

# Delegated Decision Report

<b>Application No:</b>	25/0364	<b>Statutory Period Expires:</b>	23 <sup>rd</sup> July 2025
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<b>Site:</b>	3 Clytha Crescent Newport NP20 2EY		
<b>Proposal:</b>	CHANGE OF USE FROM SINGLE DWELLING TO 6NO. BED HMO		
<b>Applicant:</b>	Grewal		
<b>Type:</b>	Full	<b>Ward:</b>	Pillgwenlly
<b>Decision:</b>	REFUSED		

## 1. BACKGROUND

1.1 None.

## 2. SITE LOCATION AND CONTEXT

2.1 The application site is a two-storey property located on Clytha Crescent. The land level decreases to the rear of the house and the dwelling has three storeys and a converted loft. The application site is defined within a predominantly residential area. The property fronts onto George Street/Cardiff Road, and Newport Central Police Station is situated to the Northeast of the site. Commercial Road District Centre is to the East of the site and is within walking distance. The Site is also defined within Clytha Conservation Area and Flood Zone 3 on the Flood Map for Planning.

## 3. DESCRIPTION OF DEVELOPMENT

3.1 The application seeks a change of use from a single dwelling house to a 6no.bed HMO. On the lower ground floor, there a kitchen/dining area and a separate living room proposed. On the ground floor 2no.bedrooms are proposed with a toilet and bike store. On the first floor there are 3no.bedrooms proposed and a bathroom. And within the attic conversion, there is 1no.bedroom and a bathroom.

## 4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
90/1073	CHANGE OF USE OF DWELLING INTO 2 SELF CONTAINED FLATS - RESUBMISSION FOLLOWING REFUSAL OF APPLICATION 90/0721/F	GC	09.10.1990
90/0721	CHANGE OF USE OF DWELLING INTO 2 SELF CONTAINED FLATS	REFUSED	10.08.1990

## 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.

## 5.3 Technical Advice Note

Technical advice note (TAN) 2: planning and affordable housing

Technical advice note (TAN) 5: nature conservation and planning

Technical advice note (TAN) 11: noise

Technical advice note (TAN) 15: Flooding

Technical advice note (TAN) 18: transport

Technical advice note (TAN) 21: waste

Technical advice note (TAN) 24: the historic environment

## 5.4 The Historic Environment Act (2023)

## 5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policies 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) and H8 (Self Contained Accommodation, Houses in Multiple Occupation), of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application.

## 5.5 SUPPLEMENTARY PLANNING GUIDANCE

- Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (Updated January 2017).
- Parking Standards Supplementary Planning Guidance (Adopted August 2015).
- Sustainable Travel SPG (July 2020).

## 6. CONSULTATION RESPONSES

## 6.1 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 in the form of a change of use from residential dwelling to House in Multiple Occupancy (HMO), with additional bedrooms proposed on the ground floor. The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 (Sea).

We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult with your Lead Local Flood Authority.

Therefore, we have reviewed the FCA undertaken by Wai Studio, dated 14/04/25, rev P01, project reference WS2502. Our advice to you is that the FCA fails to demonstrate that the potential risks and consequences of flooding are manageable. The FCA does not contain any site specific flood risk data (such as predicted flood depths and velocities). Therefore, we cannot advise you on the acceptability criteria, including frequency thresholds and tolerable conditions, set out within Section 11 of TAN 15 (2025).

The advice in paragraph 10.24 of TAN15 is clear 'In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused.' Therefore, in accordance with paragraph 15.4, we advise you to use your powers to request further information in the form of an updated FCA.

Developers should refer to all relevant sections of the TAN to determine the scope of the FCA that is required for this particular proposal, including the technical requirements set out in Figure 2 of TAN 15. Further guidance is also available on our website.

Furthermore, should you be minded to go against our advice, you should inform us at the earliest opportunity prior to granting consent and allow sufficient time for us to make further representations.

Please note, if an amended FCA is not submitted or any subsequent amended FCA fails to demonstrate that the consequences of flooding can be safely managed over the lifetime of the development, then we may object to the application.

## 6.2 Local Highways Authority:

The Site is within parking zone 2, but only approximately 100m from zone 1. There is therefore scope for some relaxation of the standard.

The SPG requires 3+ spaces for the existing use and 7 spaces for the proposed use. There is no scope for provision of on-site parking and the area is heavily controlled with “no waiting” and residents’ only schemes. The residents’ parking scheme limits numbers of passes, so not every resident could have a pass.

Given the level of parking regulation and proximity of amenities and travel options, we would not anticipate any significant impact in terms of parking and raise no formal objection.

Cycle storage is proposed, but there is no detail of stands or security. It is likely that without formal cycle racks the area would be abused for general storage and not provide sufficient capacity/security. We would therefore request a condition to ensure appropriate provision is made.

In summary there are no highway related objections, subject to the following conditions.

Suggested Condition:

Except for site clearance and remediation no development shall take place until a scheme for the provision of cycle parking in accordance with the Council’s current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council.

Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport

### 6.3 Welsh Water:

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

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

#### **Condition**

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

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

### 6.4 SAB:

Having reviewed the submitted information, a SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant to contact SAB.

6.5 DOCO Police:

I have reviewed the development plans through the Newport Planning portal. Should any of these drawings be revised with significant alterations to the building design, layout, and/or specification level can I please request these are forwarded on. 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 and specifically the proposed development location of Clytha Crescent, Newport for a 12-month period between 1 st June 2024 – 1 st June 2025. From a Policing perspective the development is located in the Newport Borough Council area, within the Pill section and Pill Ward. The Pill ward is 1 of 4 wards within the Pill section.

From examining the crime/incident data, I am satisfied that the proposed development location is not being affected by any significant ongoing crime trends or patterns. It is to be noted that the Pill ward is one of the highest recording crime/incident wards within Gwent and therefore its figures are inflated compared to neighbouring wards. There are no crime trends or patterns affecting the area and any reported calls appear to be one off isolated incident.

I can confirm that the current call volume and demand from the area is not having a detrimental effect on Policing or the community within the location.

I understand that the proposed development is to be used as an HMO. There is currently 1 HMO property within close proximity of the development. Over the last 12 months there has been zero(0) calls from this HMO property. I am satisfied that the current HMO property within the area is not causing a demand on Policing or the community within.

At this time, I do not have any clear objections to the application based on the current crime/incident rate and demand on policing and the community within. When offering crime prevention and physical security advice we take guidance and best practice from the range of guides supplied by Secured by Design (SBD). At this stage it is not clear if the client is not seeking SBD accreditation for the development, but the following recommendations have been made for the site.

\*Standard SBD information\*

6.6 Environmental Health: No comments received.

6.7 Senior Scientific Officer: No comments received.

6.8 HMO licensing: No comments received.

6.9 Waste Manager: For a 6 bed HMO the default would be a 180L bin and recycling boxes with kerbside collection.

6.10 Heritage Officer:

My principal concern regarding this application is the proposed introduction of roof-lights to the front roof slope.

As identified within the relevant CAA:

#### *‘4.3.6 Detracting Features*

*Rooflights on principal elevations, which detract from the architectural value of the buildings, as well as the general streetscape and roofscape. This is especially obtrusive on Clytha Crescent where the modest size of the terraces mean that the roof is more clearly visible.’*

However, the existing rooflights to adjacent buildings have been in situ long enough to benefit from deemed consent. In some cases, they appear to have been in situ on formation of the CA in 2009. Upon that basis, and due to their proliferation across the terrace in question, I would not object to rooflights in this location per se, however, they should be as unobtrusive as possible, as per our House Extensions and Domestic Outbuildings SPG, which states that:

#### *‘5.7.11 HEDO 6.7 (Skylights and roof windows)*

*Where a roof light is required to the front or other prominent elevation; care should be taken to ensure that its proportions and positioning reflect the style and character of a dwelling, and that it does not look unduly prominent. Flush-fitting roof lights may help to reduce prominence.*

#### *5.7.12 HEDO 6.8 (Low-profile skylights and roof windows in conservation areas)*

*In conservation areas the installation of roof lights requires planning permission. Roof lights should be few in number and discreetly positioned so that they are not readily visible from prominent views within the conservation area. They should also be of a ‘conservation type’ which do not protrude above the plane of the roof. Consideration should also be given to the general arrangement of any roof lights in order to reduce their impact, even if this is limited to private views alone.’*

Therefore, I would recommend that they should be:

- Reduced in number and arranged to reflect the setting out of the front elevation of the building (noting that the 4 no. rooflights to No.1 Clytha Crescent next-door do not seem to have benefited from approval)
- Fitted ‘flush’ to the roof pitch (with no greater upstand than 25mm above the roof covering)
- Have a surround of a dark matt finish.

## **7. PUBLIC REPRESENTATIONS**

Neighbour and Ward member notification letters were sent on 15/05/2025, Site Notice was put up on 23/05/2025.

7.1 79no. neighbours were consulted on the application. No neighbour comments received.

7.2 Councillor Saeed Adan and Councillor Debbie Jenkins were consulted.

Councillor Saeed Adan:

**Reasons for objection:**

- The proposal represents a highly vulnerable form of development located within an area at risk of flooding. Natural Resources Wales (NRW) has explicitly raised concerns regarding the adequacy of the submitted flood risk information. Specifically, there is an absence of an updated Flood Consequences Assessment (FCA) to demonstrate that the potential impacts of flooding can be safely managed. In the absence of this information, it has not been demonstrated that the risks to life, property, and emergency services can be appropriately mitigated. As such, the development could pose an unacceptable risk and is contrary to national planning policy on flood risk.
- Insufficient evidence of drainage plans has been presented to demonstrate how the development will prevent hydraulic overloading of the public sewerage system. This omission is particularly concerning given the potential impact on the health and safety of existing residents, as well as the wider environment. In the absence of a clear and deliverable plan to manage foul and surface water discharge, the development poses an unacceptable risk of increased flooding and pollution. It is imperative that such infrastructure considerations are addressed at the planning stage to ensure the long-term sustainability and safety of the development.
- Supplementary Planning Guidance requires a minimum of seven parking spaces for the proposed use. The site is located within a heavily controlled parking zone, where on-street parking is restricted and already under pressure. There is therefore a clear risk of parking displacement into neighbouring streets, which would cause disruption to existing residents who rely on on-street parking. Furthermore, the proposal fails to demonstrate appropriate provision for sustainable travel, as no visual or technical evidence has been submitted to confirm the inclusion of secure cycle storage—such as the number, type, or security of cycle racks or stands.
- There is no evidence or input from the Council’s Environmental Waste Team and no specific details have been provided on how waste will be stored, managed, and safely collected from the site. This raises significant concerns regarding the practicality and safety of waste disposal arrangements, which must be addressed to ensure compliance with environmental and public health standards. Although the proposal notes internal bin storage, there are no clear details of how bins, bags and boxes will be transported to and from the collection point on collection days. This could lead to obstruction of pavements, parking bays and cause highway safety concerns. A detailed plan is required to demonstrate secure storage, moved to collection points and collected safely without causing nuisance or disruption to residents, pedestrians and road users.

Should you be minded to approve this application, please refrain from making a decision under delegated powers and instead refer to the Planning Committee for consideration.

## 8. ASSESSMENT

### 8.1 Principle of Development

The proposal relates to the use of an existing building in the urban area, providing residential accommodation. In principle the development is accepted, however, a full evaluation is carried out below.

### 8.2 Policy H8 evaluates self-contained accommodation and sets out a definitive set of criteria:

#### 8.2.1 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;

8.2.2 It is considered that the unit would be intensified increasing the number of bedrooms from 5no. to 6no. It is considered that there is sufficient space within the unit to accommodate 6no. bedrooms which meets the HMO requirement standards. The immediate area also contains residential properties, and therefore, the proposed use would remain in keeping. In terms of crime, the Police have provided comments on the development and crime trends within the area. It is considered that the current call volume and demand from the area is not having a detrimental effect on Policing or the community within the location. Whilst this is currently the situation, the Council undertook research to assess the correlation between crime and HMOs. It was found that there is a correlation between high concentrations of HMOs and higher numbers of complaints. This is discussed below.

8.2.3 When assessing the character of the building, it is considered the only external change is to the front elevation to create 4no. roof lights. The area is defined within the Clytha Conservation Area which requires the Authority to pay special attention to the desirability of preserving or enhancing the character or appearance within section 160 of the Historic Environment (Wales) Act 2023. It is noted no details of sections, materials or make have been provided, however, whilst some form of roof lights here could be deemed acceptable given the context, 4no. roof lights in this location would be deemed excessive. This is further evaluated below.

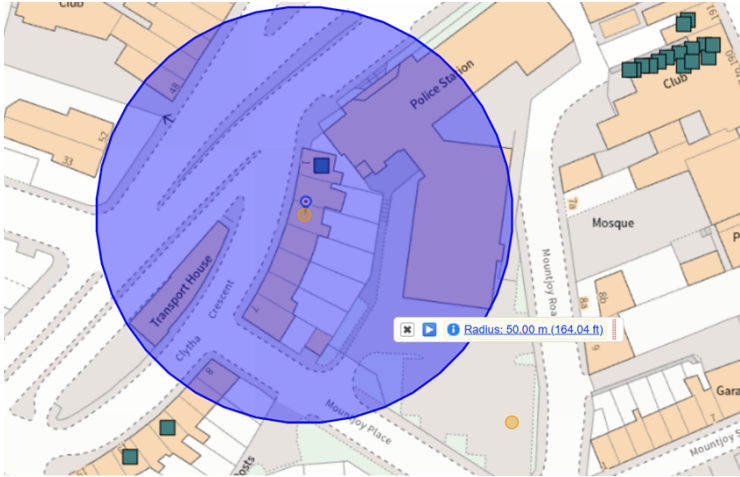
8.2.4 In terms of impact on amenity to neighbouring occupiers, the development does not create new overlooking opportunities.

8.2.5 In terms of parking, it is considered that the development does not meet the required demand, however, given the sites sustainable location, this is deemed acceptable in this instance. This is further assessed below.

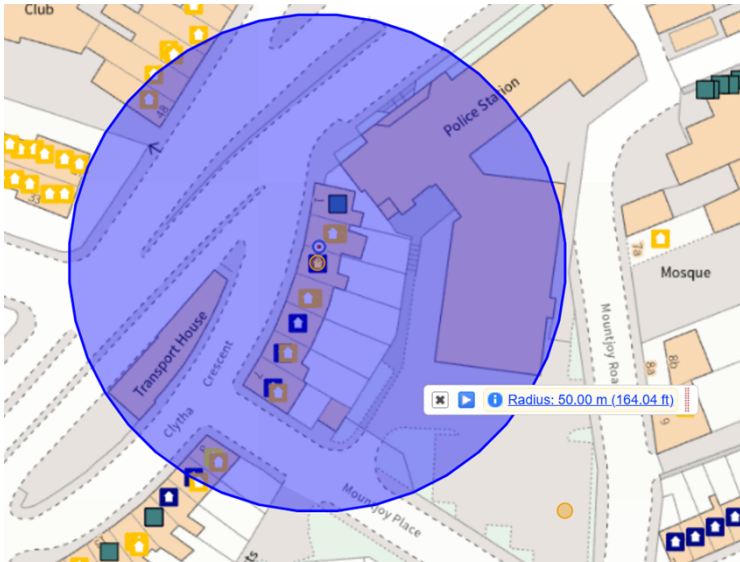
- ii) THE PROPOSAL DOES NOT CREATE AN OVER CONCENTRATION OF HOUSES IN MULTIPLE OCCUPATION IN ANY ONE AREA OF THE CITY WHICH WOULD CHANGE THE CHARACTER OF THE NEIGHBOURHOOD OR CREATE AN IMBALANCE IN THE HOUSING STOCK;

8.2.6 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” such as this site, this limit is 15%..’ When taking a 50m radius from the address point of the application site, encompassing the entire principal elevations, 12no. residential properties are caught. There is currently 1no HMO within this radius and this has been confirmed by the HMO licensing department. If the proposal were to be approved, HMOs would constitute 16% (2 of 12 properties) of the selected housing stock and the proposed development would not fall within permitted thresholds. Therefore, it could cause significant harm to the character composition of the street and would be contrary to Policy H8.

Green squares demonstrate existing HMOs:



List of residential properties with the entire principal elevation caught:



- 1 Clytha Crescent
- 2 Clytha Crescent
- 3 Clytha Crescent
- 4 Clytha Crescent
- 5 Clytha Crescent
- 6 Clytha Crescent
- 8 Clytha Crescent
- 7 Clytha Crescent
- 48 Cardiff Road
- 46 Cardiff Road
- 44 Cardiff Road
- 42 Cardiff Road

8.2.7 Further research on HMO concentrations and the relationship with community cohesion and crime levels are discussed below.

8.2.8 Finally, Policy H8 states there should be ADEQUATE NOISE INSULATION IS PROVIDED; and ADEQUATE AMENITY FOR FUTURE OCCUPIERS.

When assessing these criteria, in terms of noise generation, it is considered these units were both residential properties. It is unlikely that the increase in noise disturbance would be detrimental. Any noise insulation would need to be fitted in accordance with building regulations. In terms of adequate amenity for future occupiers, it is considered that all rooms meet the minimum requirement, and all rooms have natural light and ventilation. There is also an adequate amenity space to the rear. In terms of waste and bike storage, it is considered that there is separate internal storage on the ground floor for both. Bikes cannot be stored in the rear garden as there is a flight of stairs to access the rear garden and would not be suitable. Therefore, there is no other reasonable storage for bikes elsewhere. In terms of bins, this store is located internally next to the front door. This would not be acceptable. This is further evaluated within the report below.

8.2.9 Overall, it is considered that Policy H8 is not fulfilled, and further considerations are carried out below.

### 8.3 **Visual Amenity/ Character and Appearance and Heritage**

8.3.1 The host site is defined within the Clytha Conservation Area. The proposed scheme needs to accord with section 160 of the Historic Environment (Wales) Act 2023 which requires the Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. 4no. roof lights are proposed on the front elevation roof plane. The Heritage Officer was consulted on the application and states as per the Conservation Area Appraisal, *Rooflights on principal elevations, which detract from the architectural value of the buildings, as well as the general streetscape and roofscape. Rooflights on principal elevations, which detract from the architectural value of the buildings, as well as the general streetscape and roofscape. This is especially obtrusive on Clytha Crescent where the modest size of the terraces mean that the roof is more clearly visible.* Furthermore, the SPG states 6.8, *In conservation areas the installation of roof lights requires planning permission. Roof lights should be few in number and discreetly positioned so that they are not readily visible from prominent views within the conservation area. They should also be of a 'conservation type' which do not protrude above the plane of the roof. Consideration should also be given to the general arrangement of any roof lights in order to reduce their impact, even if this is limited to private views alone.'*

8.3.2 Notwithstanding the information above, the Heritage Officer claims the existing rooflights to adjacent buildings have been in situ long enough to benefit from deemed consent. In some cases, they appear to have been in situ on formation of the Conservation Area in 2009. Upon that basis, and due to their proliferation across the terrace in question, I would not object to rooflights in this location per se, however, they should be as unobtrusive as possible, as per our House Extensions and Domestic Outbuildings SPG. The roof lights should be reduced in number and arranged to reflect the setting out of the front elevation of the building (noting that the 4 no. rooflights to No.1 Clytha Crescent next-door do not seem to have benefited from approval). They

should be fitted flush to the roof pitch (with no greater upstand than 25mm above the roof covering) and have a surround of a dark matt finish. Whilst it is considered that some form of roof lights on the roof plane would be deemed acceptable, sufficient information has not been included within the submission, and 4no. roof lights on this roof plane would be deemed excessive. The development currently does not preserve the setting of the Conservation Area, in line with Policy CE7 and The Historic Environment Act (2023).

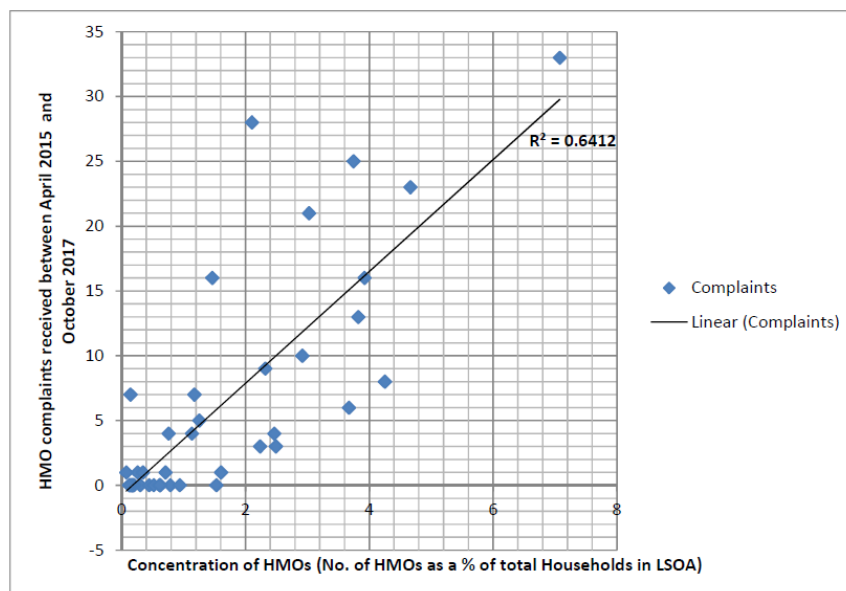
Clytha crescent front elevations:



- 8.3.3 In terms of the change in character of the area, the DOCO Police Officer has provided comment on the application. From examining the crime/incident data, I am satisfied that the proposed development location is not being affected by any significant ongoing crime trends or patterns. It is to be noted that the Pill ward is one of the highest recording crime/incident wards within Gwent and therefore its figures are inflated compared to neighbouring wards. There are no crime trends or patterns affecting the area and any reported calls appear to be one off isolated incident. I can confirm that the current call volume and demand from the area is not having a detrimental effect on Policing or the community within the location. On assessment, it is considered that although there is no pattern of crime currently at site, the Council undertook research to assess the correlation between crime and HMOs. It was found that there is a correlation between high concentrations of HMOs and higher numbers of complaints. Therefore, the Council should continue to try and control the concentration of HMOs and this is discussed below.
- 8.3.3 When assessing the overconcentration within the 50m radius, it conflicts with the Councils standards set out within the SPG and would provide an over concentration of HMO units which can hold a negative effect on the area and the community's social cohesion. When assessing the exceedance of the threshold, it should be noted that 'overconcentration' of HMO's and resulting harm is mentioned within the wording of Policy H8 of the LDP. It should be noted that the Councils LDP was adopted in January 2015 before Use class C4 (HMO'S) was created by the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 (published 13 January 2016), which means that there was not the opportunity to provide a HMO threshold in the LDP. Therefore, it is considered that the threshold provided by the Houses in Multiple Occupation SPG, which was subject to consultation and has been formally adopted by the Council, should be afforded significant weight.
- 8.3.4 Evidence has been shown to support the Councils HMO threshold stance. The Council undertook research to find if there was a correlation between high concentrations of HMOs and recorded crime. In order to see whether there is any evidence linking higher crime rates and complaints with higher concentrations of HMOs, crime rates within the

LSOAs were undertaken and correlated against the number of HMOs within the LSOAs between 1 October 2016 to 30 September 2017. It was shown that LSOA Stow Hill W01001687 LSOA had the highest concentration of HMOs and also had the highest number of received complaints. The fact that this LSOA appears at the top of both tables would suggest there is a link between high concentrations of HMOs and high numbers of complaints. However, in comparison, LSOA Shaftesbury W01001683 contains 10 HMOs and has a concentration of 1.529%, but has received no complaints in the 30 months period.

Figure 1: Relationship between concentrations of HMOs and complaints received



- 8.3.5 The above graph demonstrates that there is a correlation between high concentrations of HMOs and higher numbers of complaints. Therefore, the Council should continue to try and control the concentration of HMOs with a threshold. If the threshold figures were higher, then the evidence would suggest that this would result in more negative complaints and higher recorded crime. Consequently, it is considered that the need for a threshold is necessary. Further information on this can be found in appendix 1.
- 8.3.6 Furthermore, there are numerous appeal decisions which have been dismissed by PEDW over the exceedance of the HMO threshold due to a Policy breach of overconcentration.
- 8.3.7 23/0372 proposed a CHANGE OF USE FROM A DWELLING TO A 6 BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4 USE) in Newport at 12 Queens Hill. The application was refused on the exceedance of the 10% threshold at 12.5%.The application was appealed and the Inspector concluded:
- 8.3.8 *It is clear that the area around the appeal site does not currently exhibit any of the characteristics often associated with a high concentration of HMOs, such as disrepair, littering or anti-social behaviour. However, I am conscious that the development of an additional HMO will alter the balance between single and multiple occupancy dwellings in this location and, in my view, would start to erode the quality of the living environment and level of social cohesion that is currently present in the area surrounding the appeal site.*
- 8.3.9 23/0732 in Newport was for the erection of three dwellings to be used as houses in multiple occupation, including associated parking and amenity space. The application

was partly refused on the reason for the exceedance of the threshold limit for HMOs within a designated area. This application was appealed. The Inspector states:

- 8.3.10 *The Council states the proposal would increase this concentration from zero to three out of an increased total of sixteen properties (18.75%) and would thus, breach this threshold. In these circumstances, the SPG advises that proposals will be unsuccessful unless their implementation, judged in the light of all other material considerations, would serve the public interest. This SPG was adopted following public consultation and I afford it considerable weight. A breach of the threshold is not, in itself, sufficient to withhold planning permission and it is necessary to consider the effects of the proposal on its merits. In this case, the high rate of crime is raised as a key concern for the area.... it's breach of the SPG's upper threshold with respect to the proportion of residential properties, could exacerbate levels of crime in the area, which, given its vulnerability in this respect, would be particularly harmful to levels of social cohesion and subsequently, the residential character of the area*
- 8.3.11 **2023/1220/FUL** application in Swansea for a HMO was refused partly due to the overconcentration within the threshold set out. The application was appealed. In short, the inspector suggested:
- 8.3.12 *The proposal would add to the concentration of HMOs in this area and in doing so it would fundamentally undermine the evidenced based approach of Policy H 9. I conclude that the proposal would not contribute to the objective of fostering sustainable and cohesive communities, and it would conflict with LDP Policies PS 2 and H 9, and the SPG.*
- 8.3.13 **2023/0783/FUL** application in Swansea for a HMO was refused partly due to the overconcentration within the threshold set out. The application was appealed. In short the inspector suggested:
- 8.3.14 *I do not consider the character and demographic is such that HMOs dominate. Nevertheless, there are signs that some properties were not as well cared for as others and whilst that could be said in any street, the evidence of the national studies indicates that this is more likely and prevalent in areas with concentrations of HMOs. As is rubbish being left out and anti-social behaviour... I conclude that the proposed development would have an adverse impact on community cohesion and conflicts with Policy H9 of the LDP.*
- 8.3.15 **2023/0783/FUL** application in Swansea for a HMO was partly refused due to the over concentration within the threshold set out. In short, the inspector suggested:
- 8.3.16 *I consider that a further HMO in this location would begin to upset the balance in housing tenure to the detriment of social cohesion and residential amenity. I accept that the proposal by itself might not have an appreciable impact, but this is an argument that could be repeated many times with cumulative adverse effects over time... I find no other material considerations or exceptional circumstances that would demonstrably outweigh the outcome of the threshold test or the consequences of 'sandwiching'. The proposal would fail to comply with local planning policies relating to HMOs and it would be harmful to residential amenity.*
- 8.3.17 **2023/1025/FUL** application in Swansea for a HMO was solely refused due to the overconcentration within the threshold set out. The application was appealed. In short, the inspector suggested:

- 8.3.18 *Whilst policy H 9 indicates that there may be circumstances or considerations which may justify a breach of the identified thresholds, little compelling evidence has been submitted that the appeal scheme would not, in combination with existing HMOs, harmfully erode community cohesion and balance within the immediate area. Consequently, I find that the appeal development would unjustifiably conflict with LDP policy H 9.*
- 8.3.19 **2023/0776/FUL** application in Swansea for a HMO was partly refused due to the overconcentration within the threshold set out. The application was appealed. In short the inspector suggested:
- 8.3.20 *The proposal would increase the concentration of HMOs within a 50m radius from just over the threshold limit at 10.5% to a more substantial 15.8% (based on 3 out of 19 properties)...During my site visit, I saw limited visual evidence of the physical effects of current HMOs along Ysgol Street, although I note a local resident's complaint of increased levels of rubbish which is one of the impacts associated with concentrations of HMOs in the research commissioned by Welsh Government. I am also aware that not all harmful effects associated with HMOs are clearly visible, especially taking into account their cumulative effects over time. The above-mentioned research also identifies their contribution towards problems, including but not limited to less community cohesion due to residential transience, loss of owner-occupied properties, and a proliferation of vacant properties at certain points of the year. As the LDP's 10% threshold has been subjected to the tests of soundness during the LDP examination, I give it significant weight...*  
*I conclude that there are no exceptional circumstances or overriding considerations that would adequately justify the breach of the 10% threshold. Therefore, the proposal would conflict with the Council's objectives to secure and maintain sustainable and balanced communities, contrary to LDP Policy H 9 and the SPG. It would also be contrary to the general requirement of LDP Policy PS 2 that development should enhance the quality of places and respond positively to aspects of local context that contribute towards a sense of place.*
- 8.3.21 In conclusion, it is noted from the appeal decisions above, that exceedance of the threshold can lead to a decrease in social cohesion and in some cases in increase crime and deterioration of the streetscene. This was also highlighted off the back of Welsh Government research commissioned in 2015. Within the Welsh Government research, it was noted in some of the case study areas, HMO concentrations had reached very high levels in some wards and local authority officers cited the lack of planning controls as a factor in this. It was also very clear that these concentrations have caused changes to local communities which have led to major concerns in those communities with the problems in the high concentration areas (displacement of established communities, exclusion of first-time buyers, anti-social behaviour, degrading of the general environment and street scenes, parking problems, etc). The issue is therefore not ubiquitous. Equally, it must be borne in mind that circumstances can change in a rapid and unexpected manner. In some case areas, it was identified that there is significant external evidence of concerns from the local community increasing once HMO households rise above 10%. Within the Welsh Government research, it set out potential changes to the regulatory framework. There is clear evidence from previous studies that large concentrations of HMOs have a significant impact on the community. It was therefore, considered whether a simple percentage threshold of HMOs in any given area, could be used as a proxy to designate an

additional licensing area. Thresholds are already used by a number of local authorities when setting policies in supplementary planning guidance and when determining individual applications.

8.3.22 The exceedance of the threshold is unacceptable. The exceedance of the threshold alone should be given due weight after its breach in Policy, findings from Welsh Government research and appeal decisions. Issues may not be prevalent immediately, however, over time issues start to arise. The overconcentration can have negative impacts on social cohesions resulting in a breakdown due to a transient population and effects of degradation of the surrounding areas and this has been raised as a concern by neighbours and councillors. The transient nature of HMO residents can affect the stability and cohesion of community. Long-term residents may feel a diminished sense of belonging, which could undermine the strong community in the area. Therefore, the breach in threshold is unacceptable.

#### 8.4 Residential Amenity

8.4.1 The HMO standards state that a bedroom should be at least 6.51m<sup>2</sup>, a kitchen for up to 6no. persons should be at least 10m<sup>2</sup> and a living room for up to 6no persons should be at least 12m<sup>2</sup>. It is noted that all rooms adhere to these thresholds. The kitchen and living area are separate and adhere to the thresholds set out. The bedrooms are also of an adequate size and meet the minimum room size requirements and are all serviced by a window.

8.4.2 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.*

8.4.3 All rooms have a window that will provide natural light and ventilation opportunities. However, it is considered that the lower ground floors living area would contain limited outlook as light is gained via a grill in the floor as shown below. Whilst this is the main living area, light can still access the room and each bedroom has adequate outlook. In this instance, this is deemed acceptable.



8.4.4 The development would not create overlooking opportunities into neighbouring properties.

8.4.5 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. There is a residential property located next door. It is unknown if the neighbouring property has a bedroom located next to the living area on the lower ground floor. However, a living area on the ground floor is not unusual and this relationship would be deemed acceptable. In terms of noise, it is considered these units were both residential properties, it is unlikely that the increase in noise disturbance would be detrimental. Any noise insulation would need to be fitted in accordance with building regulations.

8.4.6 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.'* It appears the property benefits from an outdoor amenity space. This provides a positive attribute to the development.

8.4.7 The SPG suggests, *'Protected windows that face one another should be at least 21.00 metres apart (unless separated by permanent structures or evergreen trees protected by Tree Preservation Orders). ii) Protected windows that do not allow views to rooms that should be reasonably expected to be private may be less than 21.00 metres apart.'* It is considered the police station is situated to the rear of the property and is set away by approximately 20m. This relationship is deemed acceptable.

#### 8.5 **Air Quality/ Soundscape**

It is considered the unit has previously been used as a residential unit and has been confirmed by Council Tax. No noise assessment has been submitted in line with the application. However, as stated, the area of Clytha Crescent is predominantly residential properties. The applicant has stated that acoustic measures to reduce noise transfer will be implemented and the scheme will also comply fully with current requirements for soundproofing and ventilation. Whilst some rooms would face into the streetscene, this is not an unusual arrangement and, in this instance, this is deemed acceptable.

#### 8.6 **Movement**

8.6.1 In relation to parking, Policy H8 requires there are no parking problems created by the development. The Site is within parking zone 2, but only approximately 100m from zone 1. The highways officer has stated that there is scope for some relaxation of the standard.

8.6.2 The Parking Standards SPG requires 3 spaces for the existing use, and 1 space per bedsit for a HMO, and 1 space per 5 units for a visitor space. Therefore, the proposed development requires 7 spaces with an overall increased demand of 4no. spaces. There is no scope for provision of on-site parking and the area is heavily controlled with "no waiting" and residents' only schemes. The residents' parking scheme limits numbers of passes, so not every resident could have a pass. Given the level of parking regulation and proximity of amenities and travel options, highways would not anticipate any significant impact in terms of parking and highways raise no formal objection.

8.6.3 Additionally, whilst the proposed HMO does not meet the parking standards within the SPG, Officers know, from previous appeal work that in such cases, parking concerns, even in congested areas where parking surveys are either flawed or show little to no parking availability, Inspectors will assume the type of housing will more likely attract those less likely to own and run a car and proximity to sustainable transport and facilities will reduce parking expectations further. Therefore, whilst sufficient parking

has not been demonstrated as available to serve the use in accordance with adopted SPG, the sustainability of the site location and nature of proposed use outweigh this concern, and any refusal based on parking will unlikely be robust.

- 8.6.4 Highways state cycle storage is proposed, but there is no detail of stands or security. It is likely that without formal cycle racks the area would be abused for general storage and not provide sufficient capacity/security. Highways would therefore request a condition to ensure appropriate provision is made.

## 8.7 **Waste**

In terms of bins, this store is located next to the front door. Internal storage in this instance for 6no. bedrooms is inappropriate and would lead to odours and poor sanitary within the household. The waste officer has confirmed for the existing use, as default a private dwelling would be a 120L bin and recycling boxes with kerbside collection. If the number of persons living in the property is 5 or above, they could apply for a 180L general waste. For a 6 bed HMO the default would be a 180L bin and recycling boxes with kerbside collection. Therefore, it is considered that the existing dwelling had the capacity for a 180L bin, and the increase in one bedroom to a 6no.bed dwelling would not exacerbate the waste over the existing use. It is not uncommon for surrounding houses to store bins on the street given that a flight of stairs would need to be navigated to access the rear amenity space to be stored. Therefore, given that the existing use would require a similar waste requirement, and the constrained nature of the site, this is deemed acceptable in this instance.

## 8.8 **Drainage/ Flooding**

- 8.8.1 The planning application proposes highly vulnerable development in the form of a change of use from residential dwelling to House in Multiple Occupancy (HMO), with additional bedrooms proposed on the ground floor intensifying the use. The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 (Sea) (undefended).
- 8.8.2 TAN15 (2025) states in paragraph 10.22, *Planning applications in zone 3 require the strongest justification.*
- 8.8.3 10.23: *proposals which include residential development must ensure that such uses do not occur at ground floor level*
- 8.8.4 10.24: *In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused.*
- 8.8.5 It is considered that the application proposes ground floor accommodation in Flood Zone 3, contrary to TAN15. The applicant has provided a Flood Consequences Assessment in line with TAN15, however, NRW have provided comment on the application and states that they have concerns with the application as inadequate information has been provided in support of the proposal. The FCA fails to demonstrate that the potential risks and consequences of flooding are manageable. The FCA does not contain any site specific flood risk data (such as predicted flood depths and velocities). Therefore, NRW cannot advise you on the acceptability criteria, including frequency thresholds and tolerable conditions, set out within Section 11 of TAN 15 (2025). It is considered that the flood tests cannot be undertaken due to inadequate information provided. Notwithstanding, it is considered that a HMO within this location with ground floor residential accommodation on the ground floor is unacceptable in

principle contrary to National Policy TAN15 and Policy SP3 of the Newport Local Development Plan (2011-2026).

## 8.9 Biodiversity

8.9.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect, and enhance ecological networks and features of importance for biodiversity. No ecological enhancements are proposed as part of the development. As such the proposal is currently not compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015). This can be reasonably secured via condition.

8.9.2 PPW12 states in paragraph 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.*

8.9.10 The applicant has stated that the building will benefit from high-quality insulation to improve thermal efficiency and reduce energy consumption, helping to lower the property's carbon footprint. Each bedroom will be fitted with an individually controlled radiator, allowing tenants to manage their own comfort and avoid unnecessary energy use. All appliances will be carefully selected for their energy efficiency, reducing both utility costs and environmental impact. Therefore, in line with the Stepwise approach the development tries to minimise the impact on the environment.

## 8.10 Other comments

Councillor Adan has provided comment on the application. Concerns were raised over the development located within an area at risk of flooding. Natural Resources Wales (NRW) has explicitly raised concerns regarding the adequacy of the submitted flood risk information. Specifically, there is an absence of an updated Flood Consequences Assessment (FCA) to demonstrate that the potential impacts of flooding can be safely managed. In the absence of this information, it has not been demonstrated that the risks to life, property, and emergency services can be appropriately mitigated. As such, the development could pose an unacceptable risk and is contrary to national planning policy on flood risks. The flood risk and concerns have been evaluated within the report above.

8.10.1 Councillor Adan also suggests there is insufficient evidence of drainage plans has been presented to demonstrate how the development will prevent hydraulic overloading of the public sewerage system. This omission is particularly concerning given the potential impact on the health and safety of existing residents, as well as the wider environment. In the absence of a clear and deliverable plan to manage foul and surface water discharge, the development poses an unacceptable risk of increased flooding and pollution. It is imperative that such infrastructure considerations are

addressed at the planning stage to ensure the long-term sustainability and safety of the development. Welsh Water did provide comment on the application and states that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. Welsh Water recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system. Therefore, this is deemed acceptable.

8.10.2 Councillor Adan also states that the Supplementary Planning Guidance requires a minimum of seven parking spaces for the proposed use. The site is located within a heavily controlled parking zone, where on-street parking is restricted and already under pressure. There is therefore a clear risk of parking displacement into neighbouring streets, which would cause disruption to existing residents who rely on on-street parking. Furthermore, the proposal fails to demonstrate appropriate provision for sustainable travel, as no visual or technical evidence has been submitted to confirm the inclusion of secure cycle storage—such as the number, type, or security of cycle racks or stands. It is considered that parking and cycle issues have been addressed within the report. Whilst the site cannot provide 7no.parking spaces, the close proximity to amenities and parking Zone 1 would make the site sustainable and acceptable in this instance.

8.10.3 Councillor Adan has also suggested that there is no evidence or input from the Council's Environmental Waste Team and no specific details have been provided on how waste will be stored, managed, and safely collected from the site. This raises significant concerns regarding the practicality and safety of waste disposal arrangements, which must be addressed to ensure compliance with environmental and public health standards. Although the proposal notes internal bin storage, there are no clear details of how bins, bags and boxes will be transported to and from the collection point on collection days. This could lead to obstruction of pavements, parking bays and cause highway safety concerns. A detailed plan is required to demonstrate secure storage, moved to collection points and collected safely without causing nuisance or disruption to residents, pedestrians and road users. It is noted since these comments the waste team have provided the requirement of bins for the HMO and this has been discussed within the report.

## **8. 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. In this case, the proposal results in a net nil gain of residential dwellings. As such, no affordable housing planning obligations are requested.

## **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 Overall, it is considered the room sizes are adequate and would adhere to the SPG. Furthermore, there is adequate amenity space to the rear which would provide outdoor space for current and future occupiers. Whilst sufficient parking has not been demonstrated, the sustainability of the site location and nature of proposed use outweigh this concern and any refusal based on parking alone will unlikely be robust. There were concerns raised over refuse and cycle storage, given the dwellings constrained nature, and the existing residential use, the bin storage is deemed acceptable. However, insufficient details have been provided for cycle storage but this can be gained via condition. Moreover, there is a lack of information relating to the roof lights on the front elevation, further details are required and can be secured via condition. Additionally, the development is situated within Flood Zone 3 and proposes an intensified residential use within the property. Insufficient information has been provided via an FCA at the detriment to residential amenity. Residential accommodation on the ground floor is unacceptable contrary to TAN 15 (2025). There would be an over concentration of HMOs within the area conflicting with the Council's objectives to secure and maintain sustainable and balanced communities. The

concentration would impact on the social cohesion of the area and lead to demonstrable harm to the character of the area contrary to Policy H8 and the Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (Updated January 2017). From previous appeal decisions from PEDW and Welsh Government research, the breach of Planning Policy is unacceptable and therefore, the application is refused.

## **11. DECISION**

### **REFUSED**

01 The proposal would result in an over-concentration of Houses in Multiple Occupation within the area in excess of the 15% threshold as set out in the Council's adopted Supplementary Planning Guidance on Houses in Multiple Occupation. This over-concentration would have an adverse impact upon social cohesion, the character of the locality and general amenity. The proposal is therefore contrary to Policies GP2 and H8 of the Newport Local Development Plan 2011-26 Adopted Plan January 2015 and the Council's supplementary planning guidance on Houses in Multiple Occupation adopted January 2017.

02 The development has a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity, by reason of the site's location in an area at risk from flooding designated within Zone 3 as defined by the Flood Map for Planning and the intensification of highly vulnerable development involving new bedrooms on the ground floor. Insufficient information has been submitted that mitigates this objection. This is contrary to Policy SP3 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and Technical Advice Note 15: Development and Flood Risk (TAN15) (April 2025).

03 The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely impact upon the appearance and character of the Clytha Conservation Area. Four roof lights on the front roof plane location are deemed excessive, non-discreet, and highly visible which is not sympathetic to the Clytha Conservation Area. Insufficient information has been provided relating to the proposed roof lights to the front elevation to mitigate this concern. The proposals are currently contrary to Policy CE7 of the Council's Local Development Plan, 2011-2026 (Adopted January 2015), Waste Storage and Collection SPG and the Historic Environment (Wales) Act 2023.

### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: Revised SD1035-04C Proposed LG G plan; Revised SD1035-06C Proposed Elevations; Revised SD1035-05C Proposed FF A plan; SD1035-03 - Existing Elevation.; SD1035-02- Existing First Floor/ Attic Plan; SD1035-01 Existing Lower Ground/Ground Plan; SD1035-00 - Block and Site Location Plan.; Flood Consequence Assessment; SD1035 - Design Access Statement

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, GP2, GP4, GP5, GP6, 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.

# Appendix 1: Newport City Councils research on evidence to support the Councils Hmo threshold stance

## HOUSES IN MULTIPLE OCCUPATION

### EVIDENCE TO SUPPORT THE COUNCIL'S HMO THRESHOLD STANCE

#### Introduction

The Council understands the contribution HMOs make to housing provision in Newport. They can provide accommodation for a wide range of groups, including young professionals, students, migrants and persons on low income. In clusters, however, they can detract from the character and appearance of an area and potentially lead to social and physical problems.

The Welsh Government's publication 'Houses in Multiple Occupation: Review & Evidence Gathering – April 2015' states that the problems associated with high concentrations of HMOs are generally accepted to be:

- Damage to social cohesion with higher levels of transient residents and fewer long term households and established families; leading in the long term to communities which are not balanced and self-sustaining;
- Access to the area for owner occupiers and first time buyers becoming much more difficult because of increased house prices and competition from landlords, with a reduction in the number of family homes;
- Increases in anti-social behaviour, noise, burglary and other crime;
- Reduction in the quality of the local environment and street scene as a consequence of increased litter, refuse and fly tipping, increased levels of disrepair and prevalent letting signs.
- A change of character in an area through tendency for increased numbers of takeaways, discount food stores, letting agencies and so on;
- Increased pressure on parking;
- Reduction in provision of community facilities for families and children in particular pressure on schools through falling rolls.

(Houses in Multiple Occupation: Review & Evidence Gathering – April 2015, pages 5 and 6)

This Council already has a threshold guideline set out in its adopted SPG in order to avoid concentrations of HMOs. This paper examines the relationship between concentrations of HMOs and some of the problems outlined above and aims to establish whether quantitative evidence exists which would prove or disprove a correlation.

## Methodology

### Is there a correlation between high concentrations of HMOs and recorded complaints?

The Council records all complaints made regarding HMO properties. Complaints are usually received by the Council's Contact Centre and are then forwarded to the relevant Council department. All complaints relating to HMOs are sent to Environmental Health. Officers in Environmental Health then take appropriate action. Environmental Health record all complaints relating to HMOs in a specific database. The complaints are categorised and cover the following issues:

- Anti-social behaviour
- Harassment complaints
- Nuisance complaints
- Rogue landlords referral
- Issues with poor maintenance of services – poor living standards
- Emergency repairs required
- Structural issues
- Filthy and verminous – poor living conditions
- Alleged pest/rodent infestation
- Dumping of rubbish
- Parking problems
- Overgrown garden
- Suspected Illegal eviction
- Suspected illegal immigration problems
- Overcrowding

For the purposes of the evidence gathering, complaints/enquiries which relate to HMO licensing, inspection requests and alleged unlicensed properties have all been removed from the research. Therefore only 'negative' complaints covering the above issues, which are linked to licenced HMO properties, have been considered in this paper. In order to acquire a meaningful level of data, complaints dating back for the last 30 months have been considered (April 2015 – October 2017). In total, 250 complaints have been recorded against 466 licenced HMO properties.

Each complaint can be attributed to an individual HMO property, with an address. Therefore it is possible to identifying the location of the HMOs and the complaints linked to them. The evidence will unveil whether there is a link between high concentrations of HMOs and high levels of complaint.

In order to establish the locations of the high concentrations of HMOs, the number of HMOs must be compared to the actual number of households within a defined geographical. Lower layer super output areas (LSOA) are considered an appropriate geographical area to base the research on. These are geographical areas identified by The Office of National Statistics and are used for the Census. LSOAs are relatively confined areas typically containing approximately 600 homes.

The location of each licensed HMO will be placed within its relevant LSOA. Then the percentage of HMOs can be established when compared to the overall number of households in that specific LSOA (as determined by the 2011 Census). For example, if LSOA 1 contained 600 households and 30 of these were HMOs, then the concentration of HMOs would be 5%.

The complaints for individual HMOs will also then be attributed to specific LSOAs. A picture will emerge as to whether high concentrations of HMOs also attract high numbers of complaints.

Is there a correlation between high concentrations of HMOs and recorded crime?

In addition to the evidence collected on complaints, the Welsh Government publication also states that 'anti-social behaviour, noise, burglary and other crime' are associated with high concentrations of HMOs. The website [www.ukcrimestats.com](http://www.ukcrimestats.com) allows the user to extract crime figures at a LSOA level. In order to see whether there is any evidence linking higher crime rates with higher concentrations of HMOs, this website will be used to record crime number for the past 12 months in each LSOA (1 October 2016 to 30 September 2017). Figures for shoplifting will be excluded from the evidence as not all LSOAs will contain shops. Therefore for the purposes of evidence gathering, recorded crimes will include:

- Bike theft
- Theft from a person
- Other theft
- Possession of weapons
- Public order
- Other crime
- Anti-social behaviour
- Burglary
- Robbery
- Vehicle crime
- Violent crime
- Drugs
- Criminal damage and arson

The evidence collected on concentrations of licensed HMOs will be compared to crime numbers in that specific LSOA. Again, a picture will emerge as to whether high concentrations of HMOs are also associated with higher levels of crime.

#### Concentrations of Licenced HMOs – The Evidence

As of November 2017, the Council has 466 licenced HMO properties. Each HMO has been placed within its geographical LSOA. Table 1 below identifies the location of HMOs within specific LSOAs and ranks these in terms of their concentration.

Table 1: Location and concentration of licenced HMOs in Newport

Ward	LSOA	Households	No of HMOs	% of HMOs
Stow Hill	W01001687	876	62	7.078
Victoria	W01001693	643	30	4.666
Allt-yr-yn	W01001603	588	25	4.252
Pillgwenlly	W01001661	917	36	3.926
Victoria	W01001692	837	32	3.823
St Julians	W01001675	614	23	3.746
Stow Hill	W01001685	762	28	3.675
St Julians	W01001676	694	21	3.026
Allt-yr-yn	W01001605	617	18	2.917
Stow Hill	W01001686	562	14	2.491
Victoria	W01001691	770	19	2.468
Beechwood	W01001612	603	14	2.322
Pillgwenlly	W01001660	626	14	2.236
Pillgwenlly	W01001659	760	16	2.105
Pillgwenlly	W01001662	623	10	1.605
Shaftesbury	W01001681	654	10	1.529
Victoria	W01001690	956	14	1.464
Allt-yr-yn	W01001601	636	8	1.258
St Julians	W01001680	510	6	1.176
Beechwood	W01001613	616	7	1.136
Shaftesbury	W01001684	638	6	0.940
Caerleon	W01001628	509	4	0.786
Caerleon	W01001623	658	5	0.760
Liswery	W01001644	1126	8	0.710
Always	W01001608	638	4	0.627
Shaftesbury	W01001683	486	3	0.617
St Julians	W01001677	649	4	0.616
Caerleon	W01001626	579	3	0.518
Allt-yr-yn	W01001602	673	3	0.446
Caerleon	W01001625	577	2	0.347
Allt-yr-yn	W01001600	661	2	0.303
Beechwood	W01001614	777	2	0.257
Bettws	W01001618	492	1	0.203
Langstone	W01001641	536	1	0.187
Marshfield	W01001913	551	1	0.181
Liswery	W01001643	563	1	0.178
Bettws	W01001619	599	1	0.167
Beechwood	W01001616	619	1	0.162
Caerleon	W01001627	629	1	0.159
Ringland	W01001663	692	1	0.145
Ringland	W01001665	745	1	0.134
Liswery	W01001642	779	1	0.128
Rogerstone	W01001671	822	1	0.122
St Julians	W02000351	2704	2	0.074

Stow Hill LSOA W01001687 has the highest concentration of HMOs in Newport. It is worth noting that the above table is not a complete list of all LSOAs in Newport. It is only a list of LSOAs which contain at least one HMO. As the purpose of this research is to understand whether there is a link between high concentrations of HMOs and complaints/crime, then it was considered that there would be no point in recording data on LSOAs which contained no HMOs.

Is there a correlation between high concentrations of HMOs and recorded complaints?

Now the locations of the high concentration of HMOs have been identified, the data collected on complaints held by Environmental Health can be added to the sample.

Table 2 ranks the LSOAs by number of complaints received over a 30 month period.

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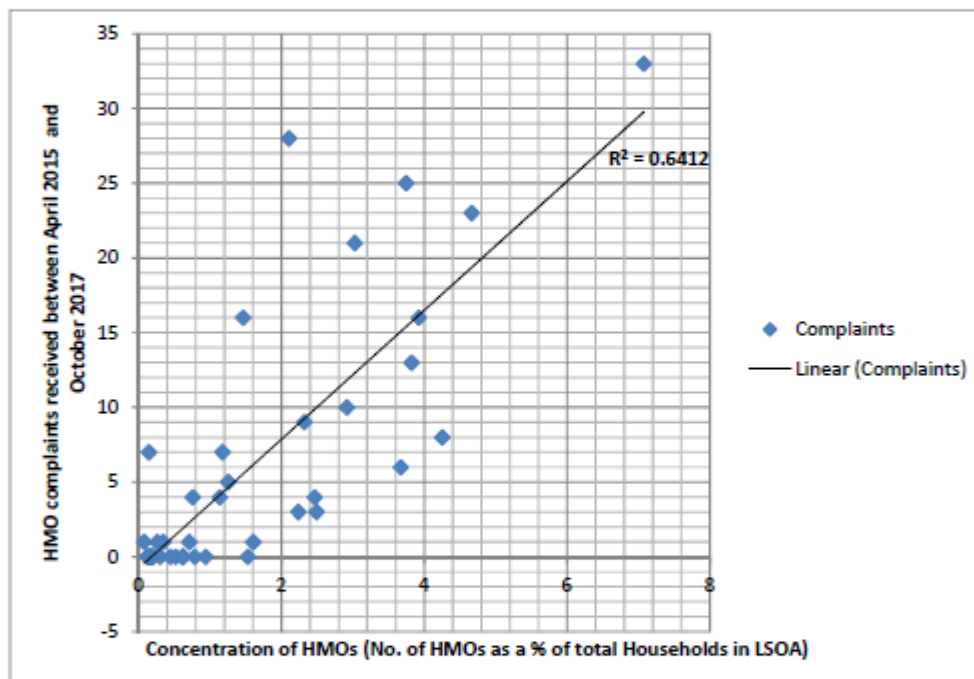
Table 2: HMO areas ranked by complaints received in 30 month period

Ward	LSOA	Households	No of HMOs	% HMOs	Complaints
Stow Hill	W01001687	876	62	7.078	33
Pillgwenlly	W01001659	760	16	2.105	28
St Julians	W01001675	614	23	3.746	25
Victoria	W01001693	643	30	4.666	23
St Julians	W01001676	694	21	3.026	21
Pillgwenlly	W01001661	917	36	3.926	16
Victoria	W01001690	956	14	1.464	16
Victoria	W01001692	837	32	3.823	13
Allt-yr-yn	W01001605	617	18	2.917	10
Beechwood	W01001612	603	14	2.322	9
Allt-yr-yn	W01001603	588	25	4.252	8
Ringland	W01001663	692	1	0.145	7
St Julians	W01001680	510	6	1.176	7
Stow Hill	W01001685	762	28	3.675	6
Allt-yr-yn	W01001601	636	8	1.258	5
Beechwood	W01001613	616	7	1.136	4
Caerleon	W01001623	658	5	0.760	4
Victoria	W01001691	770	19	2.468	4
Pillgwenlly	W01001660	626	14	2.236	3
Stow Hill	W01001686	562	14	2.491	3
Beechwood	W01001614	777	2	0.257	1
Caerleon	W01001625	577	2	0.347	1
Liswery	W01001644	1126	8	0.710	1
Pillgwenlly	W01001662	623	10	1.605	1
St Julians	W02000351	2704	2	0.074	1
Allt-yr-yn	W01001600	661	2	0.303	0
Allt-yr-yn	W01001602	673	3	0.446	0
Always	W01001608	638	4	0.627	0
Beechwood	W01001616	619	1	0.162	0
Bettws	W01001618	492	1	0.203	0
Bettws	W01001619	599	1	0.167	0
Caerleon	W01001626	579	3	0.518	0
Caerleon	W01001627	629	1	0.159	0
Caerleon	W01001628	509	4	0.786	0
Langstone	W01001641	536	1	0.187	0
Liswery	W01001642	779	1	0.128	0
Liswery	W01001643	563	1	0.178	0
Marshfield	W01001913	551	1	0.181	0
Ringland	W01001665	745	1	0.134	0
Rogerstone	W01001671	822	1	0.122	0
Shaftesbury	W01001681	654	10	1.529	0
Shaftesbury	W01001683	486	3	0.617	0
Shaftesbury	W01001684	638	6	0.940	0
St Julians	W01001677	649	4	0.616	0

LSOA Stow Hill W01001687 is again at the top of the table. This LSOA has the highest concentration of HMOs and also has the highest number of received complaints. The fact that this LSOA appears at the top of both tables would suggest there is a link between high concentrations of HMOs and high numbers of complaints. However, in comparison, LSOA Shaftesbury W01001683 contains 10 HMOs and has a concentration of 1.529%, but has received no complaints in the 30 months period.

In order to understand the relationship better, the data has been plotted on a scatter graph (see below).

Figure 1: Relationship between concentrations of HMOs and complaints received



there is no relationship between the data, where one indicates there is a perfect relationship and the trendline passes through all of the plotted points. The higher the R-squared value, the better the model fits the data.

There are varying interpretations of what represents a strong R-squared value. In the field of physics and engineering, a high R-squared value of 0.9 would be considered substantial, however, in more real world examples, academics have suggested the following:

- Less than 0.25 = no relationship
- 0.25 to 0.5 = weak relationship
- 0.5 to 0.75 = moderate relationship
- 0.75 to 1 = substantial relationship

With a value of 0.6412, the relationship between high concentrations of HMOs and high numbers of complaints sit comfortably within the 'moderate relationship'.

#### Is there a correlation between high concentrations of HMOs and recorded crime?

Table 3 below ranks the HMO areas by the recorded crime figures captured over the last 12 months. As noted in the methodology, figures for shoplifting have been excluded as not all LSOAs will include shops, therefore the inclusion of shoplifting data could have unfairly skewed the evidence.

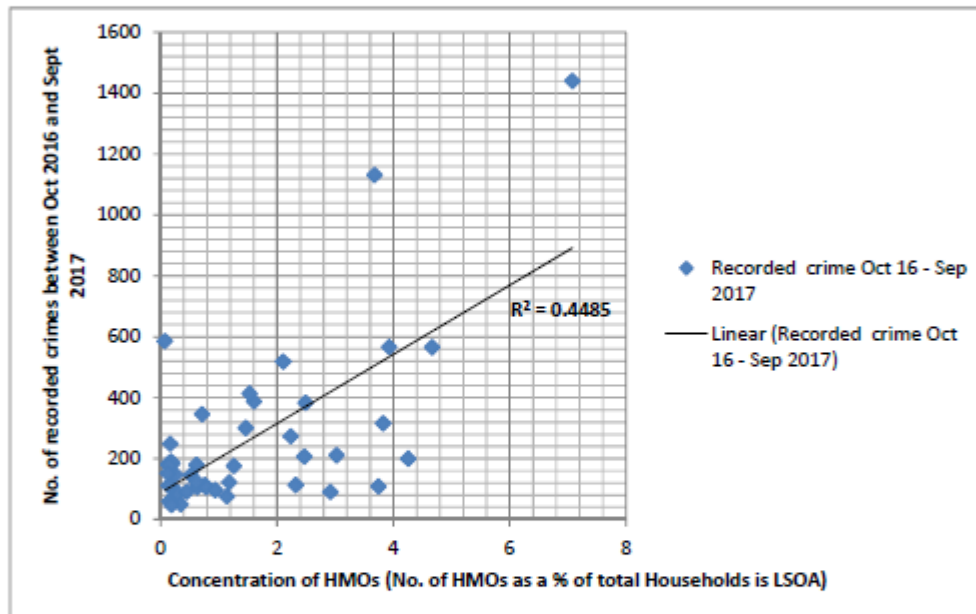
Table 3: HMO areas ranked by recorded crime over a 12 month period

Ward	LSOA	Households	No of HMOs	% HMOs	Recorded Crime
Stow Hill	W01001687	876	62	7.078	1441
Stow Hill	W01001685	762	28	3.675	1132
St Julians	W02000351	2704	2	0.074	586
Pillgwenlly	W01001661	917	36	3.926	567
Victoria	W01001693	643	30	4.666	566
Pillgwenlly	W01001659	760	16	2.105	519
Shaftesbury	W01001681	654	10	1.529	414
Pillgwenlly	W01001662	623	10	1.605	388
Stow Hill	W01001686	562	14	2.491	384
Liswery	W01001644	1126	8	0.710	346
Victoria	W01001692	837	32	3.823	316
Victoria	W01001690	956	14	1.464	301
Pillgwenlly	W01001660	626	14	2.236	274
Bettws	W01001619	599	1	0.167	249
St Julians	W01001676	694	21	3.026	211
Victoria	W01001691	770	19	2.468	207
Allt-yr-yn	W01001603	588	25	4.252	200
Liswery	W01001643	563	1	0.178	191
Bettws	W01001618	492	1	0.203	183
Liswery	W01001642	779	1	0.128	182
Shaftesbury	W01001683	486	3	0.617	180
Ringland	W01001663	692	1	0.145	178
Allt-yr-yn	W01001601	636	8	1.258	176
Rogerstone	W01001671	822	1	0.122	152
Beechwood	W01001614	777	2	0.257	147
Caerleon	W01001626	579	3	0.518	146
St Julians	W01001677	649	4	0.616	123
St Julians	W01001680	510	6	1.176	122
Beechwood	W01001612	603	14	2.322	114
Caerleon	W01001623	658	5	0.760	113
Ringland	W01001665	745	1	0.134	111
Marshfield	W01001913	551	1	0.181	109
St Julians	W01001675	614	23	3.746	109
Always	W01001608	638	4	0.627	106
Caerleon	W01001628	509	4	0.786	106
Shaftesbury	W01001684	638	6	0.940	97
Allt-yr-yn	W01001602	673	3	0.446	92
Allt-yr-yn	W01001605	617	18	2.917	91
Allt-yr-yn	W01001600	661	2	0.303	86
Beechwood	W01001613	616	7	1.136	76
Beechwood	W01001616	619	1	0.162	62
Caerleon	W01001627	629	1	0.159	59
Caerleon	W01001625	577	2	0.347	50
Langstone	W01001641	536	1	0.187	48

There is a common theme occurring with Stow Hill W01001687 sitting at the top of the table again. Recorded crime in the two Stow Hill LSOAs is significantly more than all other LSOAs. The higher levels of recorded crime reflect their inner city locations.

As with the complaints data, the recorded crime data has been plotted on a scatter graph below.

Figure 2: Relationship between concentrations of HMOs and recorded crime



A linear trendline has been added to this scatter graph. There does appear to be a correlation between the concentration of HMOs and recorded crime, however the relationship does not appear as strong as the correlation between HMOs and complaints. The R-squared value is 0.4485 which confirms a weak relationship, but nevertheless, a relationship exists.

There are obviously numerous factors that cause crime, but in accordance with the Welsh Government publication, the evidence from Newport does suggest that there is a relationship between higher concentrations of HMOs and higher numbers of recorded crime.

## CONCLUSION

The evidence collected does demonstrate that there is a correlation between high concentrations of HMOs and negative complaints made to the Council, and recorded crime. Therefore the Council should continue to try and control the concentration of HMOs.

The Council seeks to control the concentration of HMOs through its two-tier threshold approach set out in the adopted SPG. This approach limits the number of HMOs to 15% within a 50m radius within a defined area of Newport (as per the SPG), and 10% in all other areas of the City.

With regard to the correlation between high concentrations of HMOs and number of complaints, there does appear to be a pattern which suggests that LSOAs which have a HMO concentration of 1% or lower, record a very low number of complaints. Once the HMO concentration of a LSOA exceeds 1%, there is a clear increase in the number of complaints received. Therefore there is an argument to suggest that 1% is the 'tipping point' where the number of HMOs goes from acceptable to unacceptable. Then again, if the linear trendline of Figure 1 is followed, then a HMO concentration of 2% would result in 8 complaints being received over a 30 month period. There is an additional argument to suggest that 8 complaints would be a manageable level. Similarly, 4% would result in 16 complaints. Therefore defining the 'tipping point' is a difficult task.

In addition, it would be difficult to define a 'tipping point' using LSOAs as the geographical area. For example, if a tipping point of 2% was applied, a LSOA consisting of 600 households would be acceptable with 11 HMOs, but a planning application for a 12<sup>th</sup> HMO would hit the 2% concentration level. All 12 HMOs could be neighbouring properties, or all 12 could be evenly dispersed around the LSOA. Therefore a tipping point based on the concentration of HMOs within a LSOA is not considered appropriate.

Also, the relationship between HMO concentrations and recorded crime is weaker, and the pattern identified is not as strong and consequently it is even less obvious where a tipping point would be.

Therefore in conclusion, this research has demonstrated a correlation between high concentrations of HMOs and complaints and recorded crime. As a result, it is considered that the Council is justified in trying to control the concentrations of HMOs. The mechanism used to control concentrations of HMOs is set out in the adopted SPG. It applies a 50m radius to a HMO planning application site and establishes the percentage of HMOs within that radius. Within the SPG defined area, the percentage of HMOs should not exceed 15%, and outside of the defined area, the percentage of HMOs should not exceed 10%. This threshold approach has the benefit of controlling HMO concentrations. Whereas it is acknowledged that the 15% and 10% are arbitrary figures, it is argued that they are reasonable figures and appropriate figures which will help the Council in controlling the concentration of HMOs. If the threshold figures were higher, then the evidence would suggest that this would result in more negative complaints and higher recorded crime. Consequently, it is considered that the need for a threshold is necessary.

The evidence in this report has established that there is a relationship between high concentrations of HMOs and complaints and recorded crime. As a result, the Council is justified in trying to control and limit concentrated areas of HMO properties. It is considered that the most effective and most reasonable way of doing this is through a threshold approach, as set out in the Council's adopted HMO SPG.