

## **APPLICATION DETAILS**

**No:** 24/0840      **Ward:** St Julians

**Type:** Full

**Expiry Date:** 7<sup>th</sup> February 2025

**Applicant:** T Stratton

**Site:** 176 Caerleon Road Newport NP19 7GQ

**Proposal:** **CHANGE OF USE FROM A 3 BEDROOM DWELLING (C3 USE) TO A 5 BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4 USE), ERECTION OF CYCLE STORE TO REAR**

**Recommendation:** **GRANTED WITH CONDITIONS**

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission for the change of use of a 3no. bedroom residential property (C3) to a 5no. bedroom House in Multiple Occupation (HMO) at 176 Caerleon Road in the St Julians ward.
- 1.2 A HMO is a house occupied by people who are usually unrelated and have private bedrooms but shared facilities such as kitchens, living areas and bathrooms. The proposed 5no. bedroom HMO falls into the C4 Use Class which allows between 3 and 6no. unrelated occupants to reside and share amenities.
- 1.3 The application is reported to Planning Committee at the request of Councillors Bright and Hourahine.

### **2. RELEVANT SITE HISTORY**

None.

### **3. POLICY CONTEXT**

#### **3.1 The Newport Local Development Plan (NLDP) 2011-2026 (Adopted January 2015)**

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

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

*Policy GP4 'General Development principles – highways and accessibility' states that development proposals should make adequate provision for car parking and ensure that development would not be detrimental to highway or pedestrian safety.*

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

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

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

*parking.*

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

### **Relevant Supplementary Planning Guidance**

- Parking Standards SPG (Adopted August 2015)
- Houses in Multiple Occupation (HMO) SPG (Updated January 2017)
- Wildlife and development SPG

## **4. CONSULTATIONS**

4.1 GWENT POLICE: From examining the crime/incident data, I am satisfied that the proposed development location is not currently being affected by any significant ongoing crime trends or patterns. I note that this development is proposed to be used as an HMO. At present there is currently 1(one) HMO property within a 50-metre radius of the proposed development. I can confirm that of the 3 calls made within the radius area between January 1st 2024 and January 1st 2025 there were no incidents recorded from the current HMO property in the area.

I can confirm that the current call volume and demand from the single HMO property within the site area is not having a detrimental effect on policing or the community within the location. At this time, I do not have any clear objections to the application.

4.2 DWR CYMRU – 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.

## **5. INTERNAL COUNCIL ADVICE**

5.1 THE HEAD OF CITY SERVICES (HIGHWAYS): No objection on the basis of parking. Disputes the conclusions of the parking survey but does not consider it likely that parking demand would increase significantly from the change of use.

5.2 THE HEAD OF CITY SERVICES (WASTE): We would anticipate the property receive a single 180l bin for kerbside collection with recycling bags, boxes for kerbside collection also with one council tax paid on the property as a whole.

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

5.3 THE HEAD OF LAW AND REGULATION (ENVIRONMENTAL HEALTH): No objection.

## **6. REPRESENTATIONS**

- 6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (60no properties), a site notice displayed. 22no objections received as follows:
- We have previously operated 174 Caerleon as an HMO prior to mandatory registration and experienced complaints from neighbours due to noise and parking.
  - From the plans it is noted that existing 1<sup>st</sup> floor bedrooms are proposed to become combined living and bedroom space. We have experienced the noise issue between the properties and would request that the noise reduction of the walls are improved as a condition of the planning where new living space is creating adjacent to neighbouring property bedrooms. We would request that discharge of such a condition would require a sound test to ensure compliant insulation has been achieved.
  - Whilst it is possible to park on Caerleon Road it is common practice to park on the pedestrian walkway causing an obstruction. If the parking on Caerleon Road is to be considered viable in the assessment then would you confirm that no further restrictions of parking for residents will be applied in the area and that the practice of parking on the pedestrian walkway will continue to be permitted.
  - I live on this road and the parking on it is an absolute nightmare. I often have to park far away on different streets. This HMO will just add more pressure on the already dire parking situation;
  - Why do full grown adults want to live and share a house with other fully unknown adults. It's disgusting that the landlord feels that it is acceptable that people should live this way.
  - One might wonder why a landlord would want to transform a three bed family home into a five-bed HMO? Could the prospect of increased profits be the motivation?
  - HMOs are marketed as affordable housing options, yet reality often contradicts this claim. Occupants find themselves paying a considerable amount for the privilege of residing in a small bedroom, which can lead to feelings of dissatisfaction, potential depression and subsequently, unemployment.
  - I have concerns about the potential increase of HMOs, which could potentially house individuals who have been prematurely released from prison due to Labour government policies. There's also the issue of possibly sheltering illegal immigrants. These fears are rooted in incidents involving my teenage daughter, who has been approached, followed, and observed by individuals who know very little English. Similar experiences have been shared by others I've spoken to. I hesitate to expand on this further, as it could be perceived as me being racist. However, it's worth questioning whether this behaviour is increasing due to Newport's status as a sanctuary city for illegal immigrants.
  - Planners seem to presume that HMO residents don't have cars and hence won't contribute to parking issues. However, this is far from accurate. In fact, a substantial percentage of HMO residents do own a personal or work-related vehicle, contributing to parking and traffic congestion in the area.
  - The accumulation of litter and rubbish around HMOs and houses that have been converted into flats often results in an unattractive and unclean environment, impacting both the residents and the wider neighbourhood
  - The fact that individuals are still forced to rent tiny bedrooms due to government negligence is appalling, and it's one of the many reasons that discouraged my support for Labour.
  - The road is already a risk to cyclists (the parking makes it hard for vehicles seeing them when coming out of the roads that run along the road) as well as making it virtually a 1 way street as is difficult for public transport to get up and down when traffic coming in opposite direction due to parking on both sides of the road which involves pedestrians being at risk due to parked cars not leaving enough space for people to walk on the foot path.
  - My parents have lived on Caerleon Road for 47 years and since becoming my mother's carer I have noticed more how there is no parking. This is absolutely disgusting that people cannot park within the area of their houses. I have given up driving to the house unless she has an appointment because there is never anywhere to park. If I am bringing shopping, I have to either get the bus or struggle to carry it.
  - There are never any available parking places already along Caerleon Road and all of the side streets which as a disabled person it restricts me not being able to leave my house as there no guarantee of being able to park anywhere near my home. If this goes through it will make things worse than they already are. If anyone came along Caerleon Road at peak times of any day you can see there is no parking spaces for us who already live here. Any delivery driver have to double park or park on double yellow lines.
  - There are already a number of HMOs in close proximity, there is no need for more
  - I really do object to having yet another HMO in this area. Caerleon Road is a nightmare to

park on already without adding another possible 5 cars. We have the doctors down the road, cars visiting there park on Caerleon Road. We are only up the road from all the shops which has recently adding two new coffee shops and is adding to parking nightmare in the area.

- The parking on Caerleon Road is a total nightmare we have to contend with the doctors and chemist at the bottom of Stafford Road and the parents drop their kids off to school. Leave their cars on double yellow lines take the kids down to school. Also the big lorries park on yellow lines and deliver to the shops and there has been a lot of near misses when cars pull out of Orchard Street and turn right down Caerleon Road.

- There is a high percentage of HMO properties in this area. This part of Caerleon Road already has a problem with the lack of parking and the location has seen many accidents in the past few years including a recent fatality.

- I note again that LRJ Planning is once more the agent for this application and still believe his previous employment in the planning department of the council should be considered a conflict of interest.

- The financial backers are again not local. They are simply listed as a banker and teacher registered in England. The council should investigate that their trading name on this application appears to have only been registered a few weeks ago and whether there is proof that the company is run by persons of a suitable standing including their possible links to companies in the West Midlands.

- I appreciate there is a need for affordable housing but have walked past approved HMOs in the Caerleon Road area. I can only report that their presence is detrimental to the community who have worked hard all their lives to afford their homes only to find their neighbour blighted by housing decisions that seem not to care about current residents.

- We are very worried about antisocial behaviour that is associated with these types of houses. We've lived near a HMO before and had problems with noise and of course parking. Unfortunately, we are now going to have another HMO next door at 215 and if 176 is approved we will have two HMOs in very close proximity which has left us extremely anxious. There is also another on Caerleon road (9 bed HMO I think) not far from the junction of Oak Street that was approved and there is already an HMO on Durham Road near the junction of Orchard Street so we think there are enough in the surrounding area as it is.

- Regardless of what the parking survey says, we believe Caerleon Road and the surrounding streets struggle with parking. Why add to the problem with the potential for more cars vying for parking by approving this HMO? With the new HMOs approved there could be another 14 car drivers looking for parking and another 5 more if 176 is approved. Even though the Planning Document says "Given the nature of the proposed use, the occupants are less likely to have cars How can they know this?" 225 was a student HMO and some of them had cars. When people are home after work at night, parking IS a problem. The garages on Orchard Street often have cars parked in front of them and cars parked on double yellow lines overnight.

- Surely this road and surrounding streets have more than their fair share of HMOs already. Having lived next to one in the past we already know what anti-social behaviour can come with them. It worries us that if planning permission is granted, yet another HMO on this road, it would imply that this could happen to all properties along here.

As for parking, everyone we talk to in this area agrees that parking is a nightmare but this has been discounted by planners. Our garage in Orchard Street, which is directly opposite 176, is always being blocked by parked vehicles due to the lack of spaces.

- The local area is already struggling to cope with the increasing number of vehicles, I already struggle to park my car in my own street without HMO being added exactly opposite. This area is already overburdened due to tariff related to the shops, GP, dentists never mind an influx of HMO's. This is without the risk of crime rates increasing which seems to natural rise once a HMO is added to an area. I did not buy my house or spend a lot of money on my house to live opposite a HMO.

- This property appears to have no parking available. Tenants with vehicles will therefore have to park on neighbouring streets. As this specific area has already been overburdened due to traffic related to the shops, GP and dental surgeries and current housing, it cannot sustain an influx in HMO's, potentially adding further vehicles. The council's current solution to the parking issue is to send traffic wardens into the area, to profit from the problem they are creating.

- There have already been applications for HMOs refused on Caerleon road. I fear there is going to be a rise in anti-social behaviour and there will be a loss of character to the

building and the area as a whole, particularly with the addition of a bin store at the front of the property.

- As someone who lives close by in this very busy and crowded area, and who's parents live opposite this proposed site and next to yet another proposed HMO, I am against yet another application to cram as many unknown people together in one small space, for their mental wellbeing as well as for the safety of those around. We do not know who will be housed there and with another 5room HMO on the opposite side of the road, that is adding a possible 10 more people to already saturated area - with possible cars! Parking is horrendous in that area already, as it is in all the surrounding streets. People park in front of my parents garage on a regular basis as they cannot find a space near their homes. This is only going to get worse. These houses would make acceptable flats, but are far too small for a 5 room HMO.

- Whilst I appreciate the need for housing, I do not believe that this is a sustainable location for such a large HMO. The demand generated is 8 spaces. However, it is then stated throughout the Planning Statement that persons living within HMOs are less likely to have cars. The applicant has not provided any evidence to support this claim. Thus, there is a strong possibility that the HMO does indeed generate demand for 8 additional parking spaces.

6.2 COUNCILLOR PAUL BRIGHT: Myself and Councillor Hourahine are writing to object to the planning application submitted by Mr. Stratton for the change of use of the property at 176 Caerleon Road, Newport from a three-bedroom dwelling (C3 use) to a five-bedroom house in multiple occupation (C4 use).

Should planning permission be granted we request that the application "be called in" to allow us and a representative from the local community to raise our concerns directly with the Planning Committee.

Our objections are based on the following grounds:

1. Impact on Local Character and Amenity:

- The proposed change of use to an HMO will significantly alter the character of the residential area. The increase in occupancy from a single-family dwelling to a five-bedroom HMO is likely to result in increased noise, disturbance, and a reduction in the overall amenity for neighbouring properties.
- Policy GP2 of the Newport Local Development Plan (LDP) emphasizes the need to protect the general amenity of the area. The proposed development does not align with this policy as it would introduce a higher density of occupation, leading to potential issues such as noise and anti-social behaviour.

2. Overconcentration of HMOs:

- The Council's Supplementary Planning Guidance (SPG) for Houses in Multiple Occupation stipulates that the proportion of HMOs within a 50m radius should not exceed 10%. While the application claims compliance with this threshold, the cumulative impact of additional HMOs in the area could lead to an imbalance in the housing stock and negatively affect the community's character.
- Policy H8 of the LDP states that proposals should not create an overconcentration of HMOs that would change the neighbourhood's character. The approval of this application could set a precedent for further HMO developments, exacerbating the issue.

3. Parking and Traffic Concerns:

- The application acknowledges a shortfall in parking provision, with no off-street parking available for the proposed HMO. This is likely to exacerbate existing on-street parking pressures, leading to congestion and potential safety hazards for pedestrians and other road users.

- Despite the property's proximity to public transport and local amenities, the lack of dedicated parking spaces does not adequately address the potential increase in vehicle ownership and usage by future occupants. This contravenes Policy GP4 of the LDP, which requires developments to provide appropriate parking and servicing arrangements.

#### 4. Impact on Community Cohesion:

- The introduction of an HMO in a predominantly single-family residential area could undermine community cohesion. The transient nature of HMO occupants often leads to a lack of long-term investment in the community, which can negatively impact neighbourhood stability and social ties.
- The Well-being of Future Generations (Wales) Act 2015 emphasizes the importance of creating cohesive communities. The proposed development does not support this objective and could instead contribute to social fragmentation.

#### 5. Insufficient Justification for Sustainable Development:

- While the application highlights the property's sustainable location, it fails to provide sufficient justification for how the proposed HMO will contribute positively to sustainable development goals. The potential negative impacts on local amenity, parking, and community cohesion outweigh the purported benefits.
- The Planning Policy Wales (PPW) and the Wales Spatial Plan advocate for developments that promote a balance between housing, community facilities, and employment opportunities. The proposed HMO does not align with these principles, as it primarily focuses on increasing housing density without adequately addressing the associated impacts.

In conclusion, the proposed change of use to an HMO at 176 Caerleon Road does not comply with several key policies of the Newport Local Development Plan and national planning policy. The potential negative impacts on local character, amenity, parking, and community cohesion provide strong grounds for refusing this planning application.

## 7. ASSESSMENT

7.1 The property is a mid-terrace dwelling house which has a layout comprising of hallway, living room, dining room and kitchen at ground floor and landing, 3no. bedrooms and bathroom at first floor. The property fronts onto Caerleon Road (B4596) which is one of the main arterial routes into the City Centre and is closely linked to Junction 25a of the M4 Motorway. The property offers a small front forecourt and small rear enclosed garden. The proposed layout would comprise of 2no. bedrooms, kitchen and communal lounge at ground floor and 3no. bedrooms at first floor. All bedrooms would be served by an ensuite bathroom. Externally a communal garden which is accessed through the kitchen is located to the rear and the small forecourt is retained to the front. The proposed plans showed a bin storage structure within the front forecourt, however officers are not supportive of this and the applicant has subsequently agreed to remove this element from the proposals. It is commonplace for bins and recycling boxes to be stored to the front of properties along Caerleon Road and this arrangement for the proposed HMO is considered acceptable.

7.2 The property is currently a house and will remain a house. Up to 2 unrelated tenants can reside in a property that is still classed as a C3 dwelling for planning purposes. However, once unrelated tenants exceed this number, the property is referred to as a HMO. In this case, 5 tenants are proposed. However it is noted that a 3 bedroom dwelling will typically have 4 or 5 occupants, albeit these will normally be related (or the majority of inhabitants will be related). In a HMO, like a dwelling, the occupants are expected to live as a household, sharing facilities in the property. However, typically they will occupy with tenancy agreements or contracts per room/occupant. Whilst the house could be rented by

a family or 3 or more unrelated individuals, it is a residence either way and rent may be paid to a landlord in either scenario. The personal details of occupants themselves is not a planning matter. Neither is the reputation, background, business, etc of the landlord/owner. The Local Planning Authority will and can only concern itself with land use planning considerations in the public interest and consequently concerns for the identity of future HMO occupiers, the details of rental agreements and charges, the history and personal details of the landlord and other similar matters, will not ordinarily inform a planning application assessment and are not considered relevant to this case.

- 7.3 The main planning considerations of this application are the potential impacts of the change of use on parking provision and highway safety as well as the impact on the character and amenity of the surrounding area and neighbouring properties. This can also include matters of social cohesion and fears of crime albeit the weight that can be afforded to these considerations is dependent upon, for example, the fear of crime being objectively justified; the fear of crime having some reasonable basis; and the fear of crime relating to the proposed land use – in planning terms – rather than assumptions not supported by evidence as to the character of future occupiers. (Smith v FSS [2005] EWCA Civ 859).
- 7.4 Policies SP1 (Sustainability), GP2 (General Amenity), GP4 (Highways and Accessibility), GP7 (Environmental Protection and Public Health), H8 (Self Contained Accommodation and Houses in Multiple Occupation), T4 (Parking), T5 (Walking and Cycling) and W3 (Provision for Waste Management Facilities in Development) of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application. As are the Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (Updated January 2017), the Parking Standards Supplementary Planning Guidance (Adopted August 2015) and the Waste Storage and Collection SPG (Adopted January 2020).

#### Impact on Character, Appearance and Residential Amenity

- 7.5 Strategic policy SP1 states:  
*Proposals will be required to make a positive contribution to sustainable development by concentrating development in sustainable locations on brownfield land within the settlement boundary.*

The proposal relates to the use of an existing dwelling in the urban area within a highly sustainable location.

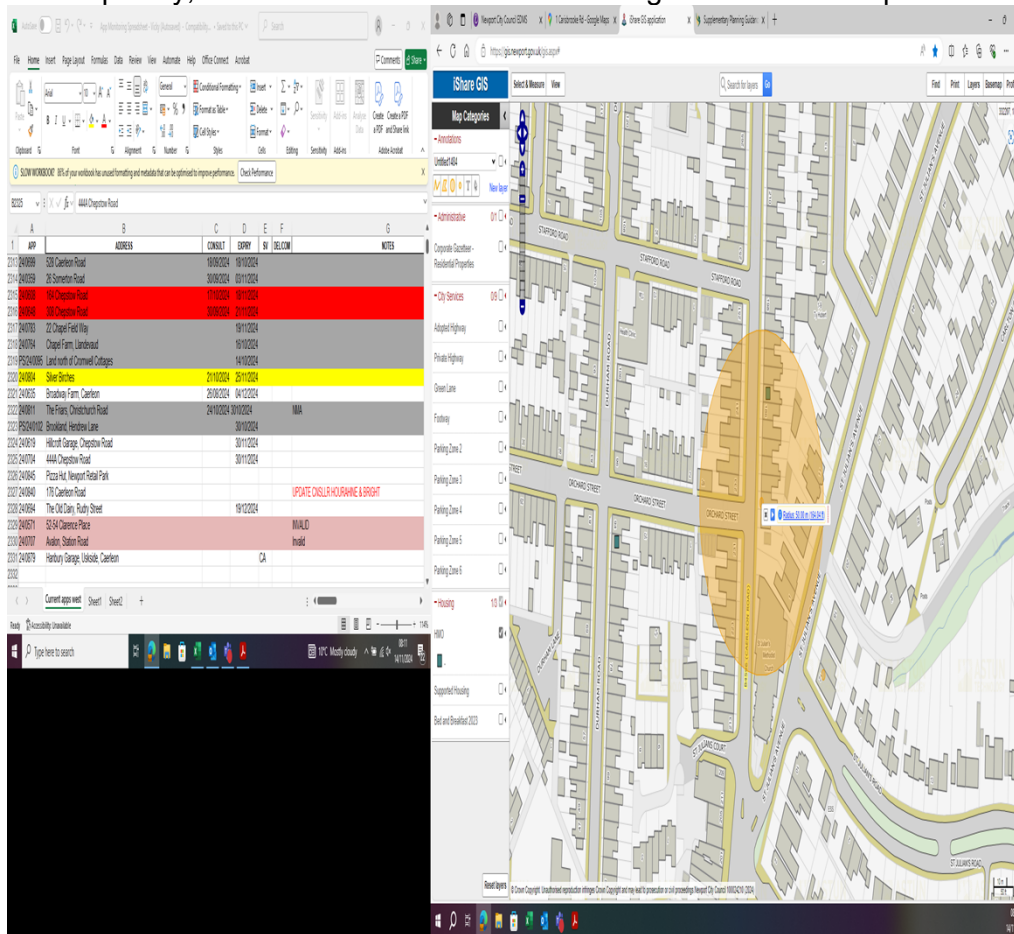
Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) states; 'within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation will only be permitted if:

- i) the scale and intensity of use does not harm the character of the building and locality and will not cause an unacceptable reduction in the amenity of neighbouring occupiers or result in on street parking problems;
- ii) the proposal does not create an over concentration of houses in multiple occupation in any one area of the city which would change the character of the neighbourhood or create an imbalance in the housing stock;
- iii) adequate noise insulation is provided;
- iv) there is adequate amenity for future occupiers.'

- 7.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that: 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The main considerations of this application are therefore those set out in planning policy. The proposal is within the urban area, has a lawful residential use and is located on a main thoroughfare through Newport with easy access to local services in the nearby district centre. These factors accord with the principles set out in strategic Policy SP1 of the adopted Local Development Plan. Policy H8 also neatly sets out the criteria for assessment of HMOs specifically, all of which are relevant in this case. Planning Policy Wales (12) confirms that "a plan-led approach is the most effective way to secure sustainable development through the planning system" and

“Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.”

7.7 The adopted HMO SPG, which must also be afforded substantial weight in decision making, 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 30no. properties are caught. (NB as per the SPG any properties converted into flats counts as one property for the purposes of the test). There is 1no. existing registered HMO within the 50m radius (no.188). Therefore, if the application were to proceed, the 2no. HMOs would constitute 6.6% of the selected housing stock and is therefore less than the 10% threshold. Consequently, HMO concentration levels are not grounds to refuse permission in this case.



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

7.9 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.*

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.*

Access to a rear yard that currently serves the 3 bedroom dwelling, is provided to future residents and will include a bike storage area. The yard size, whilst considered acceptable for an occupancy level comparable to the current dwelling use, would not be suitable for more intensive occupation and would likely serve as an objection to a larger HMO at this property.

*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.*

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.

- 7.10 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 although it would appear to have stood vacant for a while. Properties within the nearby vicinity are generally in an acceptable condition, albeit due to their age some are in need of some updating and general maintenance. Refuse receptacles are stored behind the front boundary walls within the forecourt areas.
- 7.11 The HMO standards state that a single bedrooms should be at least 6.51m<sup>2</sup>, shared kitchens and living rooms for up to 5 persons should be 7m<sup>2</sup> and 10m<sup>2</sup> respectively. All bedrooms exceed the required space standard (10m<sup>2</sup> minimum excluding the en-suite) and contain windows providing adequate light and ventilation for occupiers. The maximum number of occupants can be controlled via planning condition and the applicant would also have to obtain a HMO Licence from the Council's Environmental Health HMO Licencing Department which would limit occupants. The living room and kitchen exceed the required standards also (19.35m<sup>2</sup>). Criterion (iv) of Policy H8 is met.

#### Highway Safety and Parking

- 7.12 The site is located on Caerleon Road, the B4596 Classified Road, which is subject to a 20mph speed limit. The existing dwelling has 3no. bedrooms and this generates a parking demand of 3no. spaces (calculated using the SPG). There is no parking on site. The proposed 5no. bedroom HMO would require 1no. space per bedroom plus 1 visitor space, a total of 6no. spaces, which is a net gain of 3no. spaces and would need to be accommodated on the highway.
- 7.13 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 response. The application has been accompanied by the submission of a Parking Assessment, which was undertaken in the early hours of Wednesday 9<sup>th</sup> October and Thursday 10<sup>th</sup> October 2024 (approximately 1am). It is stated that the survey area was taken from the application site and includes streets within some 200m/2minute walk of the site. The survey concludes that 29 parking spaces were available within the area surveyed. The Council's Highways officer advises that there are a number of flaws with the parking survey including insufficient allowance for junctions and existing accesses. However, the Highways officer does not object to the proposals on the grounds of parking as he considers that the additional spaces generated by the proposals can be accommodated on-street and do not significantly differ to the lawful use. In short, there is no technical highway safety objection to this application on parking grounds. Furthermore, the site is located within a highly sustainable area just outside of the Caerleon District Centre which offers a variety of shops and services and public transport links.

- 7.14 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 applicant contends that occupants of HMOs will generally have a lower rate of car ownership compared with other residential uses but no evidence has been submitted to support this. The Council cannot control car ownership meaning that there is potential for each occupant to own a car in the same way occupants of the property as a dwelling may own and operate multiple vehicles. 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, we know the site is sustainable, and there is no technical highway safety objection on parking grounds. 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.
- 7.15 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, the policy move of maximum parking standards rather than minimum standards espoused in the SPG, the parking survey undertaken by the applicant and the lack of objection from the Council's Highway officer to parking, 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, criterion (i) of policy H8 is met.
- 7.16 The applicant has submitted details of a cycle storage on the plans, to the rear of the property. The Council's Highways officers has objected as it can only be accessed via the property. 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 the store will provide a cover, albeit not fully enclosed, that 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 offers safe and suitable storage for cycles to the benefit of the future occupiers of the property and can be secured by condition.

#### Air Quality Buffer Zone

- 7.17 The site is located inside the Caerleon Road Air Quality buffer zone, however when taking into account the pre-existing residential use it is not considered that the proposal results in any significant increase in vehicular movements that would result in a direct adverse impact on this matter.

#### Biodiversity

- 7.18 The proposals include biodiversity enhancement in the form of a bird nesting box which is to be installed within the rear garden. This is considered proportionate to the proposals and can be secured by condition.

#### Other Matters

- 7.19 A number of issues that have been raised within the objections received by local residents relate to the perception of HMOs and who the occupants would be, that the proposal would devalue house prices within the vicinity and surrounding the existing circumstances of the property which has apparently been used in conjunction with crime and having experienced issues of anti-social behaviour. Gwent Police have advised that the development location is not currently being affected by any significant ongoing crime trends or patterns and no objection is offered to the proposals.
- 7.20 The personal details of future occupants of a HMO are private interest matters and not ordinarily material considerations for planning. Similarly, property values are ordinarily a

private matter and not a point of public interest applicable to the planning consideration. Whilst the scope of material considerations is wide, in this case these issues are not considered material to the evaluation. Issues of crime and disorder or fears of such matters have been discussed elsewhere in this report. To confirm, Gwent Police have advised that the location is not currently being affected by any significant ongoing crime trends or patterns and they offer no objection to the change of use.

- 7.21 Concerns have been received regarding noise and requesting additional sound proofing between the bedrooms and neighbouring properties. However, on the basis of the size and layout of the proposed HMO with two bedrooms on the ground floor, together with a communal kitchen/living area and three bedrooms at first floor the HMO is of a relatively small scale comparable to a single dwelling. It will function akin to a family dwelling with sleeping spaces at first floor and communal space at ground floor. Whilst there will be bedrooms introduced at ground floor in the proposed HMO which are likely to be alongside living spaces in the neighbouring property, the property is of solid construction and whilst a degree of noise transmission may be expected in some scenarios, there is no clear risk of excessive and unacceptable noise disturbance arising from the occupation of the property in this way. Additional sound insulation is not considered warranted. The Council's Building Control officers advise that only HMOs housing six or more people would potentially require additional acoustic measures. Should future issues arise in terms of nuisance from future occupiers of the HMO or future occupiers of neighbouring dwellings upon the HMO, the Council's Environmental Health Service are able to investigate and address proven nuisance arising from noise. It is considered that criterion (iii) of Policy H8 is met.
- 7.22 Dwr Cymru – Welsh Water have requested a condition relating to surface water drainage. However, given that the proposals do not include any operational development, such a condition is not considered warranted.

## **8. OTHER CONSIDERATIONS**

### **8.1 *Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### **8.2 *Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

### **8.3 Having due regard to advancing equality involves:**

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

A Socio-economic Duty is also set out in the Equality Act 2010 which includes a requirement, when making strategic decisions, to pay due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

- 8.4 The above duties have been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as

a result of the proposed decision. There would also be no negative effects which would impact on inequalities of outcome which arise as a result of socio-economic disadvantage.

8.6 ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

8.7 ***Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

**9. CONCLUSION**

9.1 The proposed change of use would accord with planning policy (the adopted Local Development Plan) and adopted SPG and in the plan led system this means the development is acceptable. There are no material considerations that indicate otherwise.

9.2 It is recommended that planning permission is granted subject to the following conditions.

**10. RECOMMENDATION**

**GRANTED WITH CONDITIONS**

01 The development shall be implemented in accordance with the following plans and documents: 4333.PL.02B (excluding bin store structure), 4333.PL.04B, Green Infrastructure Statement.

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

***Pre –occupation conditions***

02 Prior to first occupation of the development hereby approved, bicycles storage shall be provided in accordance with the approved details. The approved scheme shall be retained thereafter for the lifetime of the development.

Reason: In the interests of promoting sustainable travel in accordance with Policy SP1 and GP4 of the NLDP 2011-2026 (adopted January 2015).

03 Prior to the first occupation of the development as hereby approved, biodiversity enhancement shall be implemented in accordance with the approved details. Thereafter the biodiversity enhancements shall be retained thereafter for the lifetime of the development.

Reason: In the interest of protected species, in accordance with Policy GP5 of the Newport Local Development Plan 2011-2026 (adopted January 2015).

***General conditions***

04 The property shall have a maximum of five bedrooms and five occupiers.

Reason: To protect the amenity of adjoining and future occupiers and highway safety in accordance with Policy GP2 and GP4 of the NLDP 2011-2026 (adopted January 2015).

05 Notwithstanding the details shown on approved plans, no bin store or structure shall be constructed or site in the front garden of the premises.

Reason: In the interests of visual amenity in accordance with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

*NOTE TO APPLICANT*

01 This decision relates to plan Nos: Drawing No. 4333.PL.02B, 4333.PL.01A, 4333.PL.04B, Parking Survey, Sustainability Appraisal, Planning Statement, Green Infrastructure Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, GP2, GP4, GP6, GP7, H8, T4, T5, W3 are relevant to the determination of this application.

03 As of 1st October 2012 any connection to the public sewerage network (foul or surface water sewerage) for the first time will require an adoption agreement with Dwr Cymru Welsh Water. For further advice contact Dwr Cymru Welsh Water on 01443 331155.

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