability to evacuate that number of tenants from the upper floor in the event of a fire.

-I'm also concerned about the size of the W.C. room squeezed in under the stairs on the ground floor.

People need to be housed, but in decent, respectful circumstances, not in tiny overcrowded cells.

-People need adequate space to live and flourish, to develop and protect their mental health. Not be shunted into cage like accommodation and pay, no doubt handsomely for it.

-The anti-social impact of an HMO is also concerning, potentially having a lot of short term people staying who don't care about the local community causing an increase in litter, excessive noise and anti social behaviour.

-The local waste removal system (sewer) is already terrible, and adding more individuals who won't be working as a family unit will make it worse.

-You cannot look at this application as stand alone. If this is to be granted then there wouldnt be any grounds to prevent more in future applications.

-HMOs are almost always badly managed and un-maintained once the benefits payments are made and without sufficient governance could result multiple occupancy within each shell unit, as is common. They are a means to meet housing demand and to generate substantial amounts from the public purse for basic accommodation. Should be stopped once and for all;

-The type of people associated with these dwellings bring a negative impact to the surrounding community. They are usually drug addicts, alcoholics or people who have recently come out of prison and as seen in multiple areas not just in Newport but up and down the country come with a lot of antisocial behaviour.

-Between Air b n bs and HMOs where are families meant to live.

-Numerous occasions both refuse and recycling vehicles have been unable to access the street through the parking situation. This resulting in extra costs to both those operations through the reschedule of suitable one off collections.

-Looking forward with the installation of the New Electric Vehicle charging stations on the lower half of Redland street this is surely going to even further exacerbate the parking situation of those residents whose residences they have been placed.

-Above the shop where I work the building has been turned into a HMO it's horrendous on a daily basis we have to put up with the drug addicts, alcoholics that have been housed there by the local authority, constant fighting, begging and people shouting to the upper floors. It's bad enough in the city centre but I do not want this in a terraced house opposite to me.

-There is an undersupply and evidenced demand for family housing of the size and nature of the application premises. No planning justification or an identified social need for the proposed HMO has been made.

-It has been repeatedly documented that the increase of HMO numbers leads to risk of increased crime, antisocial behaviour, noise impact and littering, as there is no regulation or management of sites.

-HMO accommodation is often temporary due to its nature and therefore encourages a high turnover of residents. This contributes to decline in the area, as there is no community unity

or cohesion.

-LDP Policies GP2 & H8 mandate that development must respect the character, amenity, and residential nature of existing areas. Recent refusals in Jackson Place and Caerleon Road were upheld based on these same policies, due to poor living conditions and adverse neighbourhood amenity impacts.

-Independent surveys consistently show near-total saturation of on street parking in affected streets.

-News reports from Caerau Road and Jackson Place confirm HMOs have deterred buyers citing reduced desirability and property values. Prospective buyers, particularly families, are typically less attracted to areas with a high density of rental and short-term occupancies. Increased noise, reduced parking availability, and general wear on shared infrastructure can lead to perceptions of reduced amenity and neighbourhood desirability, all of which may negatively affect resale values for surrounding homes. This is a matter of concern for long-term homeowners who have invested in the area.

-Council guidance caps HMOs at 15% within 50m.

- 6.2 COUNCILLOR COCKERAM: I feel I must object to planning application 25/0/0496 28 Brynglas Road. The application to turn a 3 bed property to a 6 bed is really ridiculous. The parking there is already an issue and the possibility of another 6 cars and the road is already full as anyone can see on the road. We have Millbrook School at present accommodated at Brynglas House and buses /cars up and down at peak periods. As for the bin collection, are 6 residents going to share 1 bin and refuse bags or have 6 separate bins and bags? I have already had problems in other areas of Shaftesbury with houses in multiple occupation. The application should be refused, if not I would want it to go to full planning so I can attend.

7. ASSESSMENT

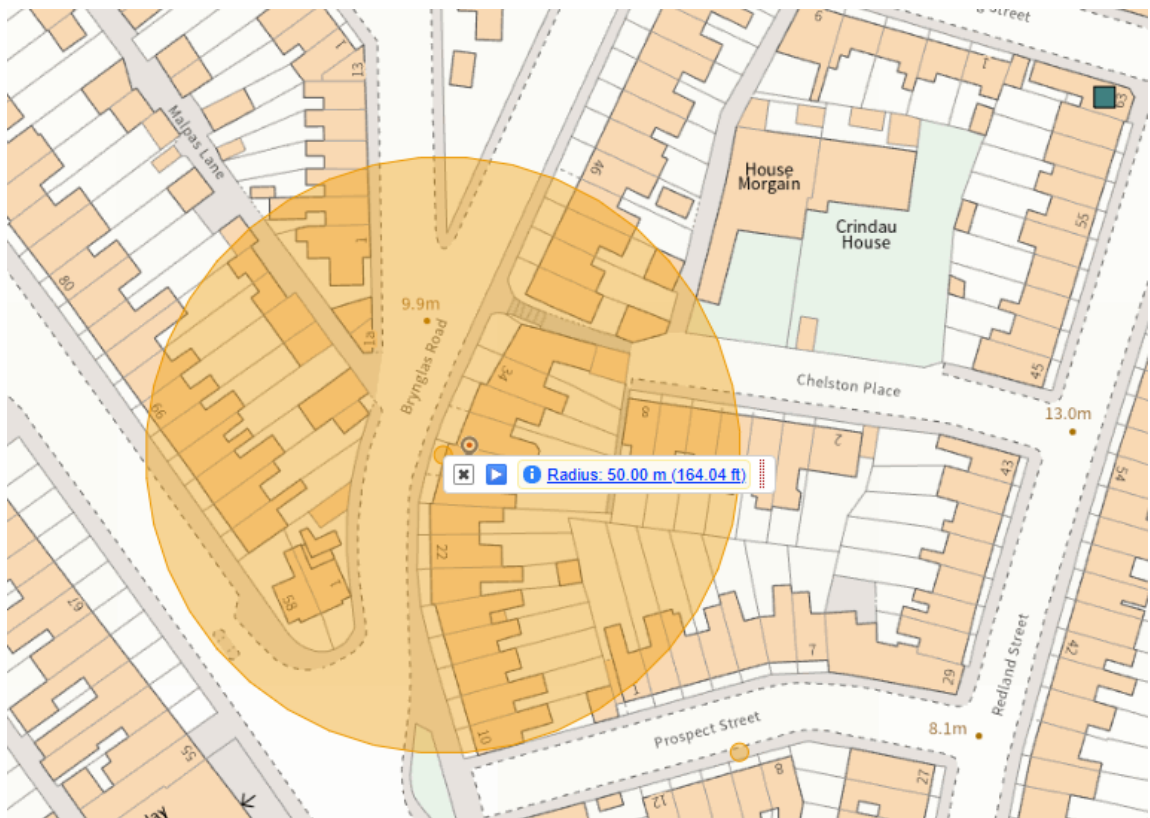
- 7.1 The application property is a mid-terrace dwelling set over two storeys on Brynglas Road, close to the junction with Malpas Road. It is situated in an urban area, which is predominantly residential in character although there are some commercial uses opposite on Brynglas Road including a hairdressers and a café. Malpas District Centre is approximately 200m away on Malpas Road.
- 7.2 The property is currently a house and will remain a house. Up to 2 unrelated tenants can reside in a property that is still classed as a C3 dwelling for planning purposes. However, once unrelated tenants exceed this number, the property is referred to as a HMO. In this case, 5 tenants are proposed. However it is noted that a 3 bedroom dwelling will typically have 3 or 4 occupants, albeit these will normally be related (or the majority of inhabitants will be related). In a HMO, like a dwelling, the occupants are expected to live as a household, sharing facilities in the property. However, typically they will occupy with tenancy agreements or contracts per room/occupant. Whilst the house could be rented by a family or 5 or more unrelated individuals, it is a residence either way and rent may be paid to a landlord in either scenario. The personal details of occupants themselves is not a planning matter. Neither is the reputation, background, business, etc of the landlord/owner. The Local Planning Authority will and can only concern itself with land use planning considerations in the public interest and consequently concerns for the identity of future HMO occupiers, the details of rental agreements and charges, the history and personal details of the landlord and other similar matters, will not ordinarily inform a planning application assessment and are not considered relevant to this case.
- 7.3 The main planning considerations of this application are the potential impacts of the change of use on parking provision and highway safety, flood risk, as well as the impact on the character and amenity of the surrounding area and the residential amenities of existing and future occupiers. This can also include matters of social cohesion and fears of crime albeit the weight that can be afforded to these considerations is dependent upon, for example, the fear of crime being objectively justified; the fear of crime having some reasonable basis; and the fear of crime relating to the proposed land use – in planning terms – rather than assumptions not supported by evidence as to the character of future occupiers. (Smith v FSS [2005] EWCA Civ 859). In this case, whilst neighbour objections have been received, these do not cite evidence of anti-social behaviour relating to the property or the area generally and whilst there may be a fear that the change of use may increase such behaviour it is not

objectively justified and there appears to be no reasonable basis for it having regard to the proposed land use in this case.

- 7.4 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) there is adequate amenity for future occupiers.’

7.5 **Concentration of HMOs, Impact on Character and Appearance and Residential Amenity:**

The adopted HMO SPG, states that ‘clusters of HMOs can alter the composition of a community and detract from local visual amenity. The guidance introduces a threshold above which HMOs are considered to detract from the character of the area. In general, the Council will not support a planning application that would take the number of HMOs, considered as a proportion of the local housing stock, above a specified limit. In “defined areas” this limit is 15%, in other areas, 10%. This site is located within the 10% threshold area. When taking a 50m radius from the address point of the application site, the full front elevations of 30 properties are captured and there are no existing registered HMOs within the 50m radius. Therefore, if the application were to proceed, the percentage of HMOs would be 3.33% and the 10% threshold would not be exceeded. Furthermore, the area around the appeal site does not currently exhibit any of the characteristics often associated with a high concentration of HMOs, such as disrepair, littering or anti-social behaviour. Consequently, HMO concentration levels are not grounds to refuse permission in this case. The 50m radius can be seen below. HMOs are represented by green squares with none shown within the 50m radius:



7.6 It cannot be shown that the proposal would create an over concentration of houses in multiple occupation in the area which would change the character of the neighbourhood or create an imbalance in the housing stock and criterion (ii) of policy H8 is met.

7.7 In terms of amenity consideration for any future occupiers of the HMO, the Council's Environmental Health (Housing Licensing) department also acts as a regulatory authority in this regard. Notwithstanding this, the adopted HMO SPG states as follows:

Rooms should be arranged and designed in a manner that maximises the living standards of occupants. For instance, living rooms, kitchens and bedrooms should neither overlook adjoining properties nor face high boundary walls. Living rooms, moreover, should not be next to, directly above or directly below a bedroom in a neighbouring property.

7.8 In this case, these expectations are met with communal living room and kitchen located at ground floor and all bedrooms having adequate outlook and natural light via existing windows. The Council's Licensing requirements for HMO room sizes requires the following:

- Kitchens serving up to 5 people: 7.2sqm
- Living rooms for up to 5 people: 10m²
- Bedroom serving one person 6.51m²

In this instance the kitchen is approximately 12.58m², the living room is 16.72m² and the smallest of the four bedrooms is approximately 6.65m². Even with margin of error, these exceed guideline figures and have been measured on site by officers. As such the licensing requirements are complied with.

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.

7.9 Access to a sizeable enclosed rear garden is provided and at time of site visit this was very overgrown. The rear garden is clearly of a suitable size for five occupants and could accommodate cycle storage, details of which have been provided. Older photos suggest the site has stepped levels and some incline but not significant to render the rear garden unusable or impractical. Neighbour gardens are generally well maintained, of similar size and layout and include seating areas and decks for example. Taking bicycles through the house to a store in a private rear garden is not unusual and is required as part of the current use.

7.10 *Conversion proposals should not detract from the character and appearance of the building. Any conversion involving external alterations should respect the form, scale and materials of the original building and the visual character of the area. This includes the style and proportion of window and door openings.*

7.11 The property appears to have been vacant for some time and is neglected in appearance. It is currently undergoing refurbishment works with scaffolding currently erected to front and rear elevations. The improvement to its appearance is very much welcomed and to the benefit of the visual amenity of the street scene.

7.12 Properties within the vicinity are generally in an acceptable condition. As is common with some properties closeby refuse bins are generally stored in small front gardens. Bin storage is indicated on the block plan within the rear garden and whilst this may be possible, evidence suggests storage on the front raised forecourt is more likely, akin to neighbouring properties and particularly having regard to the level change between the front door and pavement. There appears to be space in the front forecourt for bin storage with several similar properties on the street storing the bin between the front door recess and front bay window for example. As a 5 bedroom HMO it will have a 180litre wheelie bin compared to the 120ltr bin of a 3 bedroom house of less than 5 people. The 5 adults in the HMO will share the waste receptacles in the same way as those resident in a family dwelling and like any dwelling can apply for more recycling receptacles if required. In short, whilst the proposed HMO will have

a larger wheelie bin to accommodate possible waste requirements, this does not materially impact the storage of waste in amenity terms.

- 7.13 The property is currently served by a downstairs bathroom which can only be accessed via the kitchen. The proposed layout includes a shower room at first floor which will provide 2no. shower rooms in total to serve the 5 occupants, one on each floor.

7.14 **Highways and Parking**

The site is located on Brynglas Road, which is subject to a 20mph speed limit. The parking demand created as a 3no. bed dwelling is 3no. spaces (calculated using the SPG). There is no parking on site. The proposed 5no. bedroom HMO would require 1no. space per bedroom (5no spaces) plus a visitor space. As such there is a net increase in parking demand of three spaces as a result of the change of use.

- 7.15 Existing parking problems and concerns regarding a worsening of the existing situation and subsequent highway safety matters have been raised as significant concerns within the resident objections and also the Local Councillor response. The application is accompanied by a parking survey and the Council's Highways officer advises that the parking survey area and methodology is acceptable. However it shows that the area is currently experiencing very high parking stresses and there is no practical capacity for more parking and suggests that the survey only serves to prove there is an existing problem and parking availability is at a critical stress level. As such the proposals are not supported by the Highways officer.
- 7.16 Of particular note is the fact that the Local Planning Authority has tested decisions on HMOs in relation to lack of parking several times in recent years. All have been dismissed at appeal. The key point for Inspectors is the sustainability of the location not the availability of parking. In this case, the site is located just over 200m from a District Centre. The site scores highly in sustainability terms when examined against the Council's Parking SPG. Demand for parking arising from HMO uses, particularly where these form a very low proportion of the housing stock in the 50m catchment area, is not considered to be a robust reason for refusing planning permission.
- 7.17 Parking was observed by officers at the time of recent site visit and whilst it is clearly in high demand due to the absence of off street parking provision serving houses in the area, there were on-street parking spaces within walking distance of the site. It is appreciated that parking demand will vary depending on the day and time and reliance on on-street parking may mean that occupiers are unable to park in front of, or even near to their homes. However, Inspectors have confirmed this is not justification to refuse planning permission and the availability of on street parking on neighbouring streets is sufficient.
- 7.18 Appeal decision CAS-01786-S4X0Y7 (November 2022) relating to 23 Arundel Road is directly relevant to this application. The proposal was for the change of use of the property from a 3 dwelling to a five bed HMO with the sole reason for refusal relating to lack of parking. Similarly, the application was supported by a parking survey that showed a high demand for parking in the area with an overall parking stress of 96% which equates to 6 free spaces out of the 167 potentially available and the high demand meaning that people have to park further away from their homes. However, the Inspector noted that this 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 and that such inconvenience may encourage some motorists to use public transport, cycle or to walk, as advocated by Planning Policy Wales. The Inspector gave considerable weight to the sustainability of the development in this appeal case, noting that this type of accommodation is likely to be attractive to those without a car and the rigid application of parking standards is not appropriate in the circumstances of this case. The Inspector did not consider that the proposal would give rise to significant concerns regarding highway or pedestrian safety. The issues raised primarily relate to matters of convenience, which are not sufficient to warrant refusal of the proposal. This recent decision, for a similar proposal relating to a property located in a sustainable location is a material consideration and should be afforded significant weight in the decision making process as whilst each case will be considered on its merits, the application site is also urban, sustainable and with heavy reliance upon on street parking (i.e. like the appeal case), and the development itself is also for a change of use from dwelling

to 5 bedroom HMO. The assessment of the Inspector, having regard to very high demand for on road parking locally, was that the proposed use as a HMO and likely car ownership factors, and its sustainable location outweighed the on street parking stresses. This appeal decision is compatible with other appeal decisions in Newport where parking has been a key consideration/objection on HMO cases.

7.19 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 Welsh Inspectorate 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.

7.20 As noted above, the application includes details of cycle storage within the rear garden serving the property and a condition to require this would be reasonable if planning permission were forthcoming. The Council's Highways officer has previously objected to this arrangement as it can only be accessed via the property. However, this arrangement is common with terrace properties such as this. The rear yard is secure and is considered acceptable. Given the characteristics of some sites, it is not possible to strictly accord with the SPG requirements. In this case, it is considered that a secure store at the rear of the property would offer safe and suitable storage for cycles to the benefit of the future occupiers of the property and any cycle storage required by its use as a family dwelling would also be reliant upon cycles being wheeled through to the rear garden.

7.21 **Waste**

The property has an elevated front platform separating it from the pavement as is common with other properties within the vicinity. As discussed earlier in this report, there is evidence of wheelie bins being stored in these areas, often between the front door and front bay window for example and then presented on street with recycling receptacles for collection day. This is the way in which waste would be stored as a dwelling and the use as a HMO would not stand out in this respect. Bin storage is indicated on the block plan within the rear garden and whilst this may be practical for recycling receptacles, pulling wheelie bin through the property seems less likely in practice as evidenced by the bins viewed to the front of properties at site visit. As a 5 bedroom HMO it will have one black wheelie bin the same as a dwelling but will be eligible for a larger wheelie bin due to occupancy level (180ltr compared to 120ltr). This slightly larger bin size still looks like a wheelie bin and can still be stored the same as the smaller version with no added impact arising from the change of use in terms of accumulation of waste receptacles and impact upon general amenity.

7.22 **Flooding:**

The planning application proposes highly vulnerable development as a change of use of existing highly vulnerable residential property into 5no. bed HMO. NRW Flood Map for Planning (FMfP) identifies that Flood Zone 3 is adjacent to the site. Given the limited extent of flood risk shown to be affecting the application site, the fact the property is located outside a flood risk zone on the most up to date flood maps (albeit adjacent), and as there are steps up to the property/the building is elevated above pavement level, NRW consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas and offer no objection to the proposals. Whilst a ground floor bedroom is proposed, the property is adjacent to the flood zones and not within it so latest modelling data tells us the property is not at risk, together with the fact that the property is at an elevated level as seen on site, the proposed change of use (which does intensify occupation of the property and include a ground floor bedroom) does not give rise to added flood risk concerns having regard to the current lawful use.

7.23 The proposals comply with the aims of TAN15 (March 2025) and Policy SP3 of the NLDP 2011-2026 (adopted January 2015).

7.24 **Biodiversity:**

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 SP9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Enhancement is proposed in the form of a bird box in the rear garden of the property. This is considered to be proportionate and is acceptable.

7.25 **Other Matters**

Dwr Cymru – Welsh Water has requested drainage conditions if planning permission is forthcoming. However, given that the proposals do not include any extensions to the property, such conditions are not considered warranted.

7.26 A number of issues that have been raised within the objections received by local residents over and above matters considered above, relating to the perception of HMOs and the occupants, adequacy of drainage infrastructure and concerns that the proposal would devalue house prices within the vicinity. The personal details of occupants of a HMO are private interest matters and not ordinarily material considerations for planning. Similarly, property value is not a material planning consideration.

7.27 Whilst anti-social behaviour, crime and the fear of crime are material considerations, the weight that can be afforded to these considerations is dependent upon the fear of crime being objectively justified; the fear of crime having some reasonable basis; and the fear of crime relating to the proposed land use, in planning terms rather than assumptions not supported by evidence as to the character of future occupiers. This is well established by case law. In this instance, there would not be an exceedance above the HMO threshold established within the HMO SPG and there is no current evidence to support a refusal on actual or fear of anti-social behaviour or crime.

8. **OTHER CONSIDERATIONS**

8.1 ***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.

8.2 ***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.

8.3 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.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

8.4 The above duties have 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. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.6 ***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.

8.7 ***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.

9. **CONCLUSION**

9.1 The change of use would not result in an exceedance of the threshold set out in the Council's Supplementary Planning Guidance, in fact there are no other HMOs within a 50m radius. The proposals would not result in a demonstrable adverse impact upon the character of the area or upon matters relating to social cohesion.

9.2 Whilst the proposals would result in an increased demand for parking when assessed against the Council's adopted Parking SPG and the Council's Highways officer has objected on the basis of increased parking demand, the site is located within a sustainable location with walkable access to shops and services with good transport links and having regard to this and relevant appeal decisions, it is considered that the proposals would not result in an adverse impact to highway safety or neighbouring amenity and this would not be a robust reason to refuse permission.

9.3 The proposals are acceptable having regard to flood risk matters.

9.4 It is recommended that the application is granted subject to the following conditions.

10. **RECOMMENDATION**

GRANTED WITH CONDITIONS

01 The development shall be implemented in accordance with the following plans and documents: TRD-222504 - A2/02, GIS.

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

Pre-occupation

02 Prior to the first occupation of the property as a house in multiple occupation as hereby approved, cycle storage provision shall be provided in accordance with the approved details and thereafter be retained for lifetime of development.

Reason: To ensure there is adequate cycle provision at the property in the interests of sustainability in accordance with Policies SP1 and GP4 of NLDP.

03 Prior to the first occupation of the property as a house in multiple occupation as hereby approved, biodiversity enhancement shall be provided in accordance with the approved details and thereafter be retained for lifetime of development.

Reason: To ensure there is adequate cycle provision at the property in the interests of sustainability in accordance with Policies SP1 and GP5 of NLDP.

General conditions

04 The property shall have a maximum of 5no bedrooms and 5no occupants.

Reason: To protect the amenity of adjoining occupiers, in the interests of highway safety in accordance with Policies GP2 and GP4 of the NLDP.

NOTE TO APPLICANT

01 This decision relates to plan Nos: TRD-222504 - A1/02, site location plan, GIS, Planning Statement June 2025, Parking Survey July 2025.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, GP2, GP4, GP5, GP6, GP7, H8, T4 and W3 were relevant to the determination of this application.

03 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

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.