

Delegated Decision Report

Application No:	25/0324	Statutory Period Expires:	19th December 2025
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Site:	201 Malpas Road Newport NP20 5PP		
Proposal:	CHANGE OF USE FROM A 3no. BEDROOM DWELLING (C3 USE) TO A 5no. BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4 USE)		
Applicant:	Moody		
Type:	Full	Ward:	Shaftesbury
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 Malpas Road. This part of Malpas Road has a mixed character with residential dwellings to the south and a fire station and Ibis Hotel to the north. It is in close proximity to the M4 junction to the southeast. The property is a traditional terrace property having a small forecourt set behind a dwarf wall to the front and an enclosed rear garden.

3. DESCRIPTION OF DEVELOPMENT

3.1 The proposed plans show two ground floor bedrooms, a kitchen/diner to the rear of the property and three further bedrooms and a flood refuge area at first floor. All bedrooms would have an en-suite bathroom. Access to the rear garden is gained from the kitchen, as well as direct access from one of the ground floor bedrooms.

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, 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. CONSULTATIONS

6.1 Highways:

Highway recommendation: No objection subject to conditions.

Highway Comments: The change of use results in a requirement for an additional two parking spaces to meet SPG requirements. There are no off-road parking spaces, and a parking survey has been submitted to support the application.

Photos within the report are very poor and some show parking in a turning area, so it is difficult to establish how much capacity is available, but there appears to be some.

There is no provision demonstrated for daytime parking (between 0800 and 2000hrs) for more than 2 hours, except for those with a residents' permit. The property will not qualify for 5 permits. This could be problematic for those working shifts or taking leave but is no different to the other houses in the street that have more than two cars and no drive.

There is no detail of cycle storage, but there is access to the rear of the property, so this should be secured by way of condition.

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

Recommended Conditions:

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

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

6.2 Natural Resources Wales: We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk.

If this information is not provided, we would object to this planning application. Further details are provided below.

Flood Risk

The planning application proposes highly vulnerable development (residential). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 (Rivers and Sea) and the TAN 15 Defended Zone.

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

Therefore, we have reviewed the amended FCA by KRS enviro, reference KRS.0886.001.R.001.A (September 2025). Our advice to you is the FCA is incomplete. Paragraph 10.24 of TAN 15 is clear *'In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused.'*

Therefore, in accordance with paragraph 15.4, we advise you to use your powers to request an amended FCA which includes the following information identified:

The FCA confirms our Malpas Brook flood model update 2012 was used to assess the fluvial and tidal flood risk to the site.

In our letter reference CAS-286323-Y4Z9 (26 August 2025) we advised given the age of the model data, to ensure it represents the most up to date information and is fit for purpose, we expect the model to be checked, relevant hydrology and topography updates to be undertaken as necessary, and confirmation of this be included in the FCA. This can then be used to ensure the flooding scenarios are relevant to current guidelines. Without this, we cannot comment on the acceptability of the model used to assess the flood risk at the site.

The FCA suggests *'...Undertaking more modelling would not provide any more useful information than what is already available and would not be cost effective given the scale of the proposed development...'* The FCA considers our Malpas Brook flood model update 2012 is acceptable to assess the fluvial flood risk posed to the site.

For clarity, our previous advice was for flood model checks to be undertaken of the existing Malpas Brook flood model update 2012, not for new or additional modelling to be undertaken at this stage. The results of the model check would determine whether further modelling work is needed.

We confirm the Malpas Brook flood model update 2012 is the most up to date model for this area we hold. This does not mean it is the most reliable form of flood data for the site. Whilst we make reasonable efforts to keep our information accurate, we assume no responsibility for its accuracy and correctness, or for any consequences of relying on it. Our website Natural Resources Wales / Modelling for Flood Consequence Assessments states:

You must fully assess flood risks and impacts in your FCA. These might include:

- *an appropriate and robust baseline hydraulic model that represents current conditions and includes the latest hydraulic modelling software (if you use a hydraulic model)*
a hydraulic model that integrates your proposed permanent and temporary works with the baseline model
topographical surveys (in accordance with Ordnance Datum where possible) and the flood flow estimates you have used
- *outputs from both the baseline and proposed hydraulic model that calculate the flood risk in depth, velocity and extent for the flood flows you have chosen*
- *a comparison of your baseline and proposal results*

- a range of flood scenarios “up to and including” the maximum design event
- an allowance for climate change in line with current government guidance
- *an assessment of the impacts of flooding associated with a breach of defences and/or a blockage on a bridge/culvert, or pipe crossing a watercourse*
- *an assessment of the impacts of flooding associated with wave overtopping in coastal locations*

It is the responsibility of the applicant to determine the flood risk to their development site. This may mean ensuring the available data is fit for purpose. Therefore, we maintain our advice; without the flood model check, we cannot comment on the acceptability of the model used to assess the flood risk at the site.

We advise there is also no information provided in the FCA for the 0.1% (1 in 1000 year) plus 25% climate change annual probability fluvial flood event.

The tidal flooding scenarios provided in the FCA show non-compliance with TAN 15. The FCA considers the site is protected against fluvial and tidal flooding by existing flood defences. The crest level of the flood wall varies from 9.01m to 9.13m above ordnance datum (AOD). When climate change is taken into account, these defences are overtopped and will not offer complete protection to the development site. Therefore, we consider the FCA continuing to state the site is protected against fluvial and tidal flooding is misleading.

In our letter reference CAS-286323-Y4Z9, we advised the site is located within a TAN 15 Defended Zone. In accordance with TAN 15, assessment is required for the breach of a defence (breach scenario) and blockage of a structure (blockage scenario), which should be considered as the ‘design event.’ In the absence of breach assessment and blockage assessment, justification for not including them should be provided in the FCA.

When providing justification, the FCA considers breach and blockage scenarios are not proportionate to the nature of the development. undefended data is provided. However, as this data is from the Malpas Brook flood model update 2012, without the flood model check referred to above, we are unable to confirm whether the undefended scenarios are accurate.

- 6.3 Environmental Health Housing: I refer to the above application passed to Environmental Health Housing team for comment. I have no concerns regarding the proposals. If the dwelling is to become a HMO under the Housing Act 2004, Part 2, and where it will be occupied by more than two households, the most appropriate person (usually the landlord/owner of the property) should apply to the Environmental Health Housing Team for a HMO licence. The applicant is advised to read Newport City Council’s Houses in Multiple Occupation (HMO) Licensing Standards document referred to above, which details standards and licensing conditions for HMOs subject to licensing. The document can be viewed on Newport City Council’s website.

In addition to HMO Licensing, private landlords are required by the Housing (Wales) Act 2014 to be registered. Also private landlords who undertake letting and management activities or their managing agents, will need to obtain a licence from Rent Smart Wales and undergo training. For further information contact the Licensing Authority; website www.rentsmartwales.gov.wales

The applicant must also be aware that from 1st December 2022 the Renting Homes (Wales) Act 2016 came into force and has changes the way all landlords in Wales rent their properties

- 6.4 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.

- 6.5 SAB Drainage: Having reviewed the submitted information, a SAB application may not be required but if there are any external works exceeding 100square metres then we would encourage the applicant or contact the SAB team sab@newport.gov.uk for further discussions.
- 6.6 Waste Manager: 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.

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 7th May 2005, Site Notice was put up on 9th May.

- 7.1 NEIGHBOURS: 14no objections received as follows:
- I strongly object to the above planning application The main issue that I would be concerned about would be the extra amount of additional vehicles, also it could have a detrimental effect to the value of our property, as clearly the clientele that will be housed in this sort of establishment can only have a negative impact on this neighbourhood. I am aware what a HMO property is, they house, drug addicts, alcoholics and criminals, my daughter lives in an area where one such property is situated and there is antisocial behaviour and Police attendance most days, I do not want to live a few doors from such an establishment. We have lived in our property over 25 years and have always been happy here. We have lovely neighbours and we do not want this type of property on our family orientated street. I would be grateful if this planning application was refused on those grounds.
 - There is already a considerable shortage of parking in this part of Malpas Road. Each house is given the option of purchasing two parking permits and there is not even enough spaces for that many vehicles. To potentially have 5 plus vehicles at a single address, 3 more than currently expected, there would be considerable further issues with parking for existing residents. Unless something is done to mitigate further parking issues, such as providing more resident parking, I have to object to this application. It's hard enough for families with young children or elderly and/or disabled residents to park near to their homes now, even after purchasing a permit, let alone with the addition of 3 plus extra cars in the street.
 - This section of Malpas Road already has a parking issue, even though there is a permit system in place a maximum of two permits are allowed per household yet the street can accommodate barely one vehicle per household as it is. By making this property an HMO I feel the parking issues will only be exasperated.
 - First and foremost this has always been a family orientated area with all the homes being privately owned and occupied so the creation of an HMO at this address will in my view simply open the floodgates of potential developers who will then look to purchase any properties that come up for sale which will in time completely change our street/community. Most importantly we already have a severe issue with there not being enough parking for the residents despite having a resident parking scheme (does not get enforced) so creating an HMO for at least 5 occupants who will almost certainly all have vehicles is going to create severe issues and potential conflict with neighbours, something the current owner knows all

about as he has been one of the most vocal complainers regarding parking.

- I am writing to express my opposition to the planning proposal for an HMO in the property adjacent to mine. My objections are based on several factors, including the likelihood of increased noise disturbance, the added pressure on already limited parking in the area, and the potential erosion of the established character of this residential neighbourhood.

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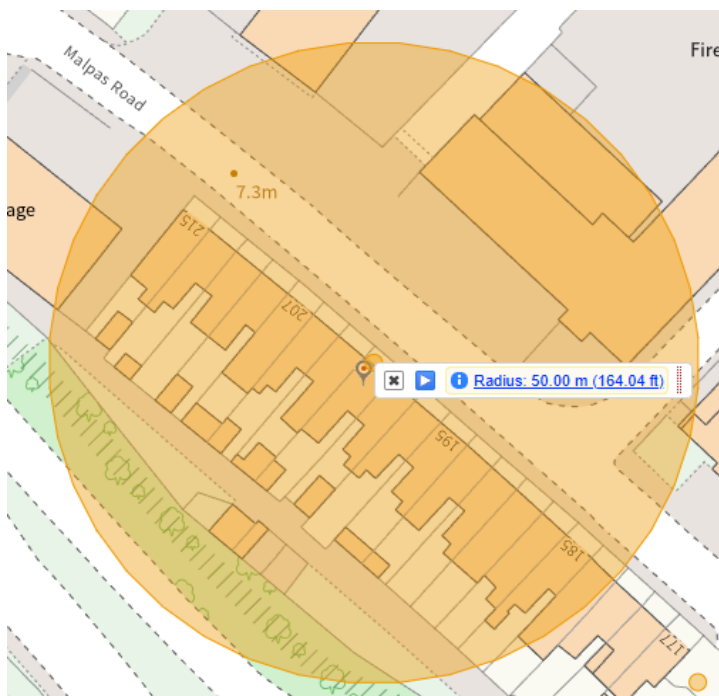
8. ASSESSMENT

8.1 Principle of Development:

The main considerations of this application are whether the proposals will result in an over-concentration of HMOs 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 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 17no. 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. The diagram below shows the 50m radius. Existing HMOs are indicated by a green square. In this instance there are none:



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 lounge 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 a reason 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 not in an obvious poor state of repair. 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 5 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. All of the bedrooms would exceed this, and the combined kitchen/lounge would also exceed the requirements. It is considered that the accommodation would provide an adequate standard of amenity for occupiers.

8.11 **Highways and Parking**

The site is located on Malpas 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 5no. bedroom HMO would require 1no. space per bedroom (5no spaces), which is a net gain of 2no. spaces and would need to be accommodated on the highway.

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. The Council's Highways officer has referred to shortcomings with the parking survey but notes that it appears to show some provision and does not object.

- 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 500m from a district centre, 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 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, critierion (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 five 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 5no. 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 2 and 3 – Rivers and Sea. The application is accompanied by an FCA. NRW advise that given the age of the model data, to ensure it represents the most up to date information and is fit for purpose, they expect the model to be checked, relevant hydrology and topography updates to be undertaken as necessary, and confirmation of this be included in the FCA. This can then be used to ensure the flooding scenarios are relevant to current guidelines. Without this, NRW advise they cannot comment on the acceptability of the model used to assess the flood risk at the site.

- 8.19 Whilst a 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. 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 Authorities with details of how the development would comply/compare with these. Whilst the application is accompanied by an FCA NRW advise that the data is used is not sufficient and the document is therefore not fit for purpose.
- 8.19 The proposed layout of the HMO results in two bedrooms on the ground floor with a refuge room at first floor for the occupiers of the ground floor bedrooms. The refuge room is small at approximately 4m². The matter of flood risk relevant to a HMO and the acceptability of a 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 ensembles....
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 it is considered that the proposals put ground floor bedroom occupiers at considerable risk in the event of a flood and the first-floor refuge room is not an adequate solution. The submitted FCA is flawed and there is a lack of information to demonstrate that the proposals are acceptable in flood risk terms. The LPA cannot make a fully informed decision on flood risk since the submitted FCA is inadequate.
- 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 HMO threshold set out in the Council's Guidance and it is not considered that the proposals would result in a demonstrable harmful impact to the character of the area.

10.2 Whilst the proposals would result in an increased demand for parking of two spaces, 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.

10.3 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 ground floor bedrooms. Whilst a first-floor refuge for residents is provided, it would serve two occupiers of ground floor bedrooms and given its small size it would not be suitable for the movement and storage of their possessions. Furthermore, the FCA accompanying the application lacks appropriate data and does not enable the LPA to make a full assessment of whether the proposals are acceptable in flood risk terms. This is contrary to Policy SP3, GP2 and H8 of the NLDP 2011-2026 (adopted January 2015), Planning Policy Wales and TAN15.

10.4 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 unquantified flood risk and the presence of ground floor bedrooms with inadequate refuge space at first floor for persons and their 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: TRD-222427 - A1/02, TRD-222427 - A2/02, FCA September 2025, GIS, Flooding Statement, Sustainability Appraisal, Parking Survey, Planning Statement.

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