

Delegated Decision Report

Application No:	24/1047	Statutory Period Expires:	25th March 2025
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Site:	39 Dolphin Street Newport NP20 2AT		
Proposal:	CHANGE OF USE FROM SINGLE DWELLING TO 6NO. BED HMO		
Applicant:	K Okeke		
Type:	Full	Ward:	Pillgwenlly
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is located within the Pillgwenlly Ward and is situated on Dolphin Street. The majority of houses are two storey terraced houses with echelon parking on the street. The area is situated within the Urban boundary and is within close proximity to the District Centre. The property is located in Lower Dock Street Conservation Area, which has an Article 4 Direction.

2.2 The Flood Risk Map confirms the application site lies entirely within Zone B as defined by NRW's Development Advice Maps (DAM) as contained in TAN15. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3.

3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks the change of use from a single dwelling to a 6no. bed HMO. On the ground floor there are 2no bedrooms proposed, a communal area, a kitchen and a shower room/toilet. On the first floor there are 4no. bedrooms proposed and a shower room/toilet. All rooms are served by a window. There is a rear amenity space with space for cycle/bin storage. The application is not proposing any operational development.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 8 – Flooding

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

6.2.12 - A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step wise approach (Paragraph 6.4.15) has been applied.

Technical Advice Note (TAN) 15: Development, Flooding and Coastal Erosion

5.3 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)

T4 (Parking)

W3 (Provision for Waste Management Facilities in Development)

H8 (Self Contained Accommodation and Houses in Multiple Occupation)

5.4 SUPPLEMENTARY PLANNING GUIDANCE

Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (Updated January 2017).

Parking Standards Supplementary Planning Guidance (Adopted August 2015).

6. CONSULTATION RESPONSES

6.1 Local Highways Authority:

We would update our comments as below following receipt of additional information including cycle storage and a parking survey. The cycle storage shows a shed that is only suitable for a single household. This would not be practical or secure for separate households to share. As previously noted, it is not accessible. Taking cycles through the living/kitchen areas is not appropriate and does not encourage cycling. We do not consider this development to have any meaningful cycle provision.

The parking survey is inconsistent in calculating space numbers. It also demonstrates that echelon parking is adopted (which is less safe and not strictly lawful without marked bays) as well as footway parking. These both indicate that the parking stresses are high. It doesn't strictly limit the study area to circulatory / driveable routes and the photo's appear to show some spaces but are mostly unclear. We cannot afford the survey any significant weight. Whilst there may be some spaces available, the development still does not meet policy requirements and parking stresses are undoubtedly high.

6.2 Principal Heritage Officer:

We have established that timber windows on the ground floor have been replaced with upvc units without permission in place. As per my comments below, I note that the previous / existing timber windows were sympathetic and respecting of the character and appearance of the conservation area. They were historic, if not original to the property and it is a shame that the ground floor units have been disposed of and replaced with unsympathetic upvc units. Given that the application provided no detail of new units (hence my request for a condition on further details), I would deem the application misleading and lacking sufficient information.

Whilst the units installed are sash style, they are upvc double glazed, lack a central glazing bar and are much bulkier than those previously. They have a clear negative impact on the character of the property, and I cannot support this alteration. No justification or evidence has been provided to suggest the timber windows could not be repairs and refurbished, and this shall be passed to enforcement.

Therefore, I would like to alter my previous comments and recommend the application is refused in line with section 160 of the Historic Environment (Wales) Act 2023.

6.3 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.

6.4 SAB:

Having reviewed the information, a SAB application will not likely be required due to the scale of the works and constraints. I would state that due to the limited information for review, in any portion of external works breaches the 100m² barrier, then an application will be required. Further information can be found in the following link. [Sustainable drainage systems | Newport City Council](https://www.newport.gov.uk/documents/Housing-documents/HMO/HMO-LicensingStandards.pdf)
We would encourage the applicant to engage with us at the earliest opportunity to check once the plans have been further explored.

6.5 Environmental Health Housing;

I refer to the above pre-application enquiry passed to Environmental Health Housing for comment. I would not have concerns regarding the proposals.

The owner of the property will have to ensure adequate fire protection and separation. A Fire Risk Assessment should be completed 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 Licensing Standards <https://www.newport.gov.uk/documents/Housing-documents/HMO/HMO-LicensingStandards.pdf>

6.6 Natural Resource Wales:

We have no objection to the proposed development as submitted and provide the following advice. Flood Risk Our Flood Risk Map confirms the site to be within Zone B of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls partially into Flood Zone 3 for Sea. The application proposes the retention of a highly vulnerable development through the conversion of an existing dwelling to a House in Multiple Occupancy (HMO). Whilst the proposal would not increase vulnerability of the use, the potential intensification of the residential use may create additional pressure on emergency services, should evacuation during a flood event be required. We note the application is supported by a 'Flooding Addendum' by Flume Consulting (dated 24/02/2025). However, it is not supported by a full Flood Consequence Assessment (FCA). Notwithstanding, we note the amended plan (drawing no.: KD1993/1A) identifies a dedicated attic refuge area, which the Flooding Addendum states will be available to ground floor occupants in the event of a flood. Subject to your Authority satisfying itself that the proposed internal arrangement is acceptable in flood risk management terms, we have no objection. However, we advise you consider with other professional advisors as necessary, whether the proposed attic refuge area is fit for purpose in terms of refuge and evacuation. If you request a FCA from the Applicant, or the Applicant decides to undertake an FCA for their own benefit, for example, to explore suitable options for incorporating flood resistance and/or resilience measures into the design and to develop a flood plan for the occupants, we would be happy to review it. We refer to our website for further advice and guidance.

6.7 Waste Manager:

We would anticipate the property receive a single 180l bin for kerbside collection with recycling bags, boxes for kerbside collection also with one council tax paid on the property as a whole.

From April 1st 2020, developers or owners of all new residential units will be required to purchase bin provision for each unit serviced to meet the Council's specification. 120L, 180L, 240L and 360L wheeled bins must be purchased/obtained from Newport City Council. 660L and 1100L bins can be purchased elsewhere but it is strongly recommended to speak to NCC Waste Management Refuse Management beforehand to ensure the bins fit the Refuse Department collection vehicles safely. Failure to purchase correct bin(s) will result in collections being suspended with the Council reserving the right to refuse collection until suitable bin specifications are met.

6.8 Drainage Manager: No comments received.

6.9 HMO licensing: No comments received.

6.10 Police:

To support my recommendations around the design and layout, physical security requirements, and product recommendations I have reviewed the crime statistics for the ward area of Pillgwenlly, for a 12-month period between 1 st February 2024 – 1 st February 2025. From a Policing perspective the development is located in the Newport County Borough Council area, within the Pill section and Pillgwenlly Ward. The Pill ward is 1 of 4 wards covered by the Pill section. The analysis of the statistics for the development location has focused on crime/incident types that could potentially pose a threat, risk, or harm to the development.

From examining the crime/incident data, I am satisfied that the proposed development location is not currently being affected by any significant ongoing crime trends or patterns in Gwent. I can confirm that the current call volume and demand from the site is not having a detrimental effect on Policing or the community within the location. It is to be noted that the Pillgwenlly ward is one of Gwent's highest recording crime/incident wards within the Gwent Force area. Despite this the proposed location for the development does not display a large volume of incidents. The proposed development is for an HMO. There are currently no HMO properties within close proximity of the site (50m). Due to this there is no current demand from a Policing perspective from HMOs in the area. At this time, I do not have any clear objections to the application.

Standard Secured By Design information

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 02.01.2025, Site Notice was put up on 10.01.2025.

7.1 NEIGHBOURS: 123 neighbours were consulted. 5no. neighbours submitted comments.

44 Dolphin Street:

I Strongly object to this application for several reasons.

39 Dolphin street is already poorly maintained and breached the conservation area. The front door and windows were replaced without planning permission. To the front there is no capacity for the general and recycling bins for one single family. Bins, bags and boxes

already block the right of way of the pavement. Black bags left outside are not taken away, this encourages rats.

There is also an incredibly large tree in the back garden, which has not been maintained and if it or parts of it fall off could cause considerable damage to property and potential loss of life.

6 individual persons or more could have 6 individual cars and there is not the capacity on the street to currently park. 6 different bins on the front pavement'

I object on the following reasons,

1. The type of tenants that may reside here (students, single professionals, single males) . Altering the fabric of a fragile family area, especially for longer term residents,.
2. Garbage and recycling, extra bins and excess rubbish increasing pressure on public pavement and increasing risk to health from unsanitary conditions and rodents.
3. No space for car parking at present and pressure on local infrastructure.
4. Too many rooms with lack of capacity. No rear access from property. Added risk of fire in a terraced house.
5. Dolphin street is already diverse enough and I don't want the fabric of the area to change from a cohesive family area to one of single occupancy and an increase in antisocial behaviours.

52 Dolphin Street

- Pressures on parking on the road, the HMO will exacerbate this.

54 Dolphin Street

The parking has been really bad for the past 10 years, with this HMO application opposite me parking will be a nightmare. Have to park on alternative streets.

62 Dolphin Street:

- Numerous HMOs within Dolphin Street
- Houses are overcrowded already
- Concerns over lack of parking
- Antisocial behaviour

One property did not provide a full address line and states they live on Dolphine Street. They stated they object to the application. No planning reasons were submitted.

7.2 Councillor Adan:

On behalf of my residents, who have raised valid concerns, I would like to formally object to this proposal.

Reasons:

1. The evidence highlights inadequate parking spaces and unsuitable cycle parking provision for the proposed change of use application, as supported by the highways consultee response. There is no evidence provided of a parking survey that adequately

demonstrates peak-hour on-street and off-street parking availability and usage in the area. The street is already subject to significant parking pressures and it would exacerbate these issues, leading to increased parking stress and further strain on existing residents. Furthermore, there are four objections from neighbours, three of which explicitly raise concerns about parking problems. This is a material consideration and multiple objections from neighbours focusing on the issue demonstrates a significant local concern that the development could harm residential amenity.

2. There are no detailed plans of windows and doors at an appropriate scale. The proposal would have a detrimental impact on the character of the area, resulting in a discordant appearance that is inconsistent with the established character and appearance of other properties along the street.

3. The applicant has not provided a fire risk assessment to demonstrate adequate fire protection measures and separation, which are essential for ensuring the safety of occupants in an HMO.

4. There appears to be insufficient arrangements for storing or managing waste which would result in bins being left on the street for extended periods, creating visual clutter, impacting the character of the area and would cause obstruction and highway safety concerns.

Please note: Should you be inclined to approve, I kindly request you forward this proposal to the planning committee for consideration.

8. ASSESSMENT

8.1 Principle of Development

8.2 The application site is within the defined settlement boundary as shown on the proposals map that accompany the Newport City Council Local Development Plan, accordingly there is a presumption in favour of development and the efficient use of land is encouraged. This enquiry relates to the change of use of from a single dwelling to an 6 person House in Multiple Occupation (HMO) defined as a Sui Generis use given the number of proposed occupiers would exceed 6. The upper limit set by The Town and Country Planning (Use Classes) Order 1987 (as amended).

8.3 When assessing the acceptability of HMO's, Policy H8 applies:

8.4 *Policy H8: Self Contained Accommodation and Houses in Multiple Occupation*

WITHIN THE DEFINED SETTLEMENT BOUNDARIES, PROPOSALS TO SUBDIVIDE A PROPERTY INTO SELF CONTAINED ACCOMMODATION, BEDSITS OR A HOUSE IN MULTIPLE OCCUPATION WILL ONLY BE PERMITTED IF:

- i) **THE SCALE AND INTENSITY OF USE DOES NOT HARM THE CHARACTER OF THE BUILDING AND LOCALITY AND WILL NOT CAUSE AN UNACCEPTABLE REDUCTION IN THE AMENITY OF NEIGHBOURING OCCUPIERS OR RESULT IN ON STREET PARKING PROBLEMS;**

8.5 There is no planning history on the property, however from the existing plans, it appears that the unit has been used as a dwelling, and a site visit confirmed that the unit had residential capacity. When assessing the impact on the character of the building, it is noted the units around the host site are predominantly residential and the host site would remain residential. From the existing floor plans it appears the unit held 4no. bedrooms, however, the proposed development would result in 6no. bedrooms. This is a marginal increase and would not detrimentally change the character of the unit. When assessing the character of the area, as forementioned, the area is predominantly residential, the use to remain as residential would be sympathetic to the area. The Police have provided comments and do not hold concerns over the proposed development location is not currently being affected by any significant ongoing crime trends or patterns in Gwent. This is further discussed below.

8.6 In terms of neighbouring occupiers, no new overlooking opportunities are created and the use would not significantly intensify over the existing use. Further considerations are discussed below.

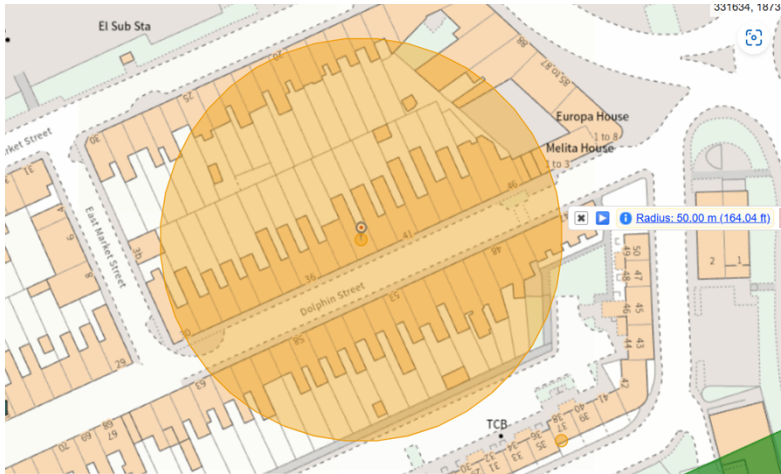
8.7 In terms of parking, it is noted that the parking survey is flawed, however, the host site is situated within a sustainable location and officers are aware there has been numerous appeal decisions allowed on flawed parking surveys and HMO's. Therefore, the parking is deemed acceptable and discussed in detail below. Cycle storage has been provided to the rear of the property.

i) *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;*

8.8 The 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%.' When taking a 50m radius from the address point of the application site, encompassing the entire principal elevations, 33no residential properties are caught. There are currently no HMO's within this radius. As the property is within a defined area within the HMO threshold map, a 15% limit is used. There are currently no existing HMOs within the 50m radius and this has been confirmed by the Councils HMO licensing team.

8.9 If the proposal were to be approved, HMOs would constitute 3.03% (1 of 33 properties) of the selected housing stock and the proposed development would fall within permitted thresholds. Therefore, in this regard, it would not exceed the threshold set out and would be compliant under Policy H8. However, other amenity factors should be taken into consideration.

8.10 *Green squares depict HMO's within the radius:*



8.11 ADEQUATE NOISE INSULATION IS PROVIDED;

It should be considered that the property is already used for residential use. The increase of 2no.bedrooms would not overly cause a demonstrable intensification of the property, however, a scheme for noise insulation shall be conditioned to protect amenity to residents. Further considerations are discussed below.

8.12 ADEQUATE AMENITY FOR FUTURE OCCUPIERS.

Adequate amenity space is retained to the rear for users. The standard space requirements for room sizes are appropriate. In terms of outlook, all rooms benefit from light and the outlook is deemed acceptable. Further considerations are discussed below.

8.13 Visual Amenity and Character

When assessing the character of the area, the properties within the close vicinity of the host site are typically two storey properties with typically 2no. windows on the ground floor and 2no. windows on the first floor on the principal elevation creating a coherent visual appearance along the streetscene. The property is located in Lower Dock Street Conservation Area, which has an Article 4 Direction. There are no external alterations which have been applied for under this application, however, on a site visit, it was confirmed that the property has replaced the 2no. ground floor windows on the front elevation with upvc as shown from images below.

8.14 The Principal Heritage Officer has provided comments on the application and objects. The timber windows on the ground floor have been replaced with upvc units without permission in place. The existing timber windows were sympathetic and respecting of the character and appearance of the conservation area as shown below. The changes would not be in line with section 160 of the Historic Environment (Wales) Act 2023.

8.15 However, the applicant has not applied to change the windows under this application and therefore, the change cannot be evaluated under this scheme. This will be assessed separately.

August 2023:



February 2025:



- 8.16 In terms of the impact on the character of the area, the Police have made comment on the application and suggested given there are no existing HMO's within the 50m radius. The crime rate within the area has been looked at and it is suggested that the proposed development location is not currently being affected by any significant ongoing crime trends or patterns in Gwent. The Police confirm that the current call volume and demand from the site is not having a detrimental effect on Policing or the community within the location. It is to be noted that the Pillgwenlly ward is one of Gwent's highest recording crime/incident wards within the Gwent Force area. Despite this the proposed location for the development does not display a large volume of incidents. There is no current demand from a Policing perspective from HMOs in the area. At this time, the Police do not have any clear objections to the application. Therefore, it is unlikely that the HMO would affect the character of the area.

8.17 Residential Amenity

Policy H8, also suggests that development should hold *appropriate levels amenity for future occupiers*. The HMO standards state that a bedroom should be at least 6.51m² for a single occupancy room and 11m² for a two-person room. A kitchen for 6no. persons should be 10m² and a living area should be 12m². All bedrooms exceed the minimum. The communal area/kitchen combined are 21.1m². This would fall marginally short of the space requirements by 0.9m², however, given the marginal shortfall, this would be deemed acceptable. The Environmental Health Housing Officer has no objections to the scheme in this regard.

- 8.18 Within the Housing in Multiple Occupation SPG, it outlines that, *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*. When assessing the outlook from windows it is considered that all rooms are serviced by windows. When assessing the relationship of the ground floor bedrooms, bedroom 1 overlooks the streetscene. This is not an uncommon relationship and would not be deemed unacceptable. In terms of bedroom 2, this window outlooks onto the rear outdoor area as shown below. There is adequate light

which services the window. Again, it is not uncommon for bedrooms to be located on the ground floor overlooking outdoor amenity space. There is ample space in the rear area for residents to not be confined directly outside bedroom 2's window. When assessing the intervisibility between bedroom 2 and communal area, this is marginal and clear direct views cannot be afforded as shown below. Therefore, this would be deemed acceptable. When assessing the intervisibility on the first floor between bedroom number 4 and 5, clear direct views cannot be afforded between the bedrooms and this is an existing situation.

Relationship between bedroom 2 and living area:

Bedroom 2 :



Living area:



- 8.19 When assessing outlook to high boundary walls it should be considered that the living area on the ground floor faces a high boundary wall as shown from below. This is not an ideal relationship, however, this is an existing relationship and there are still views to the sky above. Moreover, the window still allows light into the room. Bedroom 3 also looks out onto the neighbouring boundary wall. This is an existing relationship so cannot be deemed worse off, and given it is on the first floor, adequate light can still access through the window from the sky above.

View from communal area:



- 8.20 The HMO 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 benefits from an outdoor amenity space. It provides a positive attribute to the development.

8.21 No detailed information on waste storage has been provided in line with the application. It is noted there is a large rear amenity space and there is provision for bin storage to the rear. Although bins would need to be transported through the dwelling, the dwelling is terraced and there is not scope for an alternative. The waste officer states that a single 180l bin for kerbside collection with recycling bags, boxes for kerbside collection also with one council tax paid on the property as a whole would be anticipated. A scheme for a waste storage scheme and management plan need to be submitted, however, as there is scope to the rear for storage, this can be reasonably conditioned in line with Policy W3.

8.22 In terms of overlooking, there is no opportunity for overlooking over the existing situation.

8.23 Within the Housing in Multiple Occupation SPG, it outlines that, *Living rooms, moreover, should not be next to, directly above or directly below a bedroom in a neighbouring property.* Given the shape of the building, there are no neighbouring properties above, or below the living area. In terms of next to, it is unknown what is adjacent within the neighbouring property, however, it should be considered the living area is on the ground floor and is an existing situation. An adequate noise insulation scheme can be reasonably conditioned.

8.24 Movement

8.25 In relation to parking, Policy H8 requires there are no parking problems created by the development. It is noted that some parking information has been submitted in line with the submission. The site is situated within parking zone 2. When assessing the parking need, 1 space per 1 bedsit is required for a HMO. The current dwelling has an existing demand of 3no.spaces. The proposed development requires 6no.residents spaces, plus 1no. visitor space. The overall demand for spaces for the proposed development is 4no.spaces.

8.26 The applicant has provided a parking survey. The highways officer has been consulted on the application and suggests the parking survey is inconsistent and demonstrates echelon parking without marked bays and footway parking. These both indicate that the parking stresses are high. Highways have suggested they cannot afford the survey any significant weight. Whilst there may be some spaces available, the development still does not meet policy requirements and parking stresses are undoubtedly high. On assessment, it is noted that Dolphin Street holds echelon parking, and this has been the case for a number of years. The applicant confirms that that the pavements in this area are not parked upon, and that if there were the need for an emergency vehicle to access the area – it would not be blocked by cars parking on both pavements. The applicant suggests, the site is highly sustainable, located within walking distance of the District Centre and associated transport hubs. The applicant within the planning statement submitted states, PPW12 in para 4.1.51 states *'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'*. Weight can be given to its sustainable location given its proximity to the District Centre and public transport. Dolphin street bus stop is situated to the end of the street. Additionally, Asda is located approximately 120m from the host site. Furthermore,

significant weight can be given to previous appeal decisions relating to parking demands and HMO's in Newport which have been allowed. Examples are set out below:

- 8.27 **18/0711** change of use of 4no. bedroom dwelling to 4no. bedroom house in multiple occupation at 28 Lucas Street, Newport. This application was refused:

01The proposal would result in additional parking demand which cannot be accommodated within the site, to the detriment of highway safety and residential amenity, contrary to Policies H8, T4, GP2 and GP4 of the Newport Local Development Plan 2011 – 2026 (adopted January 2015) and Supplementary Planning Guidance “Houses in Multiple Occupation” and “Parking Standards”.

- 8.28 The application was appealed and allowed under APP/G6935/A/19/3230032. Some summary points from the Inspector include: *There is however little doubt that the appeal site represents a sustainable location within close proximity to the City Centre... In coming to this conclusion, I have considered the fact that Planning Policy Wales (Edition 10, 2018) (PPW) states, amongst other things, that parking standards should be applied flexibly and informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car, whilst supporting a modal shift to walking, cycling and public transport. In this respect, I consider the nature of the development, and in particular the site's sustainability credentials, to merit significant weight in the determination of the appeal, not least because they would mean that the resulting development would be an attractive form of accommodation to those without regular access to a private car.*

- 8.29 **19/0724** CHANGE OF USE OF A FOUR BEDROOM DWELLING (C3 USE) TO A SIX BEDROOM HOUSE OF MULTIPLE OCCUPATION (C4 USE) AT 6 Ombersley Road, Newport. This application was refused:

The surrounding area is heavily trafficked and experiences high levels of demand for on street parking. The proposed House in Multiple Occupation will increase demand for on street parking, to the detriment of highway safety. This is contrary to policies GP4 and H8 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

- 8.30 The application was allowed under APP/G6935/A/19/3243512. Some points from the Inspector conclude: *as the accommodation proposed is likely to be attractive to residents on lower incomes who may not have access to a vehicle, and is situated in a sustainable location, I consider that the appeal proposal would generate, at most, limited additional on-street parking relative to the existing use.*

- 8.31 **18/0549** for RETENTION OF USE OF PROPERTY AS A HOUSE IN MULTIPLE OCCUPATION (USE CLASS C4) at 3 York Place, Newport had the following parking reason for refusal:

01The use of the property as a House in Multiple Occupation causes an increase in demand for parking provision in the road. Given the restricted nature of parking provision within the road, it is considered that the unauthorised use is detrimental to highway safety and residential amenity. The use is therefore considered contrary to the aims of Policies GP4 and H8 of the Newport Local Development Plan 2011-26 adopted January 2015, the Council's supplementary planning guidance on Houses in Multiple Occupation adopted January 2017 and the Council's supplementary planning guidance on Parking Standards adopted August 2015.

8.32 The decision was appealed under APP/G6935/A/18/3212158 and was allowed. The Inspector stated: *I conclude that the change of use is unlikely to exacerbate the existing parking pressures in the neighbouring streets or reduce existing levels of highway safety.*

8.34 Therefore, it can be demonstrated that whilst although the parking suvery is flawed, any decision to refuse the application on parking grounds at this sustainable location would not be robust.

8.35 In terms of cycle storage, the applicant has provided cycle storage to the rear of the property in terms of bicycle sheds. These provided 4no. cycle spaces compliant with the sustainable travel SPG. It should be noted that the property is a terraced property, and the rear can only be accessed through the main property. The highways officer has objected on the basis of location and the proposed shed as not practical or secure for separate households to share. On assessment, there is no other location for the storage of bikes as the property is terraced. Therefore, the location to the rear is acceptable. Moreover, although the type of storage provided may not be practical for separate households, a new storage scheme can be secured via condition given that adequate space has been demonstrated.

8.36 Ecology

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. The applicant has suggested a bird box will be provided on the rear elevation. No further details have been provided on this. As such the proposal is currently not compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015). However, further details will be secured via condition.

8.37 PPW12 6.2.12 states, *A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.* Given the scale of development, a GI statement would not be required.

8.38 Drainage

Welsh Water were consulted on the scheme. Welsh Water confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. The existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system. A condition shall be attached to ensure 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 will be attached.

8.39 A SAB application will not likely be required due to the scale of the works and constraints.

8.40 Flood Risk

Policy SP3 assesses flood risk. The application site is defined within Zone B of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 for Sea. The application proposes the retention of a highly vulnerable development through the conversion of an existing dwelling to a House in Multiple Occupancy (HMO). Whilst the proposal would not increase vulnerability of the use, the potential intensification of the residential use may create additional pressure on emergency services, should evacuation during a flood event be required. An FCA has not been submitted in line with the application, however, the applicant has submitted a flooding addendum which demonstrates a refuge area in the loft for ground floor residents.

8.41 Technical Advice Note 15: Development and Flood Risk (TAN 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 C), 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. It maintains that there should be minimal risk to life, disruption and damage to property. The application site is defined within Zone B within the DAM map. As confirmed in the letter from Welsh Government dated 15 December 2021, the FMfP represents better and more up-to-date information on areas at flood risk than the DAM. The FMfP allocates the property within Flood Zone 3, most severe rate of flooding. In light of this, it can be reasonably justified that the flooding tests should be carried out.

8.42 Flood Risk Assessment

Section 6.2 of TAN 15 refers specifically to justifying the location of development and that such development should only be permitted within Zone C1 if determined by the planning authority to be justified in that location and demonstrated that:

- i) Its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or
- ii) Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners to sustain an existing settlement or region; and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and
- iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable.

8.43 For the purposes of this report, criterion (i) to (iii) are referred to as Test 1 as this relates to the site justification and criterion (iv) which has a number of tests is referred to as Tests 2 to 12.

8.44 **Test 1 – Location**

8.45 **Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement**

The application site is located within Zone B, however it is located within the updated Zone 3 of the FMfP. The property already benefits from an existing residential use, however the intensification from a single dwelling to a 6 bed HMO is not required to sustain the settlement.

8.46 **It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1)**

PPW defines previously developed land as: *Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings, and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.*

The development meets the definition.

8.47 **Tests 2 to 12 – Consequences of Flooding**

Moreover, criterion (iv) of paragraph 6.2 of TAN 15 refers specifically to the potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 6 and appendix 1 found to be acceptable. These are referred to as tests 2 to 12 below.

8.48 ***Test 2 - Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any year).***

NRW have not objected to the development on the basis of inadequate flood defences.

8.49 ***Test 3 - The cost of future maintenance for all new/approved flood mitigation measures, including defences must be accepted by the developer and agreed with Natural Resources Wales.***

No flood mitigation measures are proposed as part of the development. NRW have not objected.

8.50 ***Test 4 - The developer must ensure that future occupiers of the development are aware of the flooding risks and consequences.***

The applicant is aware of the flooding risks and consequences and has outlined that an loft communal refuge area would be available for the ground floor occupants to utilise in the event of a flood.

The property will be professionally managed. The applicant will ensure that the Letting Agent is aware of the potential flood risk, and that this information is shared with all of the

tenants in the building. All tenants will be signed up to the NRW Telephone Flood Warning Service.

8.51 ***Test 5 - Effective flood warnings are provided at the site***

The applicant has confirmed all tenants would be signed up to the NRW Telephone Flood Warning Service, as would the Letting Agent and the applicant and provide occupants with a personal flood plan aiding the applicant with accessing and egressing the site prior to the onset of any flooding in the area. A flood map will be displayed within the property, which will show nearby areas that are outside the flood risk area. The attic space will be boarded, and accessed by a quality stair/ladder to enable storage within the attic. The access will have a gradient similar to most staircases.

8.52 ***Test 6 - Escape/evacuation routes are shown by the developer to be operational under all conditions***

The Letting Agent and applicant will keep up to date flood maps at the property. Walking routes will be prescribed.

8.53 ***Test 7 - Flood emergency plans and procedures produced by the developer must be in place***

The proposed conversion shall include the preparation of a Personal Flood Plan, as well as signing up to receive the latest information regarding Flood Warnings as a precaution. This will aid in informing access to and egress from the site prior to the onset of any flooding of the local area. This procedure would be the responsibility of the developer and will ensure that residents would be signed up the NRW's early flood warning system and that there would be large windows of opportunity either side of peak flood levels to evacuate the building.

The local planning authority does not have the in-house expertise to judge the effectiveness of the emergency plan. Planning Officers are therefore not in a position to comment upon the effectiveness of the flood emergency management arrangements. These procedures would be the responsibility of the developer.

8.54 ***Test 8 - The development is designed by the developer to allow the occupier of the facility for rapid movement of goods/possessions to areas away from floodwaters.***

And,

Test 9 - Development is designed to minimise structural damage during a flooding event and is flood proofed to enable it to be returned to its prime use quickly in the aftermath of the flood.

The attic area will be boarded to allow for storage of personal items. The ground floor level would be at risk of being flooded – this does not apply to the first floor.

The developer will refurbish the property and install improvements to reduce any potential damage from flood waters. These will include – 1. higher level electric outlets and other electronic services/communications. 2. Flood gates will be stored on site to protect the external doorways from floodwaters. 3. Gaps such as air bricks to be addressed and 4. Clean easy floor surfaces to the ground floor. The Flood Protection Plan will apply to occupiers of the property.

8.55 ***Test 10 - No flooding elsewhere.***

The proposed only proposes internal changes to the layout of the property. The proposal will not impact risk to other properties. NRW do not object to the development on this basis.

- 8.56 **Test 11 - Paragraph A1.14 of TAN 15 identifies that the development should be designed to be flood free for the lifetime (A1.14) of development for either a 1 in 100 chance (fluvial) flood event, or a 1 in 200 chance (tidal) flood event including an allowance for climate change (depending on the type of flood risk present) in accordance with table A1.14.**

No details have been provided to enable an assessment to be made.

- 8.57 **Test 12 – In respect of the residual risk to the development it should be designed so that over its lifetime (A1.15) in an extreme (1 in 1000 chance) event there would be less than 600mm of water on access roads and within properties, the velocity of any water flowing across the development would be less than 0.3m/second on access roads and 0.15m/second in properties and the maximum rate of rise of floodwater would not exceed 0.1m/hour.**

No details have been provided to enable an assessment to be made.

- 8.58 NRW have not objected to the scheme subject to the LPA being satisfied that the proposed internal arrangement is acceptable in flood risk management terms. However, NRW advise if the LPA request a FCA from the Applicant, or the Applicant decides to undertake an FCA for their own benefit, for example, to explore suitable options for incorporating flood resistance and/or resilience measures into the design and to develop a flood plan for the occupants, NRW will review this.

- 8.59 On assessment, the proposal results in the intensification of the residential use of the site. The details submitted with the application do not cover the 100 year lifetime of the development, neither are the details submitted clear on the extent of flooding of the access and egress routes when the climate change allowance is considered. However, consideration is given to the flood type as tidal, where the flood water does retreat after a period of time. To mitigate the risks of flooding, the applicant proposes a flood refuge room within the loft which is accessed via a set of stairs. It cannot be confirmed whether this area would function effectively as a refuge space due to the lack of information/size. The configuration of the refuge area has not been demonstrated, and it is implied that all ground floor residents can use this space with their possessions. Given its use as a HMO, it is expected that two unrelated residents would be required to share this space and it is not understood how long residents would need to reside in this area. Additionally, there is no outlook/windows proposed in the loft making this area likely uninhabitable. Moreover, there is an assumption that ground floor residents would be able to access this loft space and does not account for alternative means if residents cannot physically get up to the loft and can efficiently escape by other means.

- 8.60 Two recent appeal decisions relating to sites within Newport are considered to be comparable and relevant to this application:

20 Usk Street (Appeal Reference CAS-03636-B2W3F7) (LPA reference 24/0401)

- 8.61 Paragraph 7 states '*To mitigate the risks of flooding the appellant proposes a flood refuge room and first floor landing for occupants of the two ground floor bedrooms to*

retreat to during a flood event. I am not persuaded that the landing area would function effectively as a refuge due to its limited size and the need to maintain access to bathroom facilities for occupants of bedrooms without ensembles. The proposed flood refuge room would, therefore, be the only practical option in a flood event. Whilst its shared use may not be a significant issue given the temporary nature of a flood event, its modest size, combined with its awkward shape and narrow proportions, is unlikely to adequately accommodate both ground floor occupants and their belongings. I acknowledge there is likely to be reasonable forewarning of a flood event, and I have had regard to the other mitigation measures set out in the FCA, such as flood resistant measures and occupants being signed up to NRW's flood warning, which are likely to mitigate some consequences of flooding. Nevertheless, I find that the proposed measures would not sufficiently minimise risk to life and property.'

- 8.62 Paragraph 8 states '*I have had regard to the existing residential use of the appeal property, which could have bedrooms on the ground floor, and the lack of objection from Natural Resources Wales. However, unlike occupants of a HMO, single household occupants would typically have access to the entire upper floors for refuge during a flood event, reducing the risk to them and their belongings.'*

11 Coverack Road (Appeal Reference CAS-01957-T4T0Q8) (LPA reference 22/0159)

- 8.63 Paragraph 7 states 'In refusing the application, the Council raises concern regarding the suitability of the refuge space available to occupiers of the ground floor bedrooms during a flood event. There is some dispute regarding the exact measurements of the space available and, although the appellant has provided sketches, these lack sufficient clarity to provide certainty. In any case, it is apparent from the floor plans submitted that the available space would consist mainly of a small landing area on the first floor. Given its modest proportions, I do not consider this would provide sufficient or suitable refuge space for the two occupiers of the ground floor bedrooms, in addition to their belongings, for the duration of a flood event.'
- 8.64 Paragraph 8 states 'Whilst the appellant has identified the loft area as also being available for refuge, this would be accessed via a telescopic ladder, which is unlikely to provide quick or practical access for occupiers and the movement of possessions. I note the appellant's intention to let the property fully furnished, however, this would not prevent occupiers from keeping their own furniture and other belongings within their rooms. Whilst some flood warning measures are proposed and tenants would be made aware of the flood risk, this would not address the lack of suitable safe refuge space in the event that flooding occurs.'
- 8.65 Based on the above, it is considered that the proposed development would cause harm to the safety and living conditions of future occupiers due to the intensification of use, and would fail to comply with Newport Local Development Plan (LDP) Policy SP3, which requires that development be directed away from areas where flood risk is identified as a constraint, in addition to the requirements of TAN 15.

8.61 Third Party comments

A neighbour and Councillor Adan has raised concerns over the lack of capacity for the general waste and recycling bins left on the street which encourages rats and would spoil the character of the area. It is understood that many residents already keep bins on the street. The applicant has suggested bins can be kept in the rear garden. However, further details on a waste management plan can be secured via condition.

8.62 A neighbour has also raised concerns over a TPO tree in the rear garden ref:05/2024. Concerns were noted regarding an unmaintained tree and parts of it could fall off and cause considerable damage to property and potential loss of life. It is considered the maintenance of the tree is the owners responsibility. Any subsequent maintenance will need to be assessed under a separate application.

8.63 Neighbouring concerns also raised HMO residents would alter the family cohesion and that there are multiple HMOs within the area. It is considered that there are no existing HMOs within the 50m radius, and the addition on one HMO within the radius is unlikely to alter the fabric of the area as discussed within the report above.

8.64 Concerns were also raised by neighbours and Councillor Adan on the lack of carparking in the area and states the parking survey is flawed. Concerns suggested that there is no evidence provided of a parking survey that adequately demonstrates peak-hour on-street and off-street parking availability and usage in the area. The parking issues have been addressed within the report.

8.65 Concerns were also raised by a neighbour that there are too many rooms with lack of capacity and there is added risk of fire in a terraced house. Councillor Adan has also commented on the fact there is not information of fire risk. As demonstrated within the report, all rooms meet the space requirements set out. Additionally, EH housing have stated that the owner of the property will have to ensure adequate fire protection and separation. A Fire Risk Assessment should be completed by a competent person, so the owner/ landlord is aware of the fire safety requirements.

8.66 Neighbours also held concerns over the increased anti-social behaviour in the area. This has been assessed within the report and police comments have not alluded to a concern over crime in the area.

8.67 Councillor Adan has suggested that there are no detailed plans of windows and doors at an appropriate scale and states the proposal would have a detrimental impact on the character of the area. A neighbour has suggested that the front door and windows have been changed on the front elevation to upvc without planning permission. This has been addressed within the report above.

8.68 **Section 106 Planning Obligation matters**

In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location.

The Planning Contributions Officer has provided comments on the scheme and states the proposal represents a net nil gain in residential dwellings. As such, no s106 obligations

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 There is sufficient space proposed for the rooms and the increase in bedrooms would not lead to demonstrable harm on the character of the unit. There is not an overconcentration of HMO's within the radius and the Police have confirmed the addition of the HMO would not cause a demonstrable increase in anti-social behaviour. The parking survey is flawed, however, given the sites sustainable location and previous appeal decisions, the parking is deemed acceptable. However, the host site is within flood zone 3 as defined by FMfP. Insufficient information has been provided to demonstrate an adequate refuge space for residents and the full extent of flooding cannot be assessed. There is insufficient information provided to conduct a full assessment contrary to Policy. Therefore, the application is refused.

11. DECISION

REFUSED

01 The proposal would have a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity by reason of flooding. The proposal results in an intensification in occupation and the provision of bedrooms on the ground floor with the refuge within the loft being too small and unsuitable to cater for the number of proposed residents and their personal possessions and not offering quick or practical access. Insufficient information has been submitted that mitigates this objection, contrary to Policy SP3 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) and Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

NOTE TO APPLICANT

01 This decision relates to plan Nos: KD1993 1A Dolphin proposed floor plans; Cycle store details; Location Plan; Flooding Addendum 1584 Dolphin Street_1; Applicants comments in lieu of highways comments; Parking Study; Supplementary Parking Study; Design Access Statement; planning support letter 10/03/2025

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, CE7, H8, W3, T4 were relevant to the determination of this application.

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