

Delegated Decision Report

Application No:	25/0139	Statutory Period Expires:	13th May 2025
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Site:	33 Walmer Road Newport NP19 8NU		
Proposal:	RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF PROPERTY FROM RESIDENTIAL DWELLING TO 4NO. BEDROOM HMO		
Applicant:	I Denou		
Type:	Full	Ward:	Beechwood
Decision:	REFUSED		

1. BACKGROUND

1.1 None.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a mid-terrace dwelling set over two storeys on Walmer Road, accessed via Chepstow Road to the north and Conway Road to the south. It is situated in quite a dense residential area, which is characterised by linear rows of terraced dwellings having small forecourt set behind a dwarf wall.

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

3. DESCRIPTION OF DEVELOPMENT

3.1 The property is already in use as a HMO and this application is retrospective. The use is said to have commenced in November 2024. A License has been issued for the use of the property as a 4 bed HMO by Environmental Health.

3.2 The layout shows a bedroom, communal living area and kitchen at ground floor with three further bedrooms at first floor. The property has an enclosed rear garden and small forecourt to the front.

4. RELEVANT SITE HISTORY

None.

5. PLANNING POLICY

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

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

- Policy 1 - Where Wales Will Grow
- Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking
- Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

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

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

5.2 TECHNICAL ADVICE NOTE 15 DEVELOPMENT, FLOODING AND COASTAL EROSION

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

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

5.3 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – Sustainability;
SP3 – Flood Risk;
GP2 – General Amenity;
GP4 – Highways and Accessibility;
GP5 – Natural Environment;
GP6 – Quality of Design;
GP7 – Environmental Protection and Public Health;
H8 – Self Contained Accommodation and Houses in Multiple Occupation;
T4 – Parking;
W3 – Waste.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

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

6. CONSULTATION RESPONSES

6.1 Natural Resources Wales:

Flood Risk

The planning application proposes highly vulnerable development, change of use of existing residential property into 4no. bed HMO. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN15. Our Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 – Sea. Although highly vulnerable use already exists in the building, the application presents an increased risk because the potential intensification of the residential use may create additional pressure on emergency services should evacuation during a flood event be required.

We note that the proposed development involves change of use to HMO. The proposed layout of the HMO results in a communal bathroom on the first floor which residents of the ground floor appear to have access to should a flood event occur at this location. Therefore, subject to your Authority satisfying itself the proposed refuge on the first floor is acceptable in flood risk management terms, we have no objection. We advise you consider with other professional advisors as necessary, whether the proposed space is fit for purpose in terms of refuge and/or evacuation. We are not the appropriate body to comment on or approve the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users. Recognising the particular nature of this application this application presents an opportunity to raise awareness of the flood risk and incorporate flood resistance/resilience measures and make provisions for flood warning and emergency access/egress. To aid your decision making, you may wish to ask the applicant to submit an FCA. Alternatively, the Applicant may decide to undertake an FCA for their own benefit for example, awareness raising, inform an evacuation plan, provision of flood resistance and/or resilience measures. The criteria for the FCA, which

should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be appropriate to the scale and nature of the development being proposed.

We may hold relevant flood risk data that can be used to assist with this assessment. Any requests for this data should be sent to our datadistribution@cyfoethnaturiolcymru.gov.uk email account.

If the building and/or access/egress routes are shown to flood during events up to and including a predicted 0.1% (plus an allowance for climate change) flood event, the FCA should propose suitable and appropriate mitigation measures to reduce the effects and consequences of flooding.

Flood resistance/resilience measures that could be incorporated into the development include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. Appropriate measures and advice is set out in the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available at <https://www.gov.uk/government/publications/improving-the-flood-resistance-of-domestic-and-small-business-properties-interim-guidance>

and information from CIRIA (www.ciria.org/flooding). Additional guidance can be found <https://www.gov.uk/prepare-for-flooding/future-flooding>

Please be aware that "Flood Resistance" measures i.e., prevention of floodwaters entering a building, are only recommended in situations where the flood depths do not exceed 600mm.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures, and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or approve the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

6.2 Local Highways Authority:

Highway recommendation:

Not policy compliant.

Highway Comments:

The proposal does not have any cycle or suitable bin storage provision or any access to the rear.

No detail of cycle storage has been provided, but there is no practical location for it. Access to the rear is via a convoluted route through living and kitchen areas.

The change of use requires an additional off-road parking space which cannot be provided.

Highways would object on grounds of parking, cycle storage and refuse policies.

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

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

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

Condition

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

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

- 6.4 Environmental Health (Noise and Neighbourhood): No response.
- 6.5 HMO Licensing: Confirm location of existing HMOs within the area.
- 6.6 Waste Manager: We would anticipate the property receive a single 120l bin for kerbside collection with recycling bags, boxes for kerbside collection also with one council tax paid on the property as a whole.

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

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 18th March 2025, Site Notice was put up on 21st March.

- 7.1 NEIGHBOURS: 15no objections have been received as follows:
- I object to this HMO application being passed mainly because there seems to be a considerable rise in houses of multiple occupancy in our road which is placing a significant strain on parking and congestion in the road (which I feel has risen most recently to an unacceptable level) we have one family car and I regularly struggle to be able to park my car in the road where we live. There are other aspects which need further consideration but from my own personal perspective right now resident parking is the most important aspect that needs to be considered.
 - They haven't followed planning rules this is a retrospective application and should be denied without thought.
 - HMOs typically accommodate multiple tenants, leading to an increase in the number of vehicles parked on the street. Walmer Road already experiences high parking demand, and additional vehicles would exacerbate congestion and create difficulties for existing residents.
 - The nature of HMOs often results in a higher turnover of tenants and an increase in noise levels due to multiple unrelated occupants. This could negatively impact the peace and quiet of our residential street, particularly during unsociable hours. I came from an area which had three HMO in area and there was constantly issues with anti-social behaviour, drugs, violence and disruptions.
 - An increase in the number of occupants at the property will result in greater amounts of household waste. If not managed properly, this could lead to overflowing bins, littering, and potential pest problems, which would be detrimental to the cleanliness and appearance of the street. We already have an issue with excessive litter in the gutters and especially at the top of the road where the One Atop (shop) is located. People parking at the top of the road then emptying their litter out on the road and pavements.
 - Walmer Road is predominantly a family-oriented residential area. Converting a home into a HMO could alter the character of the neighbourhood by increasing transient tenancies and reducing the sense of community among long-term residents. We have young children in the street (including our home) and HMOs typically become a big focus of anti social behaviour.
 - HMOs, if not properly managed, can sometimes lead to an increase in anti-social behaviour, including late-night disturbances and a lack of consideration for neighbours. This is a particular concern for families and residents who have chosen this area for its quiet and stable environment.
 - Walmer Road has already experienced issues with people speeding down the road (as its used as a short-cut from Chepstow Road), anti-social behaviour due to the One Stop Shop being a focus for shop lifting and the lanes passing through are used to fly tip and

excessive drug taking.

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

-There are too many HMOs in the area. Parking is very difficult and dangerous, as there is a HMO at the bottom of Windsor Road and the section between Walmer Road is usually like a van stop. The amount of people is also a worry as rubbish is regularly left on street. It seems that family homes being turned into HMOs is ruining the community. People are scared of the groups of usually young males hanging around. I have a blue badge and struggle to walk but my husband cannot always park near our house. He can end up in Carisbrooke road. People should always get planning permission first. Not move people in then ask. It is adversely changing the area.

-I object to the planning application for the conversion of the property at into a House in Multiple Occupation (HMO). While I understand the need for diverse housing options, I believe that turning this property into an HMO will have several negative implications for the local community, and I would like to outline my concerns below.

-The street is already experiencing significant parking pressure, and the addition of multiple tenants in an HMO would exacerbate this issue. With several tenants potentially owning cars, the increased demand for parking spaces will lead to congestion, making it difficult for residents to park near their homes. This could also create safety concerns as vehicles may be forced to park in unsafe or illegal spots.

-HMOs tend to have a high turnover of tenants, many of whom are likely to have different schedules and lifestyles. This can lead to noise disturbances at all hours, particularly if tenants are coming and going or socializing in shared spaces. Such disturbances could negatively impact the quality of life for long-term residents in the area.

-With an increase in the number of residents, the local amenities and infrastructure, such as schools, medical services, and public transport, may become strained. The surrounding area may not be equipped to handle a sudden influx of people, leading to overcrowding and reduced service levels for everyone.

-Decrease in Property Values: The presence of an HMO next door could make the area less appealing to potential homebuyers, particularly families who may be concerned about the noise, lack of stability, and potential for anti-social behaviour associated with HMOs. This could negatively impact property values in the neighbourhood, affecting existing homeowners.

-HMOs often have a transient population, which may not contribute to the stability and sense of community that many residents value. The lack of long-term residents can result in a less cohesive neighbourhood and may lead to increased feelings of insecurity among existing residents.

-We object to this HMO, these properties are known for an increase in antisocial behaviours and a rise in drugs and crime in the areas. There is insignificant space for parking as it is in this Road. These properties are also filled with undesirables, the houses are unkept and there's issues with littering. This would have a negative impact on our road, decrease the values of our homes and the area.

-I object to a HMO as the parking is already an absolute nightmare, I have had to park 2 streets away which is a nightmare with children. With a HMO that is potentially an extra 4 cars for parking.

-Parking impacting neighbouring streets

-Antisocial behaviour

-Overcrowding

-Bin space and associated issues with increased refuse such as rats

-Concerns regarding increased noise pollution

- This property has already been acting as an HMO for over a year already with as many as +7 occupants. Having many occupants with multiple transport vehicles is making it incredibly difficult to park, on what is already known as a busy street.

- Having a HMO property does face the risk of potentially de-valuing my own property.

7.2 COUNCILLOR MATTHEW PIMM: As a ward councillor for the Beechwood Ward I wish to register my opposition towards the retrospective application for 33 Walmer Road to become a HMO.

Walmer Road currently has a 'One Stop Shop' at the top end on Chepstow Road which

regularly attracts visitors parking which causes continuing congestion within Walmer Road for parking spaces throughout the day and late at night.

Walmer Road consists of terraced house which would fall under the traditional family home category. The houses in Walmer Road are not large enough for HMO's and such a property type would impact on the neighbouring properties. Car parking spaces are very limited and the pavements cannot cater for many bins given its restrictive nature. Walmer Road is not a suitable location for a HMO in my opinion.

Could my comments and opposition to the HMO planning application be registered.

- 7.3 COUNCILLOR DEBORAH DAVIES: I have been contacted by residents raising concerns regarding the retrospective application for a four bed HMO in 33 Walmer Road (25/0139).

I support Councillor Pimm with the concerns he raises specifically in reference to parking in the area.

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

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

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

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

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

8. **ASSESSMENT**

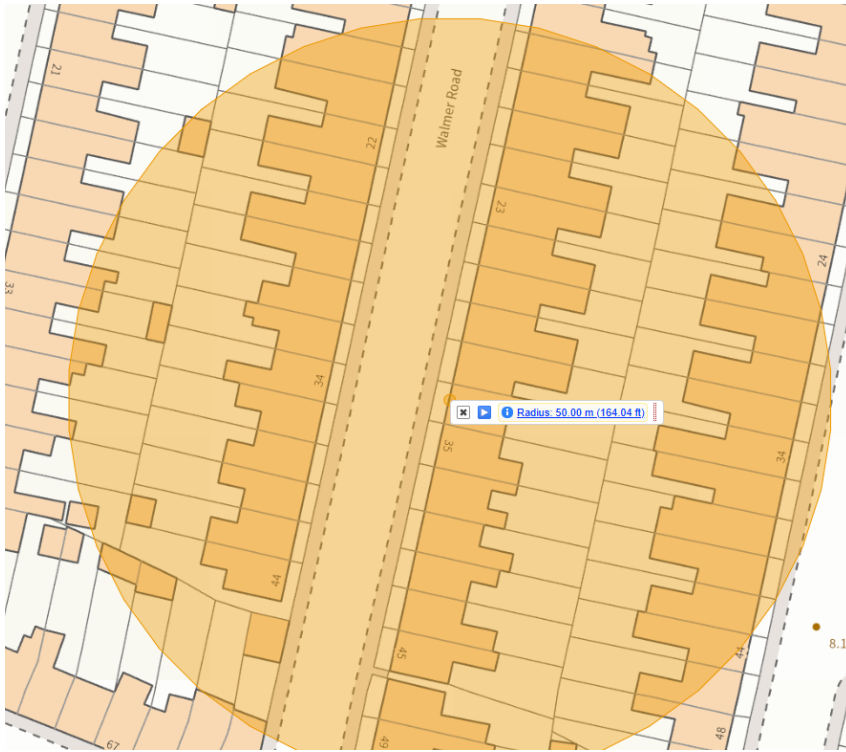
8.1 **Key Considerations**

The main considerations of this application are whether the proposals will result in an over-concentration of HMO's in the area, impact on the character of the area, impact on neighbouring amenity and the amenity for future occupiers including suitable provision for waste storage etc, impact on parking and associated highway impact and design and flood risk.

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

The adopted HMO SPG, states that 'clusters of HMOs can alter the composition of a community and detract from local visual amenity. The guidance introduces a threshold above which HMOs are considered to detract from the character of the area. In general, the Council will not support a planning application that would take the number of HMOs, considered as a proportion of the local housing stock, above a specified limit. In "defined areas" this limit is 15%, in other areas, 10%. This site is located within the 10% threshold area. When taking a 50m radius from the address point of the application site, the full front elevations of 32no. properties are caught. There are no existing registered HMO within the 50m radius. Therefore, if the application were to proceed, 10% threshold would not be exceeded.

Consequently, HMO concentration levels are not grounds to refuse permission in this case.



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

8.4 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.

8.5 In this case, these expectations are met with communal living room and kitchen located at ground floor and all bedrooms having adequate outlook and natural light via existing windows.

HMOs should provide outdoor amenity spaces in which residents can relax, dry their clothes and store refuse and recycling bins. Shared amenity spaces will be acceptable so long as they can accommodate every resident of the properties that they serve.

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

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

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

8.9 In this instance the property has the benefit of a small front forecourt set behind a wall

whereby refuse could be stored without spilling onto the footway. A recent site visit indicates that the property is generally well maintained. Properties within the nearby vicinity are generally in an acceptable condition. Refuse receptacles are stored behind the front boundary walls within the forecourt areas. As a 4 bedroom HMO it will have identical waste receptacles entitlement to a dwelling and consequently waste units will similarly be stored in the front garden with no added impact arising from the change of use.

- 8.10 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 7m² and 10m² respectively. One of the bedrooms would fall below the requirement at approximately 5.28m². However, this is Environmental Health standards and taking account of the relatively small scale of the HMO and the fact that all rooms contain windows providing adequate light and ventilation for occupiers with access to a good sized rear garden, it is considered that the accommodation would provide an adequate standard of amenity for occupiers. It is also noted that the site already has a HMO license for up to 4 people.

8.11 **Highways and Parking**

The site is located on Walmer Road, which is subject to a 20mph speed limit. The parking demand created as a 3no. bed dwelling is 3no. spaces (calculated using the SPG). There is no parking on site. The proposed 4no. bedroom HMO would require 1no. space per bedroom (4no spaces), which is a net gain of 1no. space and would need to be accommodated on the highway. Visitor spaces are only required for five or more bed HMOs.

- 8.12 Existing parking problems and concerns regarding a worsening of the existing situation and subsequent highway safety matters have been raised as significant concerns within the resident objections and also the Local Councillor responses. The Council's Highways officer objects on the basis the change of use requires an additional off-road parking space which cannot be provided. The application is not supported by a survey.

- 8.13 The Council's Parking SPG allows for a reduction in parking provision for sustainable sites and points are awarded on the basis of a range of facilities being located within set walking distances. The Standards do not allow for a reduction below one parking space per bedroom. The Local Planning Authority has tested decisions on HMOs in relation to lack of parking several times in recent years. All have been dismissed at appeal. The key point for Inspectors is the sustainability of the location not the availability of parking. In this case, the site is located just over 100m from a local convenient store and a similar distance to public transport links on Chepstow Road. Furthermore, Beechwood District Centre is located just over 200m away from the site on Chepstow Road, offering a range of goods and services. The site is located within a highly sustainable area. Demand for parking arising from HMO uses, particularly where these form a very low proportion of the housing stock in the 50m catchment area, is not considered to be a robust reason for refusing planning permission even though the potential for on road parking demand is acknowledged.

- 8.14 As noted above, the application does not include a parking assessment. Parking was observed by officers at the time of a recent site visits and whilst it is clearly in high demand due to the absence of off street parking provision serving houses in the area, there were on-street parking spaces within walking distance of the site. It is appreciated that parking demand will vary depending on the day and time and reliance on on-street parking may mean that occupiers are unable to park in front of, or even near to their homes. However, Inspectors have confirmed this is not justification to refuse planning permission and the availability of on street parking on neighbouring streets is sufficient.

- 8.15 Inspectors at planning appeal will often assume that car ownership in HMO properties will be lower and most notably in sustainable locations, such as this. The Local Planning Authority may not agree with this stance, particularly where no evidence of it is given but being aware of recent appeal decisions, the generally positive attitude of the Welsh Inspectorate to HMOs in sustainable locations irrespective of whether they have off street parking and the policy move of maximum parking standards rather than minimum standards espoused in the SPG, it is considered that there is no demonstrable adverse effect in relation to parking demand that could robustly be argued to impact upon highway safety or upon neighbouring amenity

in this case. With this in mind and previous considerations relating to character, critterion (i) of policy H8 is met.

- 8.16 The application does not include details of cycle storage. However, it is considered that this could be accommodated within the rear garden serving the property as previously mentioned and a condition to require this would be reasonable if planning permission were forthcoming. The Council's Highways officer has previously objected to this arrangement as it can only be accessed via the property. However, this arrangement is common with terrace properties such as this and given the scale of the front garden it would not be feasible to provide cycle storage here. The rear yard is secure and is considered acceptable. Given the characteristics of some sites, it is not possible to strictly accord with the SPG requirements. In this case, it is considered that a secure store at the rear of the property would offer safe and suitable storage for cycles to the benefit of the future occupiers of the property.

8.17 **Waste**

As noted above, the property has the benefit of a small front forecourt set behind a wall whereby refuse can be stored without spilling onto the footway. This is the way in which waste would be stored as a dwelling and the use as a HMO would not stand out in this respect. Given the size of the HMO having four bedrooms, the waste receptacles are no different to the use as a three bedroom house.

8.18 **Flooding:**

The planning application proposes highly vulnerable development, change of use of existing residential property into 4no. bed HMO, intensifying bedroom numbers with each room potentially being the primary residence of the occupier. NRW Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 – Sea. NRW note that although highly vulnerable use already exists in the building, the application presents an increased risk because the potential intensification of the residential use may create additional pressure on emergency services should evacuation during a flood event be required. The recently emerged replacement TAN15 confirms that a Flood Consequences Assessment is required for any development proposal located fully or partly in Flood Zones 2 and 3. The assessment will help the planning authority determine whether the risk and consequences of flooding are acceptable and can be appropriately managed over the lifetime of development. The assessment can also be used to establish whether appropriate avoidance or mitigation measures could be incorporated within the design of the development to ensure that over its lifetime, development minimises risk to life, damage to property and disruption to people living and working on the site, and does not increase flood risk elsewhere. The TAN also sets out the tolerable conditions (rate of water rise, speed of inundation etc) and an FCA should provide Authority's with details of how the development would comply/compare with these. The application is not accompanied by an FCA to enable the LPA to make such an assessment. It is therefore contrary to Planning Policy Wales and TAN15 (2025).

- 8.19 NRW note that the proposed layout of the HMO results in a communal bathroom on the first floor which residents of the ground floor appear to have access to should a flood event occur at this location. Therefore, subject to the LPA satisfying itself the proposed refuge on the first floor is acceptable in flood risk management terms, NRW has no objection. The matter of flood risk relevant to a HMO and the acceptability of a landing or other communal area for refuge in the event of a flood was recently considered by an Inspector in consideration of appeal no. CAS-03636-B2W3F7 at 20 Usk Street, Newport. In that instance both a first-floor dedicated room and the landing were included as flood refuge areas. The Inspector stated the following:

"I am not persuaded that the landing area would function effectively as a refuge due to its limited size and the need to maintain access to bathroom facilities for occupants of bedrooms without en-suites....

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

and their belongings.”

8.20 The appeal was subsequently dismissed with flood risk concerns being upheld. In this instance there is a lack of information to demonstrate that the proposals are acceptable in flood risk terms and to enable the LPA to make an informed decision as no FCA has been provided. There appears to be no dedicated refuge space for the ground floor occupant and only a first floor landing and bathroom can reasonably be relied upon if evacuation is required and personal possessions need to be moved. The landing area would not function effectively as a refuge due to its limited size and the need to maintain access to bathroom facilities for occupants of other bedrooms, none of which have en-suites. Furthermore, should a flood event occur, it is considered that the first floor landing and communal bathroom would not provide adequate refuge for the resident of the ground floor bedroom and no information is provided to mitigate this objection. As such, this would give rise to unacceptable implications to the safety and living conditions of prospective occupiers in terms of flood risk.

8.21 The proposal fails to comply with the aims of TAN15 and Policy SP3 of the NLDP 2011-2026 (adopted January 2015).

8.22 **Biodiversity:**

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy SP9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. It is considered that such enhancements could be secured by condition if planning permission were forthcoming.

8.23 **Other Matters**

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

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

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 The change of use would not result in an exceedance of the threshold set out in the Council's Guidance and it is not considered that the proposals would result in a demonstrable impact to the character of the area.

9.2 Whilst the proposals would result in an increased demand for parking of one space, the site is located within a sustainable location within close proximity to shops and services with good transport links. As such, it is not considered that the proposals would result in an adverse impact to highway safety or neighbouring amenity.

9.3 Notwithstanding the above, the proposal will have a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity by reason of flooding and the presence of a ground floor bedroom with no provision of acceptable first floor refuge for residents and their personal possessions. No Flood Consequences Assessment is provided and no information mitigates flood risk and general safety objections. This is contrary to Policy SP3, GP2 and H8 of the NLDP 2011-2026 (adopted January 2015), Planning Policy Wales and TAN15.

9.4 The application is refused.

11. DECISION

REFUSED

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

NOTE TO APPLICANT

01 This decision relates to plan Nos: PL01

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

03 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.