

## APPLICATION DETAILS

**No:** 25/0306      **Ward:** Beechwood  
**Type:** Full  
**Expiry Date:** 4<sup>th</sup> July 2025  
**Applicant:** I Denou  
**Site:** 33 Walmer Road Newport NP19 8NU  
**Proposal:** **RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF PROPERTY FROM RESIDENTIAL DWELLING TO 3NO. BEDROOM HMO**

**Recommendation:** **Granted with Conditions**

### 1. INTRODUCTION

1.1 Planning permission was recently refused for the change of use of the property from a dwelling to a four bedroom House in Multiple Occupation (HMO). There was one reason for refusal which related to flood risk. The reason can be seen in full below:

*The proposal will have a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity by reason of flooding and the presence of a ground floor bedroom with no provision of acceptable first floor refuge for residents and their personal possessions. No information has been submitted that mitigates this objection, contrary to policy SP3, GP2, H8 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) and Technical Advice Note 15: Development, Flooding and Coastal Erosion (March 2025).*

- 1.2 The application has been submitted with the number of bedrooms reduced from four to three with no ground floor bedrooms.
- 1.3 The property is already in use as a HMO and this application is retrospective. The use is said to have commenced in November 2024. A License has been issued for the use of the property as a 4 bed HMO by Environmental Health.
- 1.4 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 3no. bedroom HMO falls into the C4 Use Class which allows between 3 and 6no. unrelated occupants to reside and share amenities.
- 1.5 The application is reported to Planning Committee at the request of Councillor Deborah Davies due to concerns relating to parking.
- 1.6 The layout shows a hallway, communal living area and kitchen/dining room at ground floor with three bedrooms at first floor. The property has an enclosed rear garden and small forecourt to the front.

### 2. RELEVANT SITE HISTORY

25/0139	RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF PROPERTY FROM RESIDENTIAL DWELLING TO 4NO. BEDROOM HMO	REFUSED
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### 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,<sup>9</sup> 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;

HOUSE 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, change of use of existing residential property into 3no. bed HMO. Our Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 – Sea. The plans show that the HMO bedrooms are located on the first floor. As such we do not require an FCA to advise you on the consequences of flooding. We provide advice on our website Natural Resources Wales / Preparing for a flood which may be useful for the developer or occupants of the property.

- 4.2 Dwr Cymru Welsh Water: We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

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: A three bed HMO is no more onerous than the original three bed dwelling from a highways' perspective. There are therefore no objections raised.
- 5.2 Environmental Health (Housing): I have no concerns regarding the proposal of change of use of 33 Walmer Road for use as proposed in the planning application.
- 5.3 HMO Licensing: Confirm location of existing HMOs within the area.
- 5.4 Waste Manager: We would anticipate the property receive a single 120l bin for kerbside collection with recycling bags, boxes for kerbside collection also with one council tax paid on the property as a whole.
- 5.5 SAB Drainage: Having reviewed the submitted information, a SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant to visit our website.

## **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (83no properties), and a site notice displayed.

NEIGHBOURS: 12no objections have been received as follows:

-It would put more strain on the parking in the street which is already at breaking point now.  
-There will be a lot more rubbish waste to be collected and more cars fighting to find a parking space.

-As a person that has worked repairing HMOs I know how neglected the maintenance programme is and how much rubbish is accumulated in forecourts.

-The previous HMO application was only rejected on a narrow technicality, the downstairs bedroom posed a risk in the event of a catastrophic incident, such as flooding, and would place additional pressure on emergency services. With a revised application removing the downstairs bedroom and proposing a 3-bed HMO, it will almost certainly be approved despite repeated and well-documented objections from long-standing residents. It's becoming alarmingly clear that the voices of those who actually live on this street are being completely ignored.

-Who is making these decisions, and why are the genuine concerns of this community being dismissed? We should not have to justify ourselves to people who don't live here and have no stake in the long-term wellbeing of this street.

-The negative impact is not theoretical, it is already being felt. Constant parking issues, Persistent antisocial behaviour, Neglect of the property, Damage to long-term property values.

-This property has been operating as an illegal HMO, and yet there have been no repercussions whatsoever. No enforcement. No explanation. No accountability. Residents have raised this and received no response.

-Newport City Council what evidence do you have that approving this HMO on Walmer Road will not cause further harm to the community? Because the damage is already happening, and the Council's inaction is enabling it!

-Being a retrospective application, like the previous one, that was rejected, we again object to this HMO. This application again has not followed correct procedures / rules in obtaining the licence and permissions before conducting this change.

-The same objections as the previous application apply;

-Lack of parking on and around the street - very rarely are homeowners able to park outside their own houses;

-Increase in anti social behaviour;

-There are already more than 3 occupants living in this property, which invalids this application being for a 3 bed HMO;

-Your register declares that the home owner lives on property which is untrue and false information;

-De-valuing the properties on this road;

-Waste Management Issues - an increase in the number of occupants at the property will result in greater amounts of household waste. If not managed properly, this could lead to overflowing bins, littering, and potential pest problems, which would be detrimental to the cleanliness and appearance of the street.

-Walmer Road has already experienced issues with speeding vehicles (as its used as a short-cut from Chepstow Road), anti-social behaviour and the lanes used to fly tip and excessive drug taking.

-As a home owner, I would feel more obliged to want to sell my property and move to a new location if there is an introduction of a HMO. I believe that once one property is transformed, other landlords will follow suit.

Whether this is changed from a four bed or a three bed we will still have the same objections as the same issues will still be there. These are family homes and should remain as so! These properties are not wanted in this area. Antisocial behaviour and decline in house values all come hand in hand. There is not enough parking as it is without adding more people per house. This will devalue our properties they are never kept nice and are always filled with people that cause trouble within the area.

-As I have stated in the previous application for this property, HMO's are not suitable in this area. This is an area of traditional family homes, HMO housing will have a detrimental effect on the demographic, which will change irreversibly. Please consider the many long standing residents and let our road remain a friendly neighbourhood.

-We have already one house in the road that is a HMO number 23, there are 5/6 cars that belong to that house, we have a lot of difficulty parking one car in our Road we have lived here for 38 years and it is just getting more difficult we are ageing and find it difficult to walk from the alternative road. We would be willing to pay for parking permits so that we could just park in the Road where we live.

-The change of use from a family home to a HMO will negatively impact the character of the neighbourhood, which is primarily composed of single-family residences. HMOs often lead to increased noise, parking congestion, and waste management issues, which are already concerns in the area.

-The infrastructure of the street is not suited to a higher-density occupancy, and there is a real risk of overburdening local services. The transient nature of HMO tenancies can also undermine the stability and cohesion of the community.

-Noise, antisocial behaviour and affect selling of private owners

-I live on the adjoining road to Walmer Road -Conway Road. Parking is really difficult as on average each household has two cars. People from Walmer Road often park onto Conway Road as there are no spaces for them to park in their street. If this is proposed to be an HMO we can guess there will be drivers within that house. The streets are bursting already with cars.

-The house has been used in this capacity for quite a while now. The lights are on pretty much 24 hours a day causing light to shine into my front bedroom at night. Also, the parking in the street is already very overcrowded. Residents very rarely get to park anywhere near

their house as it is. I am disabled and this causes me great pain. If this goes ahead there is potential for at least 3 more vehicles for 1 house, more if they allow 2 adults per room. There just simply isn't the space for this to happen.

-I know the number of beds has lowered but it doesn't change anything. Retrospective planning should never be considered! They have tried to cheat the system not once but twice! Also, I can't even park my car in my street due to traffic levels this application could lead to more cars in 1 house! Also, crime goes up anti social behaviour goes up etc.

-There isn't enough parking spaces right now and I constantly have to park in another street so adding 3 more residents to the street with potentially 3 extra vehicles would be a nightmare, especially as there is a One Stop shop at the top of the street so customers already park on the street.

6.2 COUNCILLOR DEBORAH DAVIES: I have been contacted by residents raising concerns regarding the retrospective application for a three bed HMO in 33 Walmer Road.

I remain concerned about parking in the area.

I would request that a parking survey is undertaken which will evidence the concerns being raised. The house is terraced with no off-road parking spaces available, and any additional cars will add to the existing parking pressures within the street and the surrounding streets which as councillors we are frequently contacted about. It's the main concern that always gets raised with us in this specific area.

Residents state they often have to park some distance from their own homes and for lone women at night coming off a shift work this makes them feel unsafe. Sadly in Newport bus services do not run in the latter part of the evenings and there is consequent a heavy reliance on car ownership and this can be seen throughout the city.

A three bed HMO will potentially mean three additional cars being parked in the area. Until very recently the property was a three bed family home which at most would likely have had two cars that the owners would have had to park on the street or in the local area.

Residents concerns have previously led me correspond with our highways team regarding cars being parked on the street corners, obstructing a clear view of Conway Road. Cars would only be parked on street corners because of the lack of parking spaces elsewhere.

If officers are minded to support this proposal can I request that this is considered by the planning committee.

## 7. ASSESSMENT

7.1 The application property is a mid-terrace dwelling set over two storeys on Walmer Road, accessed via Chepstow Road to the north and Conway Road to the south. It is situated in an urban residential area, which is characterised by linear rows of terraced dwellings having small forecourts set behind dwarf walls.

7.2 Whilst the immediate character of the area is residential, there are some commercial uses to the north on Chepstow Road including a 'One Stop' convenience store on the junction of Walmer Road and Chepstow Road and a tile shop on the opposite corner. Further afield on Chepstow Road is the Beechwood District Centre.

7.3 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, 3 tenants are proposed. However it is noted that a 3 bedroom dwelling will typically have 4 or 5 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 3 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.

7.4 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.

7.5 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;

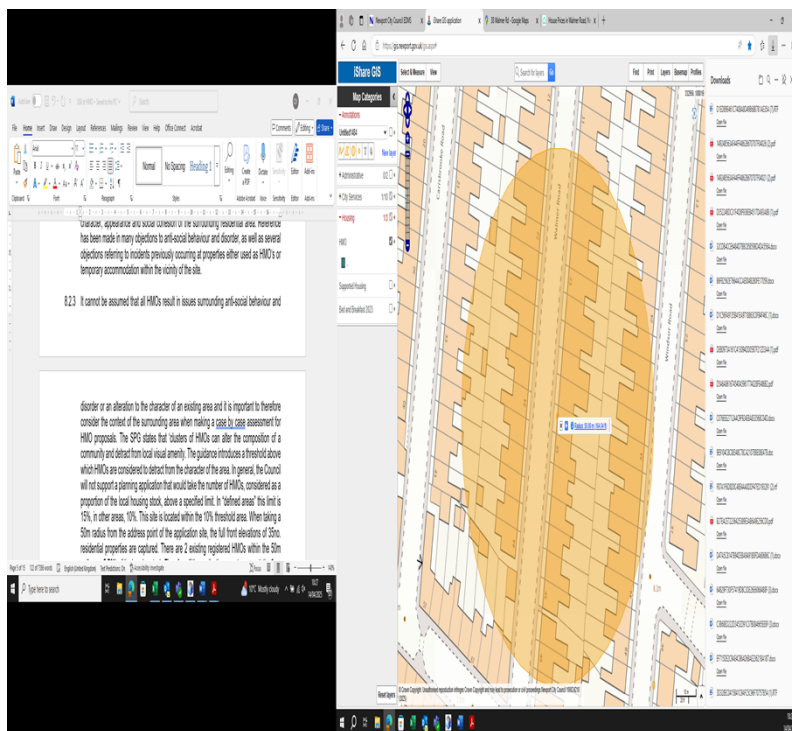
ii) the proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock;

iii) adequate noise insulation is provided;

iv) there is adequate amenity for future occupiers.'

#### 7.6 **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 32no. properties are caught. There are no existing registered HMO within the 50m radius. Therefore, if the application were to proceed, 10% threshold would not be exceeded. Consequently, HMO concentration levels are not grounds to refuse permission in this case. The 50m radius can be seen below:



7.7 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.

7.8 In terms of amenity consideration for any future occupiers of the HMO units, 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.*

7.9 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.

*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.*

7.10 Access to a good sized rear garden is provided to residents and this could accommodate cycle storage, details of which could be secured by condition if planning permission were forthcoming. Taking bicycles through the house to store in a private rear garden is not unusual.

7.11 *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.*

7.12 No external alterations are proposed and no changes that may encourage this property to stand out or appear different to other residences in the street.

7.13 In this instance the property has the benefit of a small front forecourt set behind a wall whereby refuse could be stored without spilling onto the footway. A recent site visit indicates that the property is generally well maintained. Properties within the nearby vicinity are generally in an acceptable condition. Refuse receptacles are stored behind the front boundary walls within the forecourt areas. As a 3 bedroom HMO it will have identical waste

receptacles entitlement to a dwelling and consequently waste units will similarly be stored in the front garden with no added impact arising from the change of use.

- 7.14 The HMO standards state that a single bedroom should be at least 6.51m<sup>2</sup>, shared kitchens and living rooms for up to 5 persons should be 7m<sup>2</sup> and 10m<sup>2</sup> respectively. One of the bedrooms would fall below the requirement at approximately 5.28m<sup>2</sup>. However, the fact that all rooms contain windows providing adequate light and ventilation for occupiers with access to a good sized rear garden weighs in its favour and communal spaces are generously proportioned within the property with the communal living areas comprising living and dining rooms exceeding licensing standards. The kitchen falls below the licensing standards of 7m<sup>2</sup> for up to 5 persons at just over 5m<sup>2</sup>. However, given that this standard is for up to five people and the HMO would have a maximum number of three occupants this is considered acceptable and the accommodation would provide an adequate standard of amenity for occupiers. Officers also confirm that the size of the kitchen and bedroom are the same as the previous refused application, but this was not a reason for refusal.

#### 7.15 **Highways and Parking**

The site is located on Walmer 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 3no. bedroom HMO would require 1no. space per bedroom (3no spaces). As such there is no net increase in parking demand as a result of the change of use. Visitor spaces are only required by the SPG for five or more bed HMOs.

- 7.16 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 responses. The Council's Highways officer confirms no objection is offered.
- 7.17 Notwithstanding the fact that the proposals accord with the Council's adopted guidance, 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 100m from a local convenient store and a similar distance to public transport links on Chepstow Road. Furthermore, Beechwood District Centre is located just over 200m away from the site on Chepstow Road, offering a range of goods and services. The site is located within a highly sustainable area. 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, particularly given that the use as a 3 bed HMO would not result in an increased demand for parking when assessed against the Council's own parking SPG.
- 7.18 Parking was observed by officers at the time of recent site visits 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.
- 7.19 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, criteria (i) of policy H8 is met.

7.20 The application does not include details of cycle storage. However, it is considered that this could be accommodated within the rear garden serving the property as previously mentioned 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 and given the scale of the front garden it would not be feasible to provide cycle storage here. 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.

#### 7.21 **Waste**

As noted above, the property has the benefit of a small front forecourt set behind a wall whereby refuse can be stored without spilling onto the footway. 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. Given the size of the HMO having three bedrooms, the waste receptacles are no different to the use as a three bedroom house.

#### 7.22 **Flooding:**

The planning application proposes highly vulnerable development as a change of use of existing highly vulnerable residential property into 3no. bed HMO. Following the reduction in bedroom numbers there would be no intensification of the use and notably no ground floor bedroom. NRW Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 – Sea defended. NRW note that all bedrooms would be at first floor and therefore offer no objection. The application is not supported by a full FCA. However, given the like for like use in terms of flood risk with three first floor bedrooms being retained, there would be no greater risk to life from flooding.

7.23 The proposals comply with the aims of TAN15 and Policy SP3 of the NLDP 2011-2026 (adopted January 2015). The previous reason for refusal falls away with the removal of the ground floor bedroom.

#### 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 has been provided in the form of a bat and 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 physical development, 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 and 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. The fact that the application is retrospective and the property is already being used as a HMO is not reason to refuse permission. This application must be considered on its planning merits.

## 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 Guidance and it is not considered that the proposals would result in a demonstrable impact to the character of the area.

9.2 The proposals would not result in an increased demand for parking when assessed against the Council's adopted Parking SPG. Furthermore, the site is located within a sustainable location within close proximity to shops and services with good transport links. As such, it is not considered that the proposals would result in an adverse impact to highway safety or neighbouring amenity.

9.3 The proposals are acceptable having regard to flood risk matters and the previous reason for refusal relating to flood risk is overcome by the removal of the ground floor bedroom.

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: PL01A.

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

02 Within six months of the date of this decision, full details of cycle storage provision shall be submitted to the Local Planning Authority for its written approval. Such details shall include a timetable for implementation of the cycle storage scheme.. The cycle storage shall be implemented 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.

### **General conditions**

03 The property shall have a maximum of 3no bedrooms and 3no occupants with no bedrooms at ground floor level.

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

04 The biodiversity enhancement shall be permanently retained in accordance with the approved details.

Reason: In the interest of protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: PL00, PL01A, site location plan.

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.