

APPLICATION DETAILS

No: 25/0841 **Ward:** Beechwood
Type: Full
Expiry Date: 5th December 2025
Applicant: Mr Williams
Site: 7 Conway Road Newport NP19 8PA
Proposal: **CHANGE OF USE FROM DWELLING (C3 USE) TO A 4 BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4 USE)**

Recommendation: GRANTED WITH CONDITIONS

1. INTRODUCTION

- 1.1 This application seeks planning permission for the change of use of a dwellinghouse (C3 Use) to a 4no. bedroom House in Multiple Occupation (HMO) at 7 Conway Road in the Beechwood Ward.
- 1.2 A HMO is a house occupied by people who are usually unrelated and have private bedrooms but shared facilities such as kitchens, living areas and bathrooms. The proposed 4no. bedroom HMO falls into the C4 Use Class, which allows between 3no. and 6no. unrelated occupants to reside and share amenities.
- 1.3 The application is reported to Planning Committee at the request of Councillor Deborah Davies, for the reasons outlined within the representations section of this report.

2. RELEVANT SITE HISTORY

- 2.1 None.

3. POLICY CONTEXT

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

- 3.2 PLANNING POLICY WALES (EDITION 12) 2024

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.

3.3 NEWPORT LOCAL DEVELOPMENT PLAN (NLDP) 2011-2026 (ADOPTED JANUARY 2015)

Policy SP1 Sustainability favours proposals which make a positive contribution to sustainable development.

Policy SP3 ensures development is directed away from flood risk areas and is permitted in accordance with National guidance where technical assessment has been provided to ensure the development is able to cope with the threat and consequences of flooding over its lifetime.

Policy GP2 General Development Principles – General Amenity states that development will not be permitted where it has a significant adverse effect on local amenity in terms of noise, disturbance, overbearing, light, odours and air quality. Development will not be permitted which is detrimental to the visual amenity. Proposals should seek to design out crime and anti-social behaviour, promote inclusion and provide adequate amenity for future occupiers.

Policy GP4 ‘General Development Principles – Highways and Accessibility’ states that development proposals should make adequate provision for car parking and ensure that development would not be detrimental to highway or pedestrian safety.

Policy GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.

Policy GP6 General Development Principles – Quality of Design states that good quality design will be sought in all forms of development. In considering proposals, a number of factors are listed which should be considered to ensure a good quality scheme is developed. These include consideration of the context of the site; access, permeability and layout; preservation and enhancement; scale and form of the development; materials and detailing; and sustainability.

Policy GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health

Policy H8 Self Contained Accommodation and Houses in Multiple Occupation sets out the criteria for subdividing a property into self-contained flats. The scheme must be of appropriate scale and intensity not to unacceptably impact on the amenity of neighbouring occupiers and create parking problems; proposals must not create an over concentration in any one area of the city; and adequate noise insulation is provided and adequate amenity for future occupiers.

Policy T4 Parking states that development will be expected to provide appropriate levels of parking.

Policy W3 Provision for Waste Management Facilities in Development states that where appropriate, facilities for waste management will be sought on all new development.

3.4 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE

Parking Standards SPG (Adopted August 2015)

Houses in Multiple Occupation (HMO) SPG (Updated January 2017)

Sustainable Travel SPG (July 2020).

4. CONSULTATIONS

4.1 NATURAL RESOURCES WALES:

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

Flood Risk

The planning application proposes highly vulnerable development (house in multiple occupation). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 Sea and TAN15 Defended Zone(1) . Whilst we recognise there is no change in vulnerability, there is a likely increased risk to people and property as one bedroom is proposed wholly on the ground floor. This may also lead to intensification of highly vulnerable use and create more pressure on emergency services should evacuation be required. We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult with your Lead Local Flood Authority. Newport City Council Civic Centre Newport NP20 4UR Ein cyf/Our ref: CAS-290073-M6D6 Eich cyf/Your ref: 25/0841 Therefore, we have reviewed the FCA undertaken by KRS Enviro, dated September 2025, referenced KRS.0896.001.R.001. Our advice to you is that the FCA fails to demonstrate that the potential risks and consequences of flooding are manageable for the reasons explained below. Flood model data for the River Usk was obtained from NRW and 0.11m was applied to the given flood levels to calculate the 100 year lifetime of development climate change allowances. We are satisfied with this use of the data given the sources of flooding and scale of the development.

Frequency thresholds (Figure 5)

Section 2.4 of the FCA indicates an approximate maximum ground level of 7.5m AOD with an appropriate minimum ground level of 7.3m AOD. Section 4.2 of the FCA states that finished floor levels will be set at the existing finished floor levels. However, no level is provided.

For the 1 in 200 year (0.5%) to 2125 flood event, the predicted flood level is given as 8.43mAOD (FCA table 4). Therefore, based on the minimum ground level of 7.3m AOD, the development is predicted to flood to 1.13m during the 1 in 200 year plus climate change event (0.5%+CC).

This does not comply with Figure 5 of TAN15.

Tolerable Conditions (Figure 6)

For the 1 in 1000 year (0.1%) to 2125 flood event, the predicted flood level is given as 9.35m AOD (Table 4 FCA).

Therefore, based on the minimum ground level of 7.3m AOD, the development is predicted to flood to 2.05m during the 1 in 1000 year plus climate event (0.1%+CC).

This exceeds the tolerable threshold of 600mm set out in Figure 6 of TAN15.

Breach Assessment

The site is located in an area benefitting from flood defences which provide a 1 in 200 year standard of protection. These defences take the form of flood embankments and flood walls which are maintained by NRW. Given that the site is located within a TAN 15 Defended Zone, a breach assessment is required, with a breach 1 in 200 year plus climate change 2125 flood event being the Design Event.

The following breach flood levels are provided in the FCA:

- 1 in 200 year 2125: 8.11m AOD
- 1 in 1000 year 2125: 9.51m AOD

Based on the breach flood levels provided, the development is predicted to flood to a depth of 810mm in the 0.5%+CC flood event. This does not comply with Figure 5 of TAN 15.

We request confirmation of the source of the breach data, and to which defences the information relates and for the FCA to be updated accordingly.

4.2 DWR CYMRU WELSH WATER: No objection.

4.3 GWENT POLICE: No objection.

5. INTERNAL COUNCIL ADVICE

5.1 HIGHWAYS:

Final Response

No objection, subject to conditions.

5.2 ENVIRONMENTAL HEALTH: No response.

5.3 HMO LICENSING: No objection.

5.4 WASTE: No response.

5.5 DRAINAGE: No response.

5.6 PLANNING CONTRIBUTIONS MANAGER: No planning contributions required as there is nil net gain in residential units.

6. REPRESENTATIONS

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (81no. properties) and a site notice displayed.

14no. neighbours have objected to the application, with a summary of the issues submitted listed below;

- Highway safety and existing parking issues/stress within the area as well as emergency service accessibility, that the application would add to;
- Fears of anti social behaviour and crime within the local area;
- Number of HMOs within the surrounding area and addition of another will impact/undermine the existing community cohesion and neighbourhood character and lead to transient nature of occupants in the area;
- Increased waste generated and stored on street and consequential environmental and pedestrian access issues;
- Overdevelopment of the existing property resulting in reduced living conditions and communal space for residents;
- Increased noise and disturbance as a result of the proposal;
- Lack of cycle storage proposed;
- Issues with parking survey and its quality, along with errors and duplication of photographs used;
- Concerns regarding flood risk and the quality of the FCA as well as the proposal increasing vulnerability to flooding at site;
- GIS does not include Stepwise Approach to biodiversity enhancement;
- Concerns regarding the accuracy and reliability of the Sustainability Appraisal;
- Concerns regarding the Local Planning Authority's public consultation exercise.

6.2 COUNCILLORS DAVIES/PIMM/SPENCER:

Councillor Pimm: I am opposed to the proposed change of use of this property into a 4 bed roomed HMO. The area of Conway Road is not suitable for this type of property which is a traditional family area with many young children residing. Parking is very restricted and there are already ongoing issues with litter and congestion which will be exacerbated by the possibility of 4-8 adults living in a standard family home in a built up area.

We need to build new accommodation in Newport for single person dwelling with suitable infrastructure and amenities. HMO's create tension within the local community and decrease the value of people's properties who have lived in the area for long periods and are settled.

Councillor Davies: There are a number of issues:

Firstly whilst a bin store has been proposed for the back garden, I am dubious this will be used as all the bins will need to be wheeled or carried through the terraced property. Bins, inevitably will be left on the street in front of the property. The street is narrow and the additional waste bins reflecting the fact four adults would be living there would add excessively to what is already a problem.

I also would challenge the parking survey. Whilst undertaken at night this does not reflect the pressure on parking that we see during the day. I believe that people travelling into the city, as well as staff at the nearby school will park on these streets. Parking is already fairly limited. Much of Archibald Street is double yellow lined which forces these residents to park in Conway Road. I am also aware that the parking survey is inaccurate as some photos have been used more than once to identify empty spaces in different streets. I would argue that as much as we would prefer tenants not to own and drive a car, given the proximity of the main transport routes, this is very often necessary when work is located away from the city centre, as our bus service or the train service do not run late into the night.

Can it also be clarified whether the bedroom sizes meet the NCC specifications please?

If officers are minded to approve this application as a delegated decision, can this be taken to the planning committee for consideration please?

7. ASSESSMENT

7.1 The Site

7.1.1 The application site is a mid terrace dwelling that fronts onto Conway Road and is located near the junction with Rochester Road.

7.1.2 The existing ground floor of the property contains an entrance hallway that leads to a large open plan dining room and lounge area, with a kitchen and utility room/shower located within a single storey rear extension. At first floor the property contains 2no. large bedrooms and a bathroom.

7.1.3 The property directly fronts onto Conway Road to the south, and to the rear the kitchen accesses a spacious rear garden. The site adjoins 5 Conway Road to the west, 9 Conway Road to the east and the rear boundary to the north abuts the side boundary of 27 Rochester Road.

7.1.4 The local area is traditionally residential in its character with linear layout of terraced properties formed between Conway Road and Chepstow Road, which is one of the main arterial routes into the City Centre.

7.2 The Proposal

7.2.1 The proposed HMO would retain the large open plan ground floor dining area and lounge, which equates to approximately 28sqm in size. The rear kitchen area is also retained within the extension and the utility room and shower would be knocked through to create a shower room and w/c. At first floor the 4no. bedrooms are proposed and some minor internal works

are required in order to provide the layout proposed. The existing wall between the existing bathroom and rear bedroom is to be removed and repositioned, to ensure all rooms are compliant with HMO Licensing standards as a minimum. The existing chimney breasts in the two bedrooms adjacent to 5 Conway Road are to be removed in order to provide the rooms with greater internal space and a more functional layout for occupants.

7.2.2 The existing rear garden is to be utilised in its current condition, which is flat and spacious. To the rear a secure cycle store is proposed and along the eastern side boundary a designated area for storage of refuse receptacles is proposed. No other external alterations are required or form part of the proposal.

7.3 **HMO Concentration and Impact on Character, Appearance and Neighbour Amenity**

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

i) the scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems;

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

iii) adequate noise insulation is provided;

iv) adequate amenity for future occupiers.'

7.3.2 During the consultation period, local and Councillor objections have been received and have referenced concerns in relation to the impact of the proposed HMO on the existing residential character, social cohesion, general amenity and residential amenity of the local community within this area as well as issues of anti social behaviour and fear of crime.

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

7.3.4 The application site falls within a 10% threshold area. A survey of the housing stock within a 50m radius of the site identifies the full front elevations of 38no. residential properties, of which one (34 Conway Road) is a registered HMO. This equates to a current HMO concentration of 2.6%. The proposed development would introduce a second HMO within this radius, increasing the concentration to 5.3% and this is below the 10% threshold as set out within the adopted SPG. Consequently, HMO concentration levels are not grounds to refuse planning permission in this case.



Figure 1 – 50m Concentration Threshold Test

- 7.3.5 From undertaking the site visit there was no evidence to suggest that properties within the locality were in poor condition or not being maintained to a reasonable standard, which can sometimes be a sign of an overconcentration of HMOs or a character issue of an area. In conclusion, 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 criteria (ii) of policy H8 is met.
- 7.3.6 There has been concerns raised regarding the intensification of the use of the existing dwelling as a 4no. bedroom HMO. The existing dwelling is a 2no. bedroom property and each of these two bedrooms are very generous and could reasonably provide space for 2no. adults and an older child/adult. The proposed HMO is for 4no. occupants and this would need to be controlled by planning condition. It is not considered to be such a significant intensification of the use of the property that would result in an adverse impact on neighbouring residential amenity through comings and goings for example.
- 7.3.7 It is noted however that in the rear garden, the existing boundary with 5 Conway Road is a low boundary wall, estimated to be 1.00m in height. As such, there is currently mutual overlooking between the two dwellings. The external amenity space is level and generous in size so is a desirable feature which is anticipated will be utilised by occupants. Whether occupied by a family or 4 unrelated tenants, it is considered reasonable to include a planning condition that controls the installation of a boundary treatment between the two properties to mitigate overlooking and protect the amenity of neighbouring occupiers. This would reflect the relationship between the site and 9 Conway Road, where a fence has previously been installed, as shown in Figure 2 below.



Figure 2 – View of Rear Garden of 7 Conway Road

7.3.8 Fear of crime and anti social behaviour has been raised in the objections, but it cannot be assumed that all HMOs result in issues surrounding ASB and disorder. Gwent Police have been consulted on the application and have responded providing a short report analysing statistics for the development location, focussing on crime/incidents that could potentially pose a threat, risk, or harm. Gwent Police have concluded that the proposed development location is not currently being affected by any significant ongoing crime trends or patterns. They also confirm that the current call volume and demand from the existing one HMO within the threshold area is not having any detrimental effect on Policing or the community within the location.

7.3.9 Overall, it is considered that the proposed HMO would not result in a demonstrable adverse impact on the surrounding residential character of the area, residential amenity of the neighbouring properties or have a demonstrable adverse impact on crime and disorder. As such the proposal complies with Policy GP2 and H8 of the NLDP 2011-2026 (adopted January 2015).

7.4 Residential Amenity of Future Occupiers

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.

7.4.1 The HMO standards state that a single bedroom should be at least 6.51m², shared kitchens and living rooms for up to 5 persons should be 7qm and 10sqm respectively. The kitchen is of a regular form and is 7.70sqm and the open plan living and dining room area is very generous equating to 28sqm and offers residents a good quality of communal amenity space.

7.4.2 Each of the four bedrooms is located at first floor and exceed the minimum single bedroom size as per the Council's HMO Licensing Standards (6.55sqm, 8.40sqm, 7.90sqm and 6.60sqm). A site visit has been undertaken and measurements taken by the Case Officer on site to verify the submitted plans. Each room is served by a good size window, is of square or usable plan form and benefits from natural light, outlook and ventilation for each occupier.

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.

7.4.3 Access to a generous rear garden is provided to residents and this provides cycle storage and refuse storage as part of the proposal as well as retaining a patio and grassed amenity space for residents to use.

7.4.4 Overall, it is considered that the proposed 4no. bedroom HMO will provide an acceptable level of amenity for the future occupiers and is compliant with Policy GP2 and H8 of the NDLP 2011-2026 (adopted January 2015) as well as the HMO SPG.

7.5 Highway Safety and Parking

7.5.1 One of the main topics within the objections received relates to the existing parking issues within the area and how the proposed development will result in a further demand for parking within the area to the detriment of residential amenity and highway safety as well as accessibility issues for emergency services.

7.5.2 The existing property is a two bedroom dwelling and this would generate a parking demand of 2no. parking spaces in accordance with the Parking Standards SPG. The proposed 4no. bedroom HMO would generate a parking demand of 1no. space per bedroom i.e. 4no. parking spaces. As no parking provision can be provided on site, all existing and proposed parking demand will need to be accommodated on street. The proposal results in a net gain of 2no. parking spaces according to the adopted Parking SPG and the proposal will need to demonstrate that these two spaces can be accommodated on the local highway network.

7.5.3 A parking survey has been submitted in order to demonstrate that there is adequate parking availability within the 200m survey area. The Council's Highways Officer has confirmed that the methodology used is acceptable and that the evidence submitted demonstrates there is adequate capacity on street to support the change of use.

Street	Available Kerbside Parking Length (Metres)	Available kerbside parking - Parking Spaces Number	Wednesday 17 September 2025 at 00:30 No of cars	Wednesday 17 September 2025 at 00:30 No of cars (% occupied)	Thursday 18 September 2025 at 00:30 No of cars	Thursday 18 September 2025 at 00:30 No of cars (% occupied)
Conway Road (North)	153	30	27	90.0	28	93.3
Conway Road (South)	239	47	44	93.6	42	89.4
Arundle Road (East)	122	24	24	100.0	23	95.8
Arundle Road (West)	100	20	20	100.0	19	95.0
Rothesay Road (East)	110	22	20	90.9	22	100.0
Rothesay Road (West)	105	21	19	90.5	21	100.0
Rochester Road (East)	107	21	20	95.2	21	100.0
Rochester Road (West)	114	22	21	95.5	20	90.9
Rosslyn Road (East)	120	24	23	95.8	24	100.0
Rosslyn Road (West)	120	24	22	91.7	24	100.0
TOTAL	1290	255	240	94.1	244	95.7

Figure 3 – Parking Survey Results

Rochester Road



Conway Road



Rothesay Road



Figure 4 – Sample Photos from Parking Survey

7.5.4 The parking survey indicates that during the two survey samples parking stress is high, however within the survey area 15no. spaces and 11no. spaces were available on the respective dates. As the proposal generates an additional 2no. parking spaces over and above the existing use of the site, these could be accommodated within the surveyed area during periods assessed. Both surveys were undertaken late night/early morning and a survey has not been undertaken during the daytime, however given the predominantly residential context of the survey area late night/early morning is accepted as being the peak time i.e. when parking demand is likely to be at its highest. This assertion has been backed up during day time site visits to the application site where parking has been plentiful and a large number of spaces available within the immediate vicinity of the site and across the wider survey area. Whilst accepted as being a snapshot in time, it is considered that the late night survey provides a reliable indication of the highest parking pressures for the area and demonstrates availability.



Conway Road

Conway Road

Rosslyn Road

Figure 5 – Sample of Officer Site Visit Photos 11th November 2025 – 12:55pm

7.5.5 Whilst the resident's frustrations in relation to parking availability are accepted and that the concerns raised are genuine, as mentioned above, the fact on street space is not plentiful at peak times has proven to not be a robust reason to refuse planning permission. One example being appeal decision CAS-01786-S4X0Y7 (November 2022) relating to 23 Arundel Road being directly relevant to this application. The proposal was for the change of use of the property from a 3 dwelling to a five bed HMO with the sole reason for refusal relating to lack of parking. Similarly, the application was supported by a parking survey that showed a high demand for parking in the area with an overall parking stress of 96% which equates to 6 free spaces out of the 167 potentially available and the high demand meaning that people have to park further away from their homes. However, the Inspector noted that this is not unusual in a dense urban location of terraced streets, where car ownership has increased over time to render on-street parking a matter of some inconvenience owing to competition and that such inconvenience may encourage some motorists to use public transport, cycle or to walk, as advocated by Planning Policy Wales. The Inspector gave considerable weight to the sustainability of the development in this appeal case, noting that this type of accommodation is likely to be attractive to those without a car and the rigid application of parking standards is not appropriate in the circumstances of this case. The Inspector did not consider that the proposal would give rise to significant concerns regarding highway or pedestrian safety. The issues raised primarily relate to matters of convenience, which are not sufficient to warrant refusal of the proposal. This recent decision, for a similar proposal relating to a property located in a sustainable location is a material consideration and should be afforded significant weight in the decision making process as whilst each case will be considered on its merits, the application site is also urban, sustainable and with heavy reliance upon on street parking (i.e. like the appeal case), and the development itself is for a change of use from dwelling to a HMO with the same uplift in parking. The assessment of the Inspector, having regard to very high demand for on road parking locally, was that the proposed use as a HMO and likely car ownership factors, and its sustainable location outweighed the on street parking stresses. This appeal decision is compatible with other appeal decisions in Newport where parking has been a key consideration/objection on HMO cases.

7.5.6 An issue with the Parking Survey was raised in the neighbour responses, with a photograph being duplicated within the survey as well as photographs not being dated or time stamped as is best practice. A revised survey has duly been submitted and has been considered to adequately address this matter. The accuracy of the Sustainability Appraisal was also noted. However, whilst the site is located in a highly sustainable located as previously acknowledged, Officers have not applied a reduction in parking demand to the proposal based on sustainability credentials and the assessment has been made on the Council's adopted Parking Standards. As such, the Sustainability Appraisal has not been given weight during the assessment of the application. The site is located in a sustainable area, within walking distance of the Chepstow Road and its associated services and public transport opportunities.

- 7.5.7 Covered cycle storage is to be provided in the rear garden. The Council's Highways Officer has raised concerns about the location and that residents would need to take cycles through the dwelling to access this. Unfortunately, as the property is a mid terrace and there is no side access, there is no other location for such storage and this would be the current arrangement for the residential property. The design and appearance is considered acceptable, however the Highways Officer has noted that usability could be restricted due to the width of the door. A planning condition for submission of revised details is recommended, to ensure the cycle store is suitable and there is no reason for an acceptable amended design not to be achievable.
- 7.5.8 When taking into account all the information that is available, such as the applicant's parking survey and parking availability in the survey area, the objections received from local residents, officer's own site visits, the generally positive attitude of the Planning and Environment Decisions Wales (PEDW) to HMOs in sustainable locations irrespective of whether they have off street parking, the lack of objection from the technical Highways consultee and the generally sustainable location of the site, it is considered that there is no demonstrable adverse impact upon highway safety or amenity in relation to parking impact. As such, the proposal complies with Policy GP2, GP4 and H8(i).

7.6 Waste

- 7.6.1 Waste receptacles being stored on the footway at Conway Road resulting in a visual issue and pedestrian accessibility issue has been raised in the public responses received. It is not unusual in areas of predominantly terraced houses, particularly around collection day, for residents to store refuse receptacles on street and this was evident during site visits.
- 7.6.2 The number of receptacles (1 x 120l bin and kerbside recycling boxes/bags) required for a single dwelling house and a small HMO of 4no. residents is the same, in accordance with the adopted Waste Storage and Collection SPG. As such, the existing dwellinghouse and proposed HMO refuse requirements will not change as a result of the proposed change of use.
- 7.6.3 The proposed block plan of the site designates an area for the storage of refuse in the rear garden, and it could be controlled by planning condition that this area remains in place, clear and available for use by residents. However, whilst designating an area for residents to use is welcomed, wheeling bins and bringing receptacles through the kitchen and communal space to present for collection at kerbside is not a preferable arrangement. It clear from site visits and Google Streetview imagery that residents in this area leave receptacles on street, potentially for this reason.
- 7.6.4 Based on there being no change in requirements between the existing dwelling house and 4no. bedroom HMO for refuse and recycling requirements it is not necessary to control provision in the rear garden and in this particular instance it would not be beneficial to do so. Whilst acknowledging the issue is existing, the Highways Officer has requested a condition for a waste strategy but for the reasons explained this could also not be controlled and would not be circular compliant.
- 7.6.5 As such, the proposal does not demonstrably impact matters of refuse/waste and it complies with Policy W3 of the NLDP 2011-2026 (adopted January 2015).

7.7 Green Infrastructure & Biodiversity Enhancement

- 7.7.1 Chapter 6 'Distinctive and Natural Placemaking and Well-Being' of Planning Policy Wales (PPW) Edition 12 (updated February 2024) states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long term benefit. PPW 12 also advises that a Green Infrastructure Statement (GIS) should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. PPW 12 states that having worked iteratively, in line with

Figure 12 through the stages of The Stepwise Approach, and providing a GIS that the step wise approach has been followed, a scheme of enhancements must be provided to ensure a net benefit for biodiversity.

7.7.2 One neighbour objection received refers to the GIS and raises concerns in relation to its detail and quality. The proposed development is for the change of use of the existing property and is minor in its nature, with no significant external works proposed that would impact on GI. PPW12 advises that a GIS should be proportionate to the scale of the proposal and in this instance this is considered to be the case. The site contains no real GI asset other than the lawned rear garden, which is to be retained. The proposed enhancement measure of a nest bird box provides proportionate enhancement for a change of use application of this nature and requesting further measures via planning condition would not be necessary or reasonable and would fail to comply with the legal tests for planning conditions as set out in Welsh Government Circular 016/2014.

7.7.3 Subject to a planning condition securing the implementation of the bird nest box proposed the proposal is compliant with Policy GP5 of the NLDP 2011-2026 (adopted January 2015) and PPW12.

7.8 **Flooding**

7.8.1 The site is located within Flood Zone 2 and 3 (Sea) and the TAN 15 Defended Zone, as per the Flood Maps for Planning (FMfP). The existing use of the site as a dwelling house (C3) and the proposed use of the site as HMO (C4) are both highly vulnerable in flood risk terms, so there is no change in vulnerability.

7.8.2 The proposal initially included a ground floor bedroom with first floor refuge room as part of the proposed plans. However, this has now been removed and relocated to the first floor meaning that all 4no. bedrooms proposed are at first floor level.

7.8.3 At the time of writing the report NRW had not responded to the reconsultation, which is undertaken due to the ground floor bedroom being removed from the scheme in response to the NRW response. In their original response NRW had objected to the ground floor bedroom, and provided a technical analysis of the FCA and this can be used to assess the following tests as per Section 10 of TAN 15.

7.8.4 **No Increase in Flooding Elsewhere**

The proposal is for a change of use and there would be no flooding elsewhere as a result of this.

7.8.5 **Occupiers aware of Flood Risk**

An FCA has been produced that confirms residents will be made aware of the flood risk and will be advised to sign up to the NRW flood line.

7.8.6 **Escape/Evacuation Routes Present**

The FCA advises that given there would be a forewarning of two days pending a flood event and the rapid water level rise and possible rapid inundation is considered to be minimal. It is advised that due to the lead time of flooding occupiers would have sufficient time to evacuate the site and seek safe refuge away from the flood zone.

The proposed flood evacuation route guides occupiers directly north of the site to Chepstow Road via Rochester Road, which is outside of the flood zone and approximately 100m from the site.

7.8.7 **Flood Emergency Plans and Procedures agreed and in place**

The FCA advises a flood warning and evacuation plan will be developed, outlining precautions and actions that should be taken when a flood event is anticipated to help reduce impact and damaged flooding may cause.

7.8.8 Flood Resistant and Resilient Design

The building is existing and located within a terrace of properties. It is therefore considered limited as to what could be feasibly undertaken to minimise structural damage, however given the age and build of the property it is considered less likely to be structurally damaged.

7.8.9 The development should be designed so that it is flood free during the 1% river flood (1 in 100) and 0.5% flood from sea (1 in 200) plus an allowance for climate change over the lifetime of development

For the 1 in 200 year (0.5%) to 2125 flood event, the predicted flood level is given as 8.43mAOD (FCA table 4). Therefore, based on the minimum ground level of 7.3m AOD, the development is predicted to flood to 1.13m during the 1 in 200 year plus climate change event (0.5%+CC).

It is noted that all living accommodation is at first floor and located away from predicted flood waters.

The test is failed.

7.8.10 The development should be designed so that over its lifetime in an extreme (1 in 1000 year) event there would be a maximum flood depth of 600mm and maximum velocity of flood water of 0.30 metres/second across the development and 0.15 metres/second in properties.

For the 1 in 1000 year (0.1%) to 2125 flood event, the predicted flood level is given as 9.35m AOD (Table 4 FCA). Therefore, based on the minimum ground level of 7.3m AOD, the development is predicted to flood to 2.05m during the 1 in 1000 year plus climate event (0.1%+CC). This exceeds the tolerable threshold of 600mm set out in Figure 6 of TAN15.

It is noted that all living accommodation is at first floor and located away from predicted flood waters.

The test is failed.

7.8.11 Flooding Conclusion

Paragraph 10.17 of TAN 15 advises that redevelopment of brownfield sites must avoid over-intensification, should not reduce the site's ability to absorb flood water, and must not contribute to flooding elsewhere. It also requires that proposals incorporate flood-resilient design where appropriate, and that any highly vulnerable development must meet the tolerable conditions set out in Section 11.

While the submitted FCA provides data, it does not demonstrate full compliance with the tolerable conditions outlined in Section 11 of TAN 15 and NRW objected in their original response.

Overall, it is considered that whilst the FCA has failed to demonstrate full compliance with the TAN 15 tests, given that the existing use as a dwelling is highly vulnerable development in flood risk terms and there is no primary residence i.e. bedrooms at ground floor (which would need to be restricted via a planning condition) on balance the risk of flooding and consequences can be appropriately managed.

Accordingly, the proposal complies with Policy SP3 of the Newport Local Development Plan 2011–2026 (adopted January 2015) and the guidance set out in TAN 15.

7.9 Section 106 Planning Obligation matters

7.9.1 The proposal results in a nil net gain of residential units and as such there is no trigger for any planning contributions.

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 Overall, whilst the concerns of the local residents and Councillors are noted and have been given due consideration, based on best available information and evidence including technical consultations and policy assessment it is considered that the proposed 4no. bedroom HMO would not result in an adverse impact on matters of parking and highway safety, flood risk, impact on character or social cohesion of the local area or give rise to any anti-social behaviour or disorder.

9.2 As such, it is considered that the proposed development complies with the aims of the Newport Local Development Plan 2011-2026 (adopted January 2015).

9.3 It is recommended that the application is granted with conditions.

10. RECOMMENDATION

GRANTED WITH CONDITIONS

Approved Plans and Documents

01 The development shall be implemented in accordance with the following plans and documents: Drawing No. TRD-222515-A1/01 - Existing & Proposed Plans; Green Infrastructure Statement; Flood Consequences Assessment.

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

Pre –occupation conditions

Provision of Boundary Treatment

02 Prior to first occupation of the development hereby approved, the entire shared garden boundary treatment with 5 Conway Road shall be increased to 1.8m high from ground level by way of a close boarded fence or wall to match existing. The means of enclosure shall be retained for lifetime of development.

Reason: To preserve neighbouring residential amenity and in the interest of good design, in accordance with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

Submission of revised Cycle Store Details

03 Notwithstanding the details submitted, prior to installation details of a secured cycle store shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed as agreed prior to the first beneficial use of the development hereby approved and retained thereafter.

Reason: In the interest of promoting sustainable development and mitigating local air quality in accordance with Policy SP1 and GP7 of the NLDP 2011-2026 (adopted January 2015).

Ecological Enhancement

04 The proposed bird nest boxes as shown on the approved plans shall be provided prior to the first occupation of the use hereby approved and retained thereafter.

Reason: To ensure ecological enhancement at the site in accordance with PPW12 and Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

General conditions

Maximum Occupants

05 The development shall be occupied by a maximum of 4no. occupants at any time based on 1 occupant per bedroom and there shall be no bedrooms provided at ground floor.

Reason: To ensure provision of acceptable residential amenity of future occupiers, manage flood risk and in the interests of highway safety in accordance with Policy SP3, GP2, GP4 and H8 of the NLDP 2011-2026 (adopted January 2015).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Site Location Plan; Planning Statement; Parking Survey Rev A.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies 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.