

From:

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To:

Subject: Comprehensive Critique of Planning Application 25/0841

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Proposed Conversion of 7 Conway Road, Newport to a House in Multiple Occupation (HMO)

Submitted in opposition to the planning application for change of use from C3 dwelling to C4 HMO at 7 Conway Road, Newport NP19 8PA. Notably, the applicant initially sought a five-bedroom configuration, which was deemed overdevelopment by the planning officer during pre-application advice. This clearly indicates a prioritisation of occupancy yield over amenity, safety, and contextual impact.

1. Failure to Address Material Planning Considerations

- **Parking Impact:** While the applicant has submitted a parking survey, it is substantively inadequate and fails to meet the evidentiary standards required under Newport City Council's Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation (2016). The survey suffers from critical deficiencies:
 - It lacks coverage during peak residential demand periods such as evenings and weekends.
 - It provides no baseline or comparative analysis of existing residential demand versus projected increase.
 - It fails to assess cumulative impact from nearby HMOs, Eveswell Primary School, Newport Fire Station, and the Working Men's Club.
 - It offers no mitigation strategy (e.g., cycle storage, car club membership, CPZ engagement).

These deficiencies mirror grounds for refusal in recent Newport decisions:

- *6 Rugby Road (2024)*: Refused due to inadequate survey and failure to demonstrate safe accommodation of increased demand.
- *12 Duckpool Road (2023)*: Refused on grounds of parking stress and lack of mitigation.
- *Land Adjacent to 45 Corporation Road (2022)*: Refusal upheld on appeal due to insufficient evidence of parking capacity.

Conway Road, with its constrained kerbside capacity and proximity to sensitive receptors, falls squarely within the category of saturated streets where additional occupancy cannot be safely accommodated.

- **Flood Risk:** The site lies within Flood Zone C1, as defined by Technical Advice Note (TAN) 15: Development and Flood Risk. While the applicant has submitted a Flood Consequences Assessment (FCA), it is substantively deficient. It fails to:
 - Provide site-specific modelling or hydrological data
 - Address the vulnerability classification of HMO occupants under TAN 15 Appendix 1
 - Demonstrate safe access and egress during flood events
 - Consider the cumulative impact of increased occupancy on drainage infrastructure

These omissions render the FCA non-compliant with TAN 15 Sections 6.2 and 7.3, and materially undermine the application's credibility. The lack of robust flood mitigation is especially concerning given the site's proximity to the railway embankment and known surface water accumulation zones.

- **Amenity Space:** The application lacks any assessment of internal communal amenity provision. The SPG requires HMOs to provide adequate shared living space. The pre-application advice clearly states that a five-bedroom layout would constitute overdevelopment due to insufficient kitchen/lounge space. Yet the submitted form fails to demonstrate compliance with minimum standards for the proposed four-bedroom layout.

2. Procedural and Evidential Omissions

- **No Supporting Surveys:** Despite being located near sensitive receptors—Eveswell Primary School, the Working Men's Club, Newport Fire Station, and the railway nature corridor—the application fails to include:
 - A noise impact assessment
 - A biodiversity screening report
 - A social cohesion impact statement

These omissions are particularly concerning given the proximity to a primary school and a designated nature corridor. The railway embankment adjacent to Conway Road is a known wildlife corridor supporting urban biodiversity. Under Planning Policy Wales (PPW) Edition 11, Section 6.4, developments must conserve and

enhance biodiversity. The applicant's blanket denial of any biodiversity impact is unsubstantiated and contrary to PPW.

- **No Community Consultation:** The form confirms that no neighbour or community consultation was undertaken. This breaches the spirit of PPW Section 3.6, which encourages early engagement with affected communities, especially for developments likely to impact social cohesion.
 - **No Waste Management Plan:** The form vaguely states “dedicated area at rear” for waste storage but provides no plan or capacity details. This is insufficient under Newport’s SPG and fails to demonstrate compliance with the Waste (England and Wales) Regulations 2011.
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3. Policy Conflicts and Legislative Non-Compliance

- **Planning Policy Wales (PPW) Edition 11:**
 - *Section 2.2:* The development does not contribute positively to the character or amenity of the area.
 - *Section 4.2:* The lack of flood risk mitigation and parking provision undermines infrastructure resilience.
- **Local Development Plan (LDP):**
 - *Policy H2:* Requires HMOs to avoid over-concentration and maintain residential amenity.
 - *Policy GP2:* Requires developments to respect local character and context—Conway Road is predominantly family housing, and the proposal introduces a transient occupancy model incompatible with the area’s social fabric.
- **Supplementary Planning Guidance (SPG) on HMOs (2016):**
 - Requires a 50m radius assessment of existing HMOs. The application fails to provide this, despite pre-application advice referencing its necessity.
 - Requires communal space standards and parking surveys—both absent or deficient.
- **Case Law:**
 - *R (Kides) v South Cambridgeshire DC [2002] EWCA Civ 1370:* Reinforces the duty of local authorities to consider all material considerations, including those raised in objections.

- *R (Plantagenet Alliance Ltd) v Secretary of State for Justice [2014] EWHC 1662 (Admin)*: Emphasises the importance of public consultation and procedural fairness.
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4. Contextual Sensitivities and Cumulative Impact

- **Eveswell Primary School**: Located within walking distance, the introduction of an HMO raises safeguarding concerns due to increased transient occupancy and potential for anti-social behaviour. Gwent Police are noted as consultees, yet no crime impact assessment has been submitted.
 - **Working Men's Club and Fire Station**: These are community assets that rely on predictable residential patterns. HMOs introduce irregular occupancy and noise profiles, potentially disrupting nearby operations and community use.
 - **Railway Line Nature Corridor**: The embankment adjacent to Conway Road is a known green corridor. The application's denial of any biodiversity impact is unsupported by survey data and contradicts PPW Section 6.4 and the Environment (Wales) Act 2016, which imposes a duty to enhance biodiversity.
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5. Failure to Engage with Newport's £20,800 HMO Survey and Policy Review

Newport City Council recently commissioned a comprehensive £20,800 survey of Houses in Multiple Occupation (HMOs) to assess cumulative impacts and inform future planning policy. The survey was initiated in response to growing public concern over:

- Parking saturation
- Noise and disturbance
- Anti-social behaviour
- Loss of community cohesion

The survey's stated aim was to develop "a measurable way of controlling HMOs through the development management process, so it doesn't impact those areas that are already saturated or vulnerable." Despite this, the application:

- Makes no reference to the survey or its findings
- Fails to demonstrate how the proposed development aligns with emerging policy controls
- Ignores the broader context of HMO saturation in Newport, particularly in areas like Eveswell and Maindee

This omission is procedurally negligent and undermines the credibility of the application. It also conflicts with PPW Section 3.1, which requires planning decisions to be informed by up-to-date evidence and local policy reviews.

Conclusion and Recommendation

In light of the above, the application for the conversion of 7 Conway Road to a House in Multiple Occupation (HMO) is procedurally deficient, substantively flawed, and contextually inappropriate. It fails to meet the requirements of:

- Planning Policy Wales (Edition 11)
- Technical Advice Note 15
- Newport's Local Development Plan
- Newport's SPG on HMOs
- Relevant case law and statutory obligations

The proposal introduces unacceptable impacts on residential amenity, infrastructure, biodiversity, and community cohesion. It is unsupported by robust evidence and fails to engage with recent policy reviews and precedent decisions.

This application should be refused in full.