



## **APPEAL STATEMENT**

### **SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

### **APPEAL AGAINST THE REFUSAL OF PLANNING PERMISSION BY NEWPORT CITY COUNCIL**

**APPEAL SITE:** 7 CONWAY ROAD, NEWPORT, NP19 8PA

**APPELLANT:** MR WILLIAMS - WILMONT ASSETS LTD

**APPLICATION REFERENCE:** 25/0841

**PREPARED BY:** LRJ PLANNING LTD

**DATE:** DECEMBER 2025



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Appendix A – Officer Report and Refusal Decision Notice

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## **1 AUTHOR'S BACKGROUND**

- 1.1 My name is Lloyd Jones. I am a Chartered Town Planner and I hold a degree in City and Regional Planning from Cardiff University. I am a member of the Royal Town Planning Institute and prior to establishing LRJ Planning I worked in Local Government for 15 years dealing with a range of applications from householder schemes to major residential development.



## 2 INTRODUCTION

- 2.1 This Appeal Statement has been prepared by LRJ Planning on behalf of Mr Williams in support of an appeal against the decision of Newport City Council to refuse planning permission (planning reference: 25/0841) for the following development at 7 Conway Road, Newport, NP19 8PA:

*“Change of use from dwelling (C3 use) to a 4 bedroom house in multiple occupation (C4 use)”*

- 2.2 The application dated 25<sup>th</sup> September 2025, was recommended for approval at Planning Committee on 3<sup>rd</sup> December 2025. Despite the positive officer recommendation, the Planning Committee refused the application for the following reasons:

*“The development will have a significant adverse impact upon interests of acknowledged importance, namely the amenity and wellbeing of future occupiers, by reason of the small room sizes of 2no. bedrooms (at 6.5sqm and 6.6sqm floor area) and the location of the sole shared household bathroom at ground floor and accessed through the shared kitchen, a situation exacerbated by the inherent flood risk which would render the property unusable during a flood event as all amenities are at ground floor. No information has been provided to mitigate this objection. This is contrary to GP2, SP1, SP3, GP6, H8 and GP7 of the Adopted Newport Local Development Plan (adopted January 2015).”*

- 2.3 A copy of the committee report and decision notice is attached at **Appendix A.**



### **3 APPEAL SITE LOCATION, PLANNING HISTORY AND PROPOSAL**

#### **Site Description**

- 3.1 The application site comprises a two-storey terraced property, which is surrounded by properties of a similar vintage. The property itself consists of an existing dwelling that is positioned on the northern side of Conway Road. The property benefits from a generous sized rear garden area.
- 3.2 It should be noted that the property occupies a sustainable location within the settlement boundary, as well as being within walking distance of a bus route with regular services. Within 800m there are a raft of amenities and services that are accessible within Beechwood District Centre and Maindee District Centre. Within 800 metres there are the following services and amenities:
- Bus stops on Chepstow Road to cater for travel in both directions to and from the City Centre;
  - Public House;
  - Barbers;
  - Hairdresser;
  - Café;
  - Restaurants;
  - Convenience store.

#### **Planning History**

- 3.3 The appellant has sought a collaborative approach and obtained pre-application advice (Reference: PRELET/ PS/25/0061) from the Council for the proposal. The advice was supportive of a 4 bedroom HMO.
- 3.4 Full details of the pre-application is attached at **Appendix B**.



### **Proposal**

- 3.5 The appeal proposal seeks planning permission for the change of use from dwelling (C3 use) to a 4 bedroom house in multiple occupation (C4 use).
- 3.6 The appellant has viewed an appeal as last resort and sought to address the initial concerns regarding the provision of a ground floor bedroom with first floor refuge room. However, following advice from the Principal Planning Officer, the bedroom at ground floor was removed and four bedrooms at first floor are proposed.
- 3.7 A copy of the appeal proposal plans and documents are attached at **Appendix C.**



#### **4. PLANNING POLICY CONTEXT**

- 4.1 The plan-led approved approach to development as enshrined by Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to accord with the adopted development plan unless material considerations indicate otherwise.
- 4.2 The Newport Local Development Plan (Adopted January 2015) is the 'Development Plan' for the area and is relevant to this appeal.

##### **Newport Local Development Plan (LDP)**

- 4.3 The Council in their reason for refusal cite policies GP2, H8 and SP3 of the LDP, as well as adopted Supplementary Planning Guidance relating to HMO's and Parking Standard.
- 4.4 Policy GP2 relates to general amenity and that development will be allowed where it does not have an adverse effect on local amenity, will not be detrimental to the character of the area, and designs out the opportunity for crime and anti-social behaviour.
- 4.5 Policy GP6 identifies 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.
- 4.6 Policy GP7 states that development will not be permitted which would cause or result in unacceptable harm to health.
- 4.7 Policy H8 of the LDP identifies that:



*“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) adequate amenity for future occupiers.”*

4.8 Policy SP1 seeks sustainable development.

4.9 Policy SP3 relates to flood risk and seeks to ensure development is directed away from flood risk areas.



## **5. MAIN PLANNING CONSIDERATIONS**

5.1 I am of the opinion that the principal considerations relating to this appeal include:

- Whether the proposal will provide a high level of amenity for future occupants;

5.2 Section 6 of this appeal statement will address the above consideration and set out the appellant's case.



## **6. STATEMENT OF CASE**

### **CASE AGAINST REFUSAL OF PLANNING PERMISSION**

#### **i) Whether the proposal will provide a high level of amenity for future occupants;**

- 6.1 This section addresses the sole reason for refusal, which was made contrary to the professional recommendation of the Council's Principal Planning Officer, who concluded that the proposal was acceptable in planning terms, which was policy compliant.
- 6.2 As touched upon above, prior to the submission of the application, the Appellant engaged in formal paid pre-application discussions with the Council, during which specific advice was provided on matters including internal layout, amenity requirements and flood resilience. That advice was reinforced through further communication with the Principal Planning Officer during the course of the application.
- 6.3 In direct response to that advice, the Appellant amended the proposals to remove the originally proposed ground floor bedroom and relocate all bedrooms to the first floor. This was the Council's clearly expressed preference and was also consistent with NRW's consultation response.
- 6.4 It is notable that the Case Officer undertook a site visit and physically measured the rooms to verify the submitted drawings. The committee report concludes that the proposal provides an acceptable level of amenity, that all room sizes exceed adopted minimums. The refusal reason is therefore contrary to the professional judgement of the Council's own officers and the technical evidence before them.
- 6.5 The refusal reason alleges harm arising from the size of two bedrooms, measuring 6.5 sqm and 6.6 sqm respectively. As confirmed within the



committee report, the applicable HMO Licensing Standards require a minimum single bedroom size of 6.51 sqm. All four proposed bedrooms exceed this minimum requirement, with verified floor areas of 6.55 sqm, 8.40 sqm, 7.90 sqm and 6.60 sqm. The Case Officer recorded that each room benefits from good natural light, outlook and ventilation, and is of a usable and functional plan form. These conclusions follow on site inspection and measurement.

- 6.6 It is therefore not credible to assert that any of the rooms are small in planning policy terms. The proposal meets and exceeds the LPA's adopted standards. The refusal reason is directly contradicted by the Officer's findings at paragraph 7.4.4 of the report, which concludes that the proposal provides an acceptable level of internal amenity and is compliant with Policy GP2, Policy H8 and the HMO SPG.
- 6.7 The refusal also identifies harm arising from the ground floor location of the sole bathroom, particularly in the context of flood risk. This concern is neither substantiated by technical evidence nor reflected within the Case Officer's assessment.
- 6.8 The committee report identifies that both the existing C3 dwelling and the proposed C4 HMO fall within the same highly vulnerable category under TAN 15, and therefore no increase in vulnerability arises from the proposed change of use. This establishes that, there is no material intensification of flood risk sensitivity.
- 6.9 Following NRW's initial consultation response, the Appellant amended the scheme to remove the ground floor bedroom entirely and ensure all habitable rooms are located at first floor level. This was the specific concern raised by NRW.



- 6.10 Furthermore, both Environmental Health (Housing Licensing) and the Council's Licensing Officer raised no objection to the proposal, including in relation to the bathroom arrangement. As the primary regulatory authorities for HMO living standards, it is considered that their lack of objection carries substantial weight.
- 6.11 Additionally, the Case Officer report confirms that the proposal provides generous and compliant communal facilities. The shared kitchen measures 7.70 sqm, exceeding the minimum 7 sqm standard for up to five persons, and the open plan living/dining area provides an exceptionally generous 28 sqm of communal space.
- 6.12 Externally, residents are provided with access to a sizeable private rear garden, capable of accommodating refuse storage, cycle storage, clothes drying and general amenity use, in full accordance with the HMO SPG. It is clear that the internal and external amenity provision is materially above the minimum required by the Council's adopted standards, supporting the Officer's conclusion that the proposal is acceptable.
- 6.13 Accordingly, the appeal proposal will deliver much needed single person accommodation and for the above reasons, it is clearly the case that the appeal proposal is compliant with policies GP2, SP1, SP3, GP6, H8 and GP7 of the adopted Newport Local Development Plan.



## **7 CONCLUSION**

- 7.1 This appeal seeks to overturn an unreasonable and unjustified refusal of planning permission, made contrary to the professional and balanced recommendation of the Council's own Principal Planning Officer.
- 7.2 The decision of the Planning Committee to refuse permission was made without evidence, contrary to the Officer's findings, and failed to give proper weight to the planning history, relevant policy context, and material planning considerations.
- 7.3 The sole reason for refusal is neither evidence based nor consistent with the Council's own professional assessment. The Appellant has responded constructively to all advice provided, including paid pre-application guidance, officer recommendations and statutory consultee responses. All bedrooms exceed the Council's adopted minimum size requirements, the communal kitchen and living accommodation are comfortably above the relevant standards, and the external amenity and storage provision fully accords with the HMO SPG. These conclusions are explicitly set out in the Case Officer's report, which found the development to be compliant with Policies GP2, H8 and associated design and amenity policies of the Newport Local Development Plan.
- 7.4 Similarly, no technical evidence has been provided to substantiate concerns regarding the location of the ground floor bathroom. Flood risk matters were satisfactorily addressed through the removal of the ground-floor bedroom, and there is no change in vulnerability between the existing C3 use and the proposed C4 use. Significantly, both Environmental Health (Housing Licensing) and the Council's Licensing Officer raised no



objection, confirming the adequacy of the proposed facilities and arrangements.

- 7.5 The proposal complies with the relevant policies of the Newport Local Development Plan (2011–2026), including policies GP2, SP1, SP3, GP6, H8 and GP7.
- 7.6 On this basis, the Appellant respectfully requests that the Inspector allows the appeal and grants planning permission for the use of the property as a four bedroom House in Multiple Occupation.



## APPENDIX A

# Notice of Decision



L Jones  
LRJ Planning Ltd  
Pen-Y-Rhiw  
Redbrook Road  
Newport  
South Wales  
NP20 5AB

## **TOWN AND COUNTRY PLANNING ACT 1990 [as amended]**

Application No: **25/0841**

Application Type: **Full**

Proposal: **CHANGE OF USE FROM DWELLING (C3 USE) TO A 4 BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4 USE)**

Site/Location: **7 Conway Road, Newport, NP19 8PA**

Decision Date: **3rd December 2025**

In pursuance of its powers under the above Act the Council of the City of Newport notifies you of its decision in respect of your application, registered by them on 7th October 2025. The application has been:-

### **Refused**

Reason(s) for refusal:

1.

The development will have a significant adverse impact upon interests of acknowledged importance, namely the amenity and wellbeing of future occupiers, by reason of the small room sizes of 2no. bedrooms (at 6.5sqm and 6.6sqm floor area) and the location of the sole shared household bathroom at ground floor and accessed through the shared kitchen, a situation exacerbated by the inherent flood risk which would render the property unusable during a flood event as all amenities are at ground floor. No information has been provided to mitigate this objection. This is contrary to GP2, SP1, SP3, GP6, H8 and GP7 of the Adopted Newport Local Development Plan (adopted January 2015)

## **NOTE TO APPLICANT**

This decision notice is issued in respect of Planning Permission only and does not convey any decision which may be required under any other legislation or provisions, such as the Building Regulations. The plans have been assessed on the basis of the scale or dimensions stipulated and any statement of 'do not scale' (or similar) has been disregarded.

01 This decision relates to plan Nos: Site Location Plan; Planning Statement; Parking Survey Rev A.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies 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.

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Signed on behalf of the Council



Newport City Council  
Regeneration and Economic Development  
Civic Centre  
Newport  
South Wales  
NP20 4UR

**Tracey Brooks Bsc Hons Dip TP MRTPI ILM**  
**Pennaeth Adfywio a Datblygu Economaidd / Head of Regeneration and Economic Development**  
**Cyngor Dinas Casnewydd / Newport City Council**

**Application Number: 25/0841**

**Decision Date: 3rd December 2025**

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*IMPORTANT! PLEASE READ THE NOTES ON THE REVERSE OF THIS FORM*

# Notes for Applicants

## TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

### Appeals to the Welsh Government

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission or grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act (as amended).
- Appeals must be made within a prescribed time period that is dependent on the application type. These time periods along with further information on the appeals process are available here and should be checked immediately: [Planning appeals | Sub-topic | GOV.WALES](#)
- Appeals in respect of:
  - Householder and 'minor commercial' development must be received within 12 weeks from the date of the decision notice;
  - Advertisement consent applications must be received within 8 weeks from the date of the decision notice; and,
  - Other types of planning application must be received within 6 months from the date of the decision notice.

Appeal forms can be downloaded at Planning Casework ([gov.wales](http://gov.wales)) or are obtainable from Planning and Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ, email [PEDW.Casework@gov.wales](mailto:PEDW.Casework@gov.wales)

- The Welsh Ministers can allow a longer period for giving notice of an appeal, but are not normally prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Welsh Ministers do not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

### Purchase Notices

- If either the Local Planning Authority or the Welsh Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

## **APPLICATION DETAILS**

**No:** 25/0841      **Ward:** Beechwood

**Type:** Full

**Expiry Date:** 5<sup>th</sup> December 2025

**Applicant:** Mr Williams

**Site:** 7 Conway Road Newport NP19 8PA

**Proposal:** **CHANGE OF USE FROM DWELLING (C3 USE) TO A 4 BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4 USE)**

**Recommendation:** GRANTED WITH CONDITIONS

### **1. INTRODUCTION**

- 1.1 This application seeks planning permission for the change of use of a dwellinghouse (C3 Use) to a 4no. bedroom House in Multiple Occupation (HMO) at 7 Conway Road in the Beechwood 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 4no. bedroom HMO falls into the C4 Use Class, which allows between 3no. and 6no. unrelated occupants to reside and share amenities.
- 1.3 The application is reported to Planning Committee at the request of Councillor Deborah Davies, for the reasons outlined within the representations section of this report.

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

- 2.1 None.

### **3. POLICY CONTEXT**

- 3.1 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

- 3.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

6.2.12 A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants.

### 3.3 NEWPORT LOCAL DEVELOPMENT PLAN (NLDP) 2011-2026 (ADOPTED JANUARY 2015)

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

*Policy SP3 ensures development is directed away from flood risk areas and is permitted in accordance with National guidance where technical assessment has been provided to ensure the development is able to cope with the threat and consequences of flooding over its lifetime.*

*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 GP5 General Development Principles – Natural Environment states that proposals should be designed to protect and encourage biodiversity and ecological connectivity and ensure there are no negative impacts on protected habitats. Proposals should not result in an unacceptable impact of water quality or the loss or reduction in quality of agricultural land (Grades 1, 2 and 3A). There should be no unacceptable impact on landscape quality and proposals should enhance the site and wider context including green infrastructure and biodiversity.*

*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 GP7 General Development Principles – Environmental Protection and Public Health states that development will not be permitted which would cause or result in unacceptable harm to health*

*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.*

### 3.4 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE

Parking Standards SPG (Adopted August 2015)

Houses in Multiple Occupation (HMO) SPG (Updated January 2017)

Sustainable Travel SPG (July 2020).

## 4. CONSULTATIONS

### 4.1 NATURAL RESOURCES WALES:

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below

#### **Flood Risk**

The planning application proposes highly vulnerable development (house in multiple occupation). The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 2 and 3 Sea and TAN15 Defended Zone(1) . Whilst we recognise there is no change in vulnerability, there is a likely increased risk to people and property as one bedroom is proposed wholly on the ground floor. This may also lead to intensification of highly vulnerable use and create more pressure on emergency services should evacuation be required. We refer you to Section 10 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025 (TAN15) for advice on how you should consider this application in line with current planning policy. Our role is to provide you with detailed advice on the findings and conclusions of the Flood Consequences Assessment (FCA) in relation to flooding from rivers and/or the sea, including the impact on flooding elsewhere. For advice on flood risk from surface water and or small watercourses you should consult with your Lead Local Flood Authority. Newport City Council Civic Centre Newport NP20 4UR Ein cyf/Our ref: CAS-290073-M6D6 Eich cyf/Your ref: 25/0841 Therefore, we have reviewed the FCA undertaken by KRS Enviro, dated September 2025, referenced KRS.0896.001.R.001. Our advice to you is that the FCA fails to demonstrate that the potential risks and consequences of flooding are manageable for the reasons explained below. Flood model data for the River Usk was obtained from NRW and 0.11m was applied to the given flood levels to calculate the 100 year lifetime of development climate change allowances. We are satisfied with this use of the data given the sources of flooding and scale of the development.

#### *Frequency thresholds (Figure 5)*

Section 2.4 of the FCA indicates an approximate maximum ground level of 7.5m AOD with an appropriate minimum ground level of 7.3m AOD. Section 4.2 of the FCA states that finished floor levels will be set at the existing finished floor levels. However, no level is provided.

For the 1 in 200 year (0.5%) to 2125 flood event, the predicted flood level is given as 8.43mAOD (FCA table 4). Therefore, based on the minimum ground level of 7.3m AOD, the development is predicted to flood to 1.13m during the 1 in 200 year plus climate change event (0.5%+CC).

This does not comply with Figure 5 of TAN15.

#### *Tolerable Conditions (Figure 6)*

For the 1 in 1000 year (0.1%) to 2125 flood event, the predicted flood level is given as 9.35m AOD (Table 4 FCA).

Therefore, based on the minimum ground level of 7.3m AOD, the development is predicted to flood to 2.05m during the 1 in 1000 year plus climate event (0.1%+CC).

This exceeds the tolerable threshold of 600mm set out in Figure 6 of TAN15.

#### *Breach Assessment*

The site is located in an area benefitting from flood defences which provide a 1 in 200 year standard of protection. These defences take the form of flood embankments and flood walls which are maintained by NRW. Given that the site is located within a TAN 15 Defended Zone, a breach assessment is required, with a breach 1 in 200 year plus climate change 2125 flood event being the Design Event.

The following breach flood levels are provided in the FCA:

- 1 in 200 year 2125: 8.11m AOD
- 1 in 1000 year 2125: 9.51m AOD

Based on the breach flood levels provided, the development is predicted to flood to a depth of 810mm in the 0.5%+CC flood event. This does not comply with Figure 5 of TAN 15.

We request confirmation of the source of the breach data, and to which defences the information relates and for the FCA to be updated accordingly.

4.2 DWR CYMRU WELSH WATER: No objection.

4.3 GWENT POLICE: No objection.

## **5. INTERNAL COUNCIL ADVICE**

5.1 HIGHWAYS:

### Final Response

No objection, subject to conditions.

5.2 ENVIRONMENTAL HEALTH: No response.

5.3 HMO LICENSING: No objection.

5.4 WASTE: No response.

5.5 DRAINAGE: No response.

5.6 PLANNING CONTRIBUTIONS MANAGER: No planning contributions required as there is nil net gain in residential units.

## **6. REPRESENTATIONS**

6.1 NEIGHBOURS: All properties within 50m of the application site were consulted (81no. properties) and a site notice displayed.

14no. neighbours have objected to the application, with a summary of the issues submitted listed below;

- Highway safety and existing parking issues/stress within the area as well as emergency service accessibility, that the application would add to;
- Fears of anti social behaviour and crime within the local area;
- Number of HMOs within the surrounding area and addition of another will impact/undermine the existing community cohesion and neighbourhood character and lead to transient nature of occupants in the area;
- Increased waste generated and stored on street and consequential environmental and pedestrian access issues;
- Overdevelopment of the existing property resulting in reduced living conditions and communal space for residents;
- Increased noise and disturbance as a result of the proposal;
- Lack of cycle storage proposed;
- Issues with parking survey and its quality, along with errors and duplication of photographs used;
- Concerns regarding flood risk and the quality of the FCA as well as the proposal increasing vulnerability to flooding at site;
- GIS does not include Stepwise Approach to biodiversity enhancement;
- Concerns regarding the accuracy and reliability of the Sustainability Appraisal;
- Concerns regarding the Local Planning Authority's public consultation exercise.

## 6.2 COUNCILLORS DAVIES/PIMM/SPENCER:

**Councillor Pimm:** I am opposed to the proposed change of use of this property into a 4 bedroomed HMO. The area of Conway Road is not suitable for this type of property which is a traditional family area with many young children residing. Parking is very restricted and there are already ongoing issues with litter and congestion which will be exacerbated by the possibility of 4-8 adults living in a standard family home in a built up area.

We need to build new accommodation in Newport for single person dwelling with suitable infrastructure and amenities. HMO's create tension within the local community and decrease the value of people's properties who have lived in the area for long periods and are settled.

**Councillor Davies:** There are a number of issues:

Firstly whilst a bin store has been proposed for the back garden, I am dubious this will be used as all the bins will need to be wheeled or carried through the terraced property. Bins, inevitably will be left on the street in front of the property. The street is narrow and the additional waste bins reflecting the fact four adults would be living there would add excessively to what is already a problem.

I also would challenge the parking survey. Whilst undertaken at night this does not reflect the pressure on parking that we see during the day. I believe that people travelling into the city, as well as staff at the nearby school will park on these streets. Parking is already fairly limited. Much of Archibald Street is double yellow lined which forces these residents to park in Conway Road. I am also aware that the parking survey is inaccurate as some photos have been used more than once to identify empty spaces in different streets. I would argue that as much as we would prefer tenants not to own and drive a car, given the proximity of the main transport routes, this is very often necessary when work is located away from the city centre, as our bus service or the train service do not run late into the night.

Can it also be clarified whether the bedroom sizes meet the NCC specifications please?

If officers are minded to approve this application as a delegated decision, can this be taken to the planning committee for consideration please?

## 7. ASSESSMENT

### 7.1 The Site

- 7.1.1 The application site is a mid terrace dwelling that fronts onto Conway Road and is located near the junction with Rochester Road.
- 7.1.2 The existing ground floor of the property contains an entrance hallway that leads to a large open plan dining room and lounge area, with a kitchen and utility room/shower located within a single storey rear extension. At first floor the property contains 2no. large bedrooms and a bathroom.
- 7.1.3 The property directly fronts onto Conway Road to the south, and to the rear the kitchen accesses a spacious rear garden. The site adjoins 5 Conway Road to the west, 9 Conway Road to the east and the rear boundary to the north abuts the side boundary of 27 Rochester Road.
- 7.1.4 The local area is traditionally residential in its character with linear layout of terraced properties formed between Conway Road and Chepstow Road, which is one of the main arterial routes into the City Centre.

### 7.2 The Proposal

- 7.2.1 The proposed HMO would retain the large open plan ground floor dining area and lounge, which equates to approximately 28sqm in size. The rear kitchen area is also retained within the extension and the utility room and shower would be knocked through to create a shower room and w/c. At first floor the 4no. bedrooms are proposed and some minor internal works

are required in order to provide the layout proposed. The existing wall between the existing bathroom and rear bedroom is to be removed and repositioned, to ensure all rooms are compliant with HMO Licensing standards as a minimum. The existing chimney breasts in the two bedrooms adjacent to 5 Conway Road are to be removed in order to provide the rooms with greater internal space and a more functional layout for occupants.

- 7.2.2 The existing rear garden is to be utilised in its current condition, which is flat and spacious. To the rear a secure cycle store is proposed and along the eastern side boundary a designated area for storage of refuse receptacles is proposed. No other external alterations are required or form part of the proposal.

### 7.3 **HMO Concentration and Impact on Character, Appearance and Neighbour Amenity**

- 7.3.1 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) adequate amenity for future occupiers.'

- 7.3.2 During the consultation period, local and Councillor objections have been received and have referenced concerns in relation to the impact of the proposed HMO on the existing residential character, social cohesion, general amenity and residential amenity of the local community within this area as well as issues of anti social behaviour and fear of crime.

- 7.3.3 In support of Policy H8, the Council has adopted Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation, which provides further detail on how such applications are assessed. The SPG notes that clusters of HMOs can impact the composition of communities and detract from local visual amenity. To manage this, the SPG introduces thresholds beyond which HMOs are considered to negatively affect the character of an area. Specifically, the guidance sets a limit of 15% HMO concentration in defined areas and 10% in all other areas.

- 7.3.4 The application site falls within a 10% threshold area. A survey of the housing stock within a 50m radius of the site identifies the full front elevations of 38no. residential properties, of which one (34 Conway Road) is a registered HMO. This equates to a current HMO concentration of 2.6%. The proposed development would introduce a second HMO within this radius, increasing the concentration to 5.3% and this is below the 10% threshold as set out within the adopted SPG. Consequently, HMO concentration levels are not grounds to refuse planning permission in this case.



**Figure 1 – 50m Concentration Threshold Test**

- 7.3.5 From undertaking the site visit there was no evidence to suggest that properties within the locality were in poor condition or not being maintained to a reasonable standard, which can sometimes be a sign of an overconcentration of HMOs or a character issue of an area. In conclusion, 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.
- 7.3.6 There has been concerns raised regarding the intensification of the use of the existing dwelling as a 4no. bedroom HMO. The existing dwelling is a 2no. bedroom property and each of these two bedrooms are very generous and could reasonably provide space for 2no. adults and an older child/adult. The proposed HMO is for 4no. occupants and this would need to be controlled by planning condition. It is not considered to be such a significant intensification of the use of the property that would result in an adverse impact on neighbouring residential amenity through comings and goings for example.
- 7.3.7 It is noted however that in the rear garden, the existing boundary with 5 Conway Road is a low boundary wall, estimated to be 1.00m in height. As such, there is currently mutual overlooking between the two dwellings. The external amenity space is level and generous in size so is a desirable feature which is anticipated will be utilised by occupants. Whether occupied by a family or 4 unrelated tenants, it is considered reasonable to include a planning condition that controls the installation of a boundary treatment between the two properties to mitigate overlooking and protect the amenity of neighbouring occupiers. This would reflect the relationship between the site and 9 Conway Road, where a fence has previously been installed, as shown in Figure 2 below.



**Figure 2 – View of Rear Garden of 7 Conway Road**

- 7.3.8 Fear of crime and anti social behaviour has been raised in the objections, but it cannot be assumed that all HMOs result in issues surrounding ASB and disorder. Gwent Police have been consulted on the application and have responded providing a short report analysing statistics for the development location, focussing on crime/incidents that could potentially pose a threat, risk, or harm. Gwent Police have concluded that the proposed development location is not currently being affected by any significant ongoing crime trends or patterns. They also confirm that the current call volume and demand from the existing one HMO within the threshold area is not having any detrimental effect on Policing or the community within the location.
- 7.3.9 Overall, it is considered that the proposed HMO would not result in a demonstrable adverse impact on the surrounding residential character of the area, residential amenity of the neighbouring properties or have a demonstrable adverse impact on crime and disorder. As such the proposal complies with Policy GP2 and H8 of the NLDP 2011-2026 (adopted January 2015).

#### **7.4 Residential Amenity of Future Occupiers**

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.*

- 7.4.1 The HMO standards state that a single bedroom should be at least 6.51m<sup>2</sup>, shared kitchens and living rooms for up to 5 persons should be 7qm and 10sqm respectively. The kitchen is of a regular form and is 7.70sqm and the open plan living and dining room area is very generous equating to 28sqm and offers residents a good quality of communal amenity space.

- 7.4.2 Each of the four bedrooms is located at first floor and exceed the minimum single bedroom size as per the Council's HMO Licensing Standards (6.55sqm, 8.40sqm, 7.90sqm and 6.60sqm). A site visit has been undertaken and measurements taken by the Case Officer on site to verify the submitted plans. Each room is served by a good size window, is of square or usable plan form and benefits from natural light, outlook and ventilation for each occupier.

*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.*

- 7.4.3 Access to a generous rear garden is provided to residents and this provides cycle storage and refuse storage as part of the proposal as well as retaining a patio and grassed amenity space for residents to use.
- 7.4.4 Overall, it is considered that the proposed 4no. bedroom HMO will provide an acceptable level of amenity for the future occupiers and is compliant with Policy GP2 and H8 of the NDLP 2011-2026 (adopted January 2015) as well as the HMO SPG.

## 7.5 Highway Safety and Parking

- 7.5.1 One of the main topics within the objections received relates to the existing parking issues within the area and how the proposed development will result in a further demand for parking within the area to the detriment of residential amenity and highway safety as well as accessibility issues for emergency services.
- 7.5.2 The existing property is a two bedroom dwelling and this would generate a parking demand of 2no. parking spaces in accordance with the Parking Standards SPG. The proposed 4no. bedroom HMO would generate a parking demand of 1no. space per bedroom i.e. 4no. parking spaces. As no parking provision can be provided on site, all existing and proposed parking demand will need to be accommodated on street. The proposal results in a net gain of 2no. parking spaces according to the adopted Parking SPG and the proposal will need to demonstrate that these two spaces can be accommodated on the local highway network.
- 7.5.3 A parking survey has been submitted in order to demonstrate that there is adequate parking availability within the 200m survey area. The Council's Highways Officer has confirmed that the methodology used is acceptable and that the evidence submitted demonstrates there is adequate capacity on street to support the change of use.

| Street                | Available Kerbside Parking Length (Metres) | Available kerbside parking - Parking Spaces Number | Wednesday 17 September 2025 at 00:30 No of cars | Wednesday 17 September 2025 at 00:30 No of cars (% occupied) | Thursday 18 September 2025 at 00:30 No of cars | Thursday 18 September 2025 at 00:30 No of cars (% occupied) |
|-----------------------|--------------------------------------------|----------------------------------------------------|-------------------------------------------------|--------------------------------------------------------------|------------------------------------------------|-------------------------------------------------------------|
| Conway Road (North)   | 153                                        | 30                                                 | 27                                              | 90.0                                                         | 28                                             | 93.3                                                        |
| Conway Road (South)   | 239                                        | 47                                                 | 44                                              | 93.6                                                         | 42                                             | 89.4                                                        |
| Arundle Road (East)   | 122                                        | 24                                                 | 24                                              | 100.0                                                        | 23                                             | 95.8                                                        |
| Arundle Road (West)   | 100                                        | 20                                                 | 20                                              | 100.0                                                        | 19                                             | 95.0                                                        |
| Rothsay Road (East)   | 110                                        | 22                                                 | 20                                              | 90.9                                                         | 22                                             | 100.0                                                       |
| Rothsay Road (West)   | 105                                        | 21                                                 | 19                                              | 90.5                                                         | 21                                             | 100.0                                                       |
| Rochester Road (East) | 107                                        | 21                                                 | 20                                              | 95.2                                                         | 21                                             | 100.0                                                       |
| Rochester Road (West) | 114                                        | 22                                                 | 21                                              | 95.5                                                         | 20                                             | 90.9                                                        |
| Rosslyn Road (East)   | 120                                        | 24                                                 | 23                                              | 95.8                                                         | 24                                             | 100.0                                                       |
| Rosslyn Road (West)   | 120                                        | 24                                                 | 22                                              | 91.7                                                         | 24                                             | 100.0                                                       |
| <b>TOTAL</b>          | <b>1290</b>                                | <b>255</b>                                         | <b>240</b>                                      | <b>94.1</b>                                                  | <b>244</b>                                     | <b>95.7</b>                                                 |

**Figure 3 – Parking Survey Results**

**Rochester Road**



**Conway Road**



**Rothesay Road**



**Figure 4 – Sample Photos from Parking Survey**

7.5.4 The parking survey indicates that during the two survey samples parking stress is high, however within the survey area 15no. spaces and 11no. spaces were available on the respective dates. As the proposal generates an additional 2no. parking spaces over and above the existing use of the site, these could be accommodated within the surveyed area during periods assessed. Both surveys were undertaken late night/early morning and a survey has not been undertaken during the daytime, however given the predominantly residential context of the survey area late night/early morning is accepted as being the peak time i.e. when parking demand is likely to be at its highest. This assertion has been backed up during day time site visits to the application site where parking has been plentiful and a large number of spaces available within the immediate vicinity of the site and across the wider survey area. Whilst accepted as being a snapshot in time, it is considered that the late night survey provides a reliable indication of the highest parking pressures for the area and demonstrates availability.



Conway Road



Conway Road



Rosslyn Road

**Figure 5 – Sample of Officer Site Visit Photos 11<sup>th</sup> November 2025 – 12:55pm**

- 7.5.5 Whilst the resident's frustrations in relation to parking availability are accepted and that the concerns raised are genuine, as mentioned above, the fact on street space is not plentiful at peak times has proven to not be a robust reason to refuse planning permission. One example being appeal decision CAS-01786-S4X0Y7 (November 2022) relating to 23 Arundel Road being directly relevant to this application. The proposal was for the change of use of the property from a 3 dwelling to a five bed HMO with the sole reason for refusal relating to lack of parking. Similarly, the application was supported by a parking survey that showed a high demand for parking in the area with an overall parking stress of 96% which equates to 6 free spaces out of the 167 potentially available and the high demand meaning that people have to park further away from their homes. However, the Inspector noted that this is not unusual in a dense urban location of terraced streets, where car ownership has increased over time to render on-street parking a matter of some inconvenience owing to competition and that such inconvenience may encourage some motorists to use public transport, cycle or to walk, as advocated by Planning Policy Wales. The Inspector gave considerable weight to the sustainability of the development in this appeal case, noting that this type of accommodation is likely to be attractive to those without a car and the rigid application of parking standards is not appropriate in the circumstances of this case. The Inspector did not consider that the proposal would give rise to significant concerns regarding highway or pedestrian safety. The issues raised primarily relate to matters of convenience, which are not sufficient to warrant refusal of the proposal. This recent decision, for a similar proposal relating to a property located in a sustainable location is a material consideration and should be afforded significant weight in the decision making process as whilst each case will be considered on its merits, the application site is also urban, sustainable and with heavy reliance upon on street parking (i.e. like the appeal case), and the development itself is for a change of use from dwelling to a HMO with the same uplift in parking. The assessment of the Inspector, having regard to very high demand for on road parking locally, was that the proposed use as a HMO and likely car ownership factors, and its sustainable location outweighed the on street parking stresses. This appeal decision is compatible with other appeal decisions in Newport where parking has been a key consideration/objection on HMO cases.
- 7.5.6 An issue with the Parking Survey was raised in the neighbour responses, with a photograph being duplicated within the survey as well as photographs not being dated or time stamped as is best practice. A revised survey has duly been submitted and has been considered to adequately address this matter. The accuracy of the Sustainability Appraisal was also noted. However, whilst the site is located in a highly sustainable location as previously acknowledged, Officers have not applied a reduction in parking demand to the proposal based on sustainability credentials and the assessment has been made on the Council's adopted Parking Standards. As such, the Sustainability Appraisal has not been given weight during the assessment of the application. The site is located in a sustainable area, within walking distance of the Chepstow Road and its associated services and public transport opportunities.

- 7.5.7 Covered cycle storage is to be provided in the rear garden. The Council's Highways Officer has raised concerns about the location and that residents would need to take cycles through the dwelling to access this. Unfortunately, as the property is a mid terrace and there is no side access, there is no other location for such storage and this would be the current arrangement for the residential property. The design and appearance is considered acceptable, however the Highways Officer has noted that usability could be restricted due to the width of the door. A planning condition for submission of revised details is recommended, to ensure the cycle store is suitable and there is no reason for an acceptable amended design not to be achievable.
- 7.5.8 When taking into account all the information that is available, such as the applicant's parking survey and parking availability in the survey area, the objections received from local residents, officer's own site visits, the generally positive attitude of the Planning and Environment Decisions Wales (PEDW) to HMOs in sustainable locations irrespective of whether they have off street parking, the lack of objection from the technical Highways consultee and the generally sustainable location of the site, it is considered that there is no demonstrable adverse impact upon highway safety or amenity in relation to parking impact. As such, the proposal complies with Policy GP2, GP4 and H8(i).

## **7.6 Waste**

- 7.6.1 Waste receptacles being stored on the footway at Conway Road resulting in a visual issue and pedestrian accessibility issue has been raised in the public responses received. It is not unusual in areas of predominantly terraced houses, particularly around collection day, for residents to store refuse receptacles on street and this was evident during site visits.
- 7.6.2 The number of receptacles (1 x 120l bin and kerbside recycling boxes/bags) required for a single dwelling house and a small HMO of 4no. residents is the same, in accordance with the adopted Waste Storage and Collection SPG. As such, the existing dwellinghouse and proposed HMO refuse requirements will not change as a result of the proposed change of use.
- 7.6.3 The proposed block plan of the site designates an area for the storage of refuse in the rear garden, and it could be controlled by planning condition that this area remains in place, clear and available for use by residents. However, whilst designating an area for residents to use is welcomed, wheeling bins and bringing receptacles through the kitchen and communal space to present for collection at kerbside is not a preferable arrangement. It clear from site visits and Google Streetview imagery that residents in this area leave receptacles on street, potentially for this reason.
- 7.6.4 Based on there being no change in requirements between the existing dwelling house and 4no. bedroom HMO for refuse and recycling requirements it is not necessary to control provision in the rear garden and in this particular instance it would not be beneficial to do so. Whilst acknowledging the issue is existing, the Highways Officer has requested a condition for a waste strategy but for the reasons explained this could also not be controlled and would not be circular compliant.
- 7.6.5 As such, the proposal does not demonstrably impact matters of refuse/waste and it complies with Policy W3 of the NLDP 2011-2026 (adopted January 2015).

## **7.7 Green Infrastructure & Biodiversity Enhancement**

- 7.7.1 Chapter 6 'Distinctive and Natural Placemaking and Well-Being' of Planning Policy Wales (PPW) Edition 12 (updated February 2024) states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long term benefit. PPW 12 also advises that a Green Infrastructure Statement (GIS) should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. PPW 12 states that having worked iteratively, in line with

Figure 12 through the stages of The Stepwise Approach, and providing a GIS that the step wise approach has been followed, a scheme of enhancements must be provided to ensure a net benefit for biodiversity.

7.7.2 One neighbour objection received refers to the GIS and raises concerns in relation to its detail and quality. The proposed development is for the change of use of the existing property and is minor in its nature, with no significant external works proposed that would impact on GI. PPW12 advises that a GIS should be proportionate to the scale of the proposal and in this instance this is considered to be the case. The site contains no real GI asset other than the lawned rear garden, which is to be retained. The proposed enhancement measure of a nest bird box provides proportionate enhancement for a change of use application of this nature and requesting further measures via planning condition would not be necessary or reasonable and would fail to comply with the legal tests for planning conditions as set out in Welsh Government Circular 016/2014.

7.7.3 Subject to a planning condition securing the implementation of the bird nest box proposed the proposal is compliant with Policy GP5 of the NLDP 2011-2026 (adopted January 2015) and PPW12.

## **7.8 Flooding**

7.8.1 The site is located within Flood Zone 2 and 3 (Sea) and the TAN 15 Defended Zone, as per the Flood Maps for Planning (FMfP). The existing use of the site as a dwelling house (C3) and the proposed use of the site as HMO (C4) are both highly vulnerable in flood risk terms, so there is no change in vulnerability.

7.8.2 The proposal initially included a ground floor bedroom with first floor refuge room as part of the proposed plans. However, this has now been removed and relocated to the first floor meaning that all 4no. bedrooms proposed are at first floor level.

7.8.3 At the time of writing the report NRW had not responded to the reconsultation, which is undertaken due to the ground floor bedroom being removed from the scheme in response to the NRW response. In their original response NRW had objected to the ground floor bedroom, and provided a technical analysis of the FCA and this can be used to assess the following tests as per Section 10 of TAN 15.

### **7.8.4 No Increase in Flooding Elsewhere**

The proposal is for a change of use and there would be no flooding elsewhere as a result of this.

### **7.8.5 Occupiers aware of Flood Risk**

An FCA has been produced that confirms residents will be made aware of the flood risk and will be advised to sign up to the NRW flood line.

### **7.8.6 Escape/Evacuation Routes Present**

The FCA advises that given there would be a forewarning of two days pending a flood event and the rapid water level rise and possible rapid inundation is considered to be minimal. It is advised that due to the lead time of flooding occupiers would have sufficient time to evacuate the site and seek safe refuge away from the flood zone.

The proposed flood evacuation route guides occupiers directly north of the site to Chepstow Road via Rochester Road, which is outside of the flood zone and approximately 100m from the site.

### **7.8.7 Flood Emergency Plans and Procedures agreed and in place**

The FCA advises a flood warning and evacuation plan will be developed, outlining precautions and actions that should be taken when a flood event is anticipated to help reduce impact and damaged flooding may cause.

### 7.8.8 Flood Resistant and Resilient Design

The building is existing and located within a terrace of properties. It is therefore considered limited as to what could be feasibly undertaken to minimise structural damage, however given the age and build of the property it is considered less likely to be structurally damaged.

### 7.8.9 The development should be designed so that it is flood free during the 1% river flood (1 in 100) and 0.5% flood from sea (1 in 200) plus an allowance for climate change over the lifetime of development

For the 1 in 200 year (0.5%) to 2125 flood event, the predicted flood level is given as 8.43mAOD (FCA table 4). Therefore, based on the minimum ground level of 7.3m AOD, the development is predicted to flood to 1.13m during the 1 in 200 year plus climate change event (0.5%+CC).

It is noted that all living accommodation is at first floor and located away from predicted flood waters.

The test is failed.

### 7.8.10 The development should be designed so that over its lifetime in an extreme (1 in 1000 year) event there would be a maximum flood depth of 600mm and maximum velocity of flood water of 0.30 metres/second across the development and 0.15 metres/second in properties.

For the 1 in 1000 year (0.1%) to 2125 flood event, the predicted flood level is given as 9.35m AOD (Table 4 FCA). Therefore, based on the minimum ground level of 7.3m AOD, the development is predicted to flood to 2.05m during the 1 in 1000 year plus climate event (0.1%+CC). This exceeds the tolerable threshold of 600mm set out in Figure 6 of TAN15.

It is noted that all living accommodation is at first floor and located away from predicted flood waters.

The test is failed.

### 7.8.11 Flooding Conclusion

Paragraph 10.17 of TAN 15 advises that redevelopment of brownfield sites must avoid over-intensification, should not reduce the site's ability to absorb flood water, and must not contribute to flooding elsewhere. It also requires that proposals incorporate flood-resilient design where appropriate, and that any highly vulnerable development must meet the tolerable conditions set out in Section 11.

While the submitted FCA provides data, it does not demonstrate full compliance with the tolerable conditions outlined in Section 11 of TAN 15 and NRW objected in their original response.

Overall, it is considered that whilst the FCA has failed to demonstrate full compliance with the TAN 15 tests, given that the existing use as a dwelling is highly vulnerable development in flood risk terms and there is no primary residence i.e. bedrooms at ground floor (which would need to be restricted via a planning condition) on balance the risk of flooding and consequences can be appropriately managed.

Accordingly, the proposal complies with Policy SP3 of the Newport Local Development Plan 2011–2026 (adopted January 2015) and the guidance set out in TAN 15.

## 7.9 Section 106 Planning Obligation matters

### 7.9.1 The proposal results in a nil net gain of residential units and as such there is no trigger for any planning contributions.

## 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 Overall, whilst the concerns of the local residents and Councillors are noted and have been given due consideration, based on best available information and evidence including technical consultations and policy assessment it is considered that the proposed 4no. bedroom HMO would not result in an adverse impact on matters of parking and highway safety, flood risk, impact on character or social cohesion of the local area or give rise to any anti-social behaviour or disorder.

### 9.2 As such, it is considered that the proposed development complies with the aims of the Newport Local Development Plan 2011-2026 (adopted January 2015).

9.3 It is recommended that the application is granted with conditions.

## 10. RECOMMENDATION

### GRANTED WITH CONDITIONS

#### Approved Plans and Documents

01 The development shall be implemented in accordance with the following plans and documents: Drawing No. TRD-222515-A1/01 - Existing & Proposed Plans; Green Infrastructure Statement; Flood Consequences Assessment.

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***

#### Provision of Boundary Treatment

02 Prior to first occupation of the development hereby approved, the entire shared garden boundary treatment with 5 Conway Road shall be increased to 1.8m high from ground level by way of a close boarded fence or wall to match existing. The means of enclosure shall be retained for lifetime of development.

Reason: To preserve neighbouring residential amenity and in the interest of good design, in accordance with Policy GP2 and GP6 of the NLDP 2011-2026 (adopted January 2015).

#### Submission of revised Cycle Store Details

03 Notwithstanding the details submitted, prior to installation details of a secured cycle store shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed as agreed prior to the first beneficial use of the development hereby approved and retained thereafter.

Reason: In the interest of promoting sustainable development and mitigating local air quality in accordance with Policy SP1 and GP7 of the NLDP 2011-2026 (adopted January 2015).

#### Ecological Enhancement

04 The proposed bird nest boxes as shown on the approved plans shall be provided prior to the first occupation of the use hereby approved and retained thereafter.

Reason: To ensure ecological enhancement at the site in accordance with PPW12 and Policy GP5 of the NLDP 2011-2026 (adopted January 2015).

#### ***General conditions***

#### Maximum Occupants

05 The development shall be occupied by a maximum of 4no. occupants at any time based on 1 occupant per bedroom and there shall be no bedrooms provided at ground floor.

Reason: To ensure provision of acceptable residential amenity of future occupiers, manage flood risk and in the interests of highway safety in accordance with Policy SP3, GP2, GP4 and H8 of the NLDP 2011-2026 (adopted January 2015).

#### ***NOTE TO APPLICANT***

01 This decision relates to plan Nos: Site Location Plan; Planning Statement; Parking Survey Rev A.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies were 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.



## APPENDIX B

Ask Grant Hawkins

for/Gofynnwch

am

Our Ref/Ein PRELET/ PS/25/0061

Your Ref/Eich

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**NEWPORT**  
CITY COUNCIL

CYNGOR DINAS

**CASNEWYDD**

Lloyd Jones

LRJ Planning

18th July 2025

Dear Mr Jones

**PROPOSAL:** PRE APPLICATION PLANNING ENQUIRY FOR CHANGE OF  
USE OF DWELLING TO 4 OR 5 BEDROOM HMO (2 X OPTIONS)  
**SITE:** 7 Conway Road Newport South Wales NP19 8PA  
**APPLICATION TYPE:** Pre-app Non Stat Enquiry

I refer to your recent request for pre-application advice in respect of the above. In formulating this response I have had regard to comments obtained from the parties listed below:

- Highways;
- HMO Licensing;
- Waste Manager (No response).

Outlined below is a preliminary assessment of the proposal, including an indication of the main issues that should be addressed should you choose to submit a formal application. Please note that the views expressed in this letter represent officer opinion only and cannot be taken to prejudice any formal decision of the Council in respect of any application, on which a more extensive consultation would be carried out which may raise additional issues. In addition, the depth of analysis provided corresponds with the scope of information made available to officers.

#### **Relevant Site History**

None.

#### **Site Constraints / Designations**

Urban Boundary;

Parking Zone 3;

Flood Zone 3 (Sea)(Defended Against Sea).

#### **Relevant Policy Context and material considerations**

*Newport Local Development Plan 2011-2026 (adopted January 2015)*

SP1 – Sustainability;

SP3 – Flood Risk;

GP1 – Climate Change;  
GP2 – General Amenity;  
GP4 – Highways and Accessibility;  
GP5 – Natural Environment;  
GP7 – Environmental Protection and Public Health;  
H8 – Self Contained Accommodation and HMOs;  
T4 – Parking;  
W3 – Waste.

#### *Adopted Supplementary Planning Guidance*

Parking Standards;  
House in Multiple Occupation;  
Waste Storage and Collection;  
Sustainable Travel;

### **Officer Assessment**

#### *Introduction*

This enquiry is seeking pre application advice in relation to the proposed use of the existing residential property as a 4no. or 5no. bedroom House in Multiple Occupation (HMO), at 7 Conway Road.

The property is a mid terrace dwelling that fronts directly onto the highway between the junctions of Rochester Road and Rothesay Road and contains an enclosed rear garden. There is no planning history available for the site, however it does appear that a single storey extension has been constructed at the rear. The existing ground floor layout comprises of an entrance hallway leading to an open plan living area and kitchen within the rear extension. At first floor it comprises of two bedrooms and a bathroom.

The surrounding area is generally residential in its character and comprises of a linear street pattern, although there is a Members Club located approximately 20 metres to the west at Rochester Road.

#### *The Proposal*

The enquiry presents two ground floor options and a first floor option. Option 1 comprises of no ground floor bedrooms and Option 2 comprises of two ground floor bedrooms. The first floor layout for both options comprises of three bedrooms and a refuge room. For Option 2 it is assumed that the refuge room should be labelled as the fourth bedroom to be consistent with the written description of the enquiry and I have worked on this basis.

No details of the outdoor space has been provided and it would appear that the proposal is entirely reliant on street parking.

#### *Impact on Character and Neighbouring Residential Amenity*

Policy H8 (Self Contained Accommodation and Houses in Multiple Occupation) states;

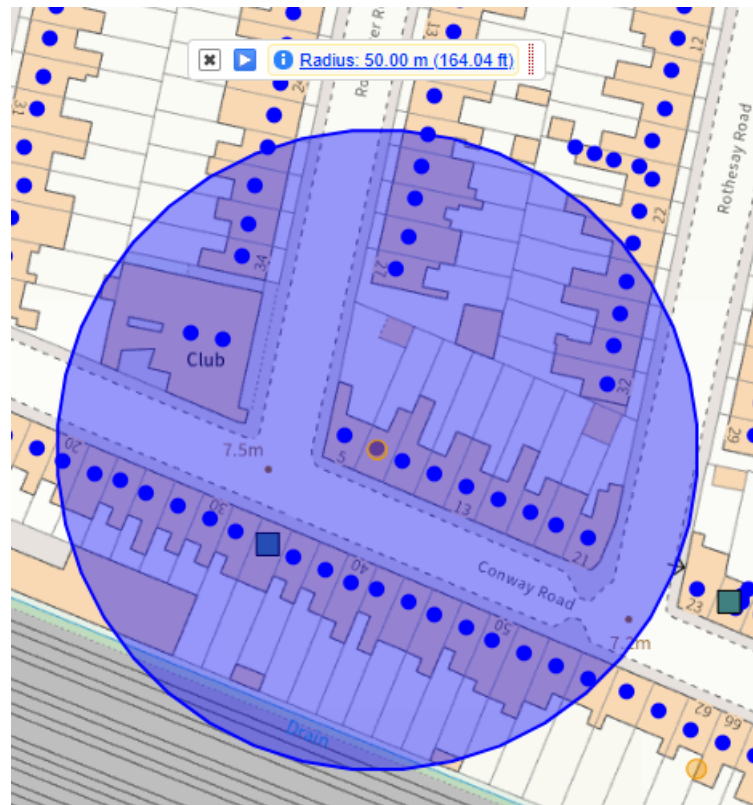
*‘within the defined settlement boundaries, proposals to subdivide a property into self-contained accommodation, bedsits or a house in multiple occupation will only be permitted if:*

- 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) adequate amenity for future occupiers.'*

The Newport City Council Supplementary Planning Guidance on Houses in Multiple Occupation (adopted August 2015, updated January 2017) seeks to avoid clusters of HMOs as they can alter the composition of a community and detract from local visual amenity. It also states that the Council will not support a planning application that would take the number of HMOs above 10% within defined areas, measured within a 50 metre radius of the application property.

A 50m radius captures the full front elevation of 37no. properties and of these records indicate there is 1no. existing HMO that equates to 2.70% concentration. The introduction of a second HMO in this location would increase the concentration to 5.40%, which would be acceptable in terms of the threshold test. However, this is a snapshot in time and can change. Furthermore, in some cases nearby hostels and HMOs can be considered in assessment of housing mix and social cohesion.



**Figure 1 – HMO Threshold Test (As of 15/07/2025).**

As mentioned above, the threshold test would not be the sole consideration when assessing such an application. Policy GP2(ii) states that development will not be permitted whereby the proposed use and form of development will be detrimental to the character or appearance of the surrounding area.

The surrounding area is characterised by a traditional residential form, predominantly comprising smaller, high-density residential units arranged in a linear terraced layout. The 4no. or 5no. bedroom HMO would be a C4 use as a small HMO. At present, and based on information available at time of writing, the scale, whilst intensifying the use of the property, would not result in an adverse impact on the local character or on neighbouring residential amenity in my view and would generally remain in keeping with the residential context of the area.

It is noted that there is no off street refuse storage capacity to the front of the property as it fronts the footway. However, it is acknowledged that the existing property would have this arrangement and providing there is no increase in requirement for refuse and recycling receptacles it is unlikely to be a significant worsening of the existing situation. Provision should be made though for refuse storage to the rear of the property in any future application, with a designated area shown on a proposed block plan.

In terms of the impact on the character and appearance of the surrounding area, based on the information provided I would not anticipate a 4no. or 5no. bedroom HMO would result in a demonstrable harm.

### *Residential Amenity of Future Occupiers*

The plans submitted are not accurately drawn or scaled, however have included bedroom, kitchen and living room area in square metres. For Option 1 and 2 it would appear that each bedroom exceeds the minimum size for HMO Licensing purposes and presuming there are adequate openings provided (these are not shown on plans), then it is likely that there would be sufficient, outlook, natural light, ventilation and a sense of space for each occupant. Any formal submission would need to show accurate window and door openings for assessment.

Option 1 provides an open plan living and dining room arrangement, with kitchen located within the rear extension. The metric area has not been provided and would need to meet the HMO Licensing Standards for the number of occupants in order to be acceptable, however it is likely this would be the case looking at the size of the dwelling.

Option 2 provides a 15sqm kitchen and lounge, as a fifth bedroom is provided at ground floor in the rear extension. The lack of accuracy of plans for this layout does not make it clear how residents would access the rear garden area. The HMO guidance states for up to 5no. residents a kitchen should be 7sqm minimum and a living room 10sqm minimum. The open plan kitchen and lounge is 15sqm, which is 2sqm short of the combined requirement. I would have concerns with 5no. residents sharing an open plan kitchen and living area as their only communal space within the property without any designated sole living room to offer an area for residents to use. I am not satisfied that this would lead to a sufficient level of amenity for future occupiers.

It is the addition of the fifth bedroom that has led to this configuration of the Option 2 layout, and the lack of sufficient kitchen and living room space is considered to be an over intensification of the use of the property, which is not acceptable. The omission of this additional ground floor bedroom with the kitchen being located within the rear extension and sole living room being provided for residents is considered to overcome this issue.

Overall, I am satisfied that Option 1 is likely to provide sufficient amenity for future occupiers (subject to detailed plans containing adequate window locations and size), whereas Option 2 is not acceptable and not in accordance with Policy GP2 and H8 in my view, for the reasons outlined.

### *Highways Safety and Parking*

For the existing 2no. bedroom dwelling a parking demand of 2no. spaces is required as per the adopted Parking Standards. This is currently provided on street as the property does not benefit from its own off street parking.

The proposed 4no. and 5no. bedroom HMOs would require 1no. parking spaces per bedroom plus 1no. visitor space. So, 5no. and 6no. parking spaces respectively that would need to be provided on street. This is an uplift of 3no. (Option 1) and 4no. (Option 2) parking spaces to be accommodated as a result of the development.

Any formal application will need to be submitted with a Parking Survey (in accordance with Lambeth Methodology) to demonstrate that the additional parking spaces can safely be accommodated on street within the survey area without result in any highway or pedestrian safety issues. At this stage and in the absence of such a survey I could not support the proposal. An assessment of the sustainability credentials of the site would also be useful in the evaluation of any planning application.

Provision of cycle storage is also needed within the curtilage of the property. Cycles would need to be wheeled through the house to a secured shed in the rear garden and whilst this is not

considered to be ideal, it is the same situation as the existing property. A proposed block plan showing the location of secured cycle storage as well as details of this should be provided within the formal planning application.

### Flood Risk

The site is located within Zone 3 – Sea (Defended Zone Sea) as per the Flood Maps for Planning. The existing C3 Dwelling is highly vulnerable in flood risk terms, and the proposal will intensify the use of the property whilst remaining highly vulnerable in flood risk terms.

Option 1 includes a Flood Refuge room at first floor, however there is no ground floor bedroom accommodation. As such, this refuge space would not be considered necessary but it is assumed this is an error and it should be labelled as a bedroom.

Option 2 includes a Flood Refuge room at first floor that would need to be shared by the two proposed ground floor bedrooms. It is 6.7sqm in size.

As the development results in the intensification of the use of the existing C3 Dwellinghouse, both options would require a Flood Consequences Assessment to be submitted in line with TAN 15, which states *“On brownfield sites redevelopment proposals should not over intensify use neither should they reduce the area’s ability to absorb flood water nor cause problems with flooding elsewhere. All applications should consider opportunities to incorporate flood resilient design as appropriate and any proposal involving highly vulnerable development must be compliant with the tolerable conditions set out in section 11”*

In the event that the FCA identifies the site would flood beyond the tolerable conditions of TAN 15 and there is a reliance on refuge space at first floor for the two ground floor bedrooms it will need to be considered whether the room proposed is adequate. We know from other appeal decisions that the room must be accessible, must not impinge on any access to communal bathrooms or private bedrooms and must be of adequate space and amenity to reasonably accommodate the belongings and personnel should refuge be needed. The acceptability of this space is also predicated upon the nature of the flooding event and its extent and will require full assessment with the benefit of an FCA.

### Green Infrastructure

*Chapter 6 ‘Distinctive and Natural Placemaking and Well-Being’ of Planning Policy Wales (PPW) Edition 12 (updated February 2024) states that planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long term benefit. PPW 12 also advises that a Green Infrastructure Statement (GIS) should be submitted with all planning applications and this will be proportionate to the scale and nature of the development proposed.*

In line with PPW12 Chapter 6 a proportionate GIS will need to be provided and biodiversity enhancement demonstrated to be achievable.

### Other Matters

Dŵr Cymru Welsh Water is a statutory consultee in the planning process and we would encourage all developers to engage with Welsh Water as early as possible in order to address any issues that may arise during the planning/construction process. Dŵr Cymru operates a pre-planning advisory service in order to assess the impact of the proposed development on drainage interests and a written response will be provided. This services operates for a fee and can be submitted via an online enquiry form at <http://www.dwrcymru.com/en/Developer-Services>. Further information can be obtained from the dedicated team of planning officers at Dŵr Cymru on 0800 917 2652.

In May 2018, Schedule 3 of the Flood & Water Management Act will be implemented. Schedule 3

will require sustainable drainage (SuDs) on all new developments serving 2 properties or more and local authorities are to become a Sustainable Drainage Approving Body (SAB).

Schedule 3 of the Act requires surface water drainage for new developments to comply with mandatory National Standards for SuDs. It also requires surface water drainage systems to be approved by the SAB before construction work with drainage implications may begin. Provided National Standards are met, the SAB would be required to adopt and maintain the approved SuDs that service more than one property.

Your proposals will need to be accompanied by information detailing the sustainable drainage system to serve the development.

### **Planning Contributions**

Not applicable in this instance.

### **Conclusion**

Overall, the change of use of the existing C3 Dwellinghouse to a C4 HMO is unlikely to raise significant concerns in principle from officers insofar as impact upon character and appearance of area is concerned (although it is highly likely such an application will not be determined under delegated powers). This assumes that concentration remains the same and there are no hostels or HMOs close by or added to the 50m radius that may contribute to clear social cohesion or anti social behaviour concerns. Gwent Police will be a consultee of any planning application.

I would consider the 5no. bedroom option as being overdevelopment of the site as it would result in an insufficient open plan kitchen and lounge area that would not provide adequate amenity for future occupiers. The 4no. bedroom option would be acceptable in this regard. It must be demonstrated that the increase in on street parking can be accommodated safely through the submission of a Parking Survey and it must be demonstrated that flood risk can be managed through the submission of a Flood Consequences Assessment.

Based on the current information submitted, I would not be able to support the proposal. However, it is possible that these objections could be overcome if adequate and acceptable information is submitted.

Over and above statutory requirements, the following information would need to be included within any future submission;

- Flood Consequences Assessment;
- Proportionate Green Infrastructure Statement with biodiversity enhancement;
- Parking Survey (Lambeth Methodology) and sustainability assessment;
- Proposed Block Plan with Cycle and Refuse Storage Areas marked out.

While the Council will endeavour to keep pre-application enquiries confidential you should be aware that if for any reason any request for submitted information to remain confidential is subsequently found to be inadequate by the Information Commissioner, following any request under the Freedom of Information Act 2000, the Council will not be held responsible.

### **E-planning**

We strongly encourage you to submit your applications to the planning department online via the 'Planning Portal' ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)). This will save money on printing costs and travelling/postage together with speed up the processing of your submission. You can attach drawings and supporting documents, including a professional quality site location plan; downloading the appropriate Ordnance Survey map and calculate the fees as part of submitting your application online.

Please contact myself to discuss any of the above further.

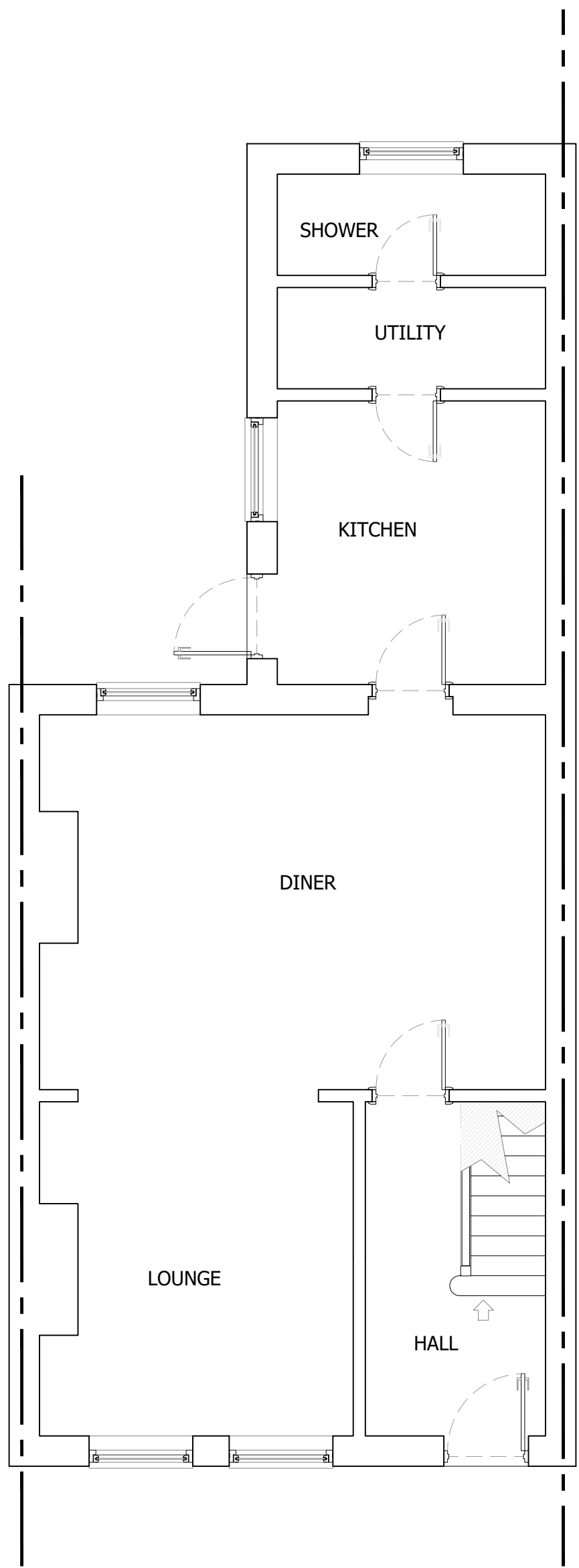
Yours Sincerely

*Grant Hawkins*

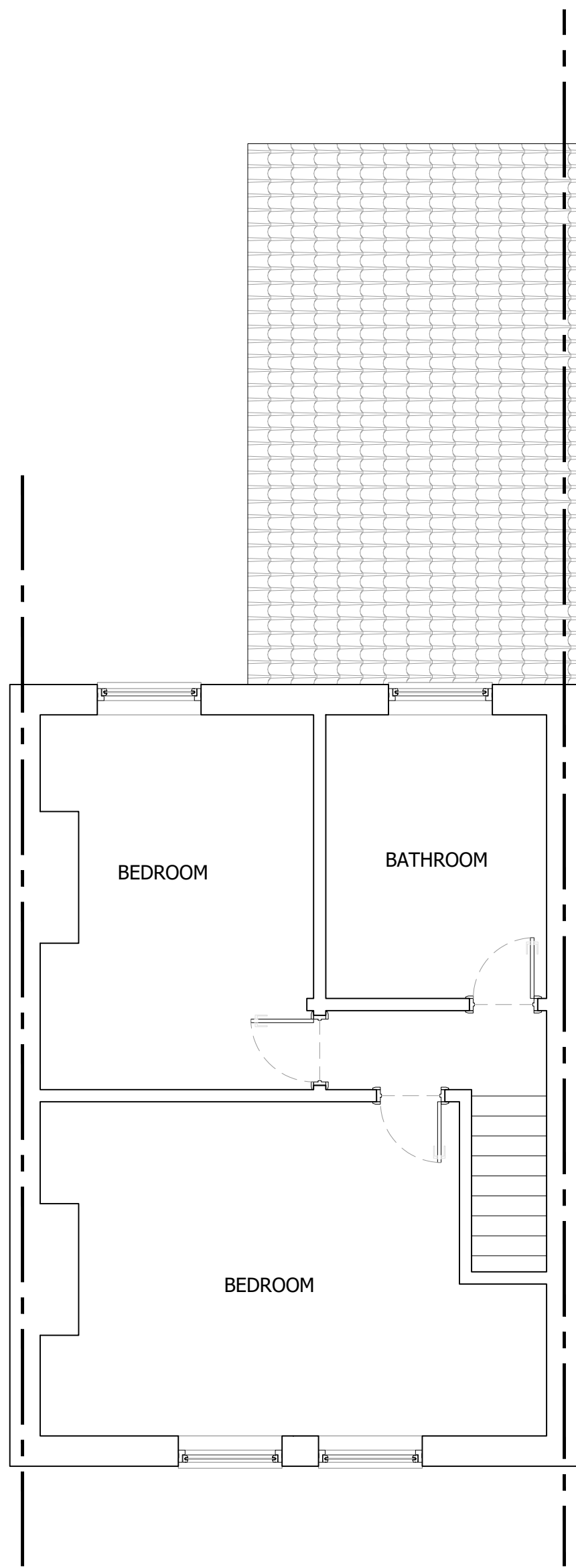
Grant Hawkins



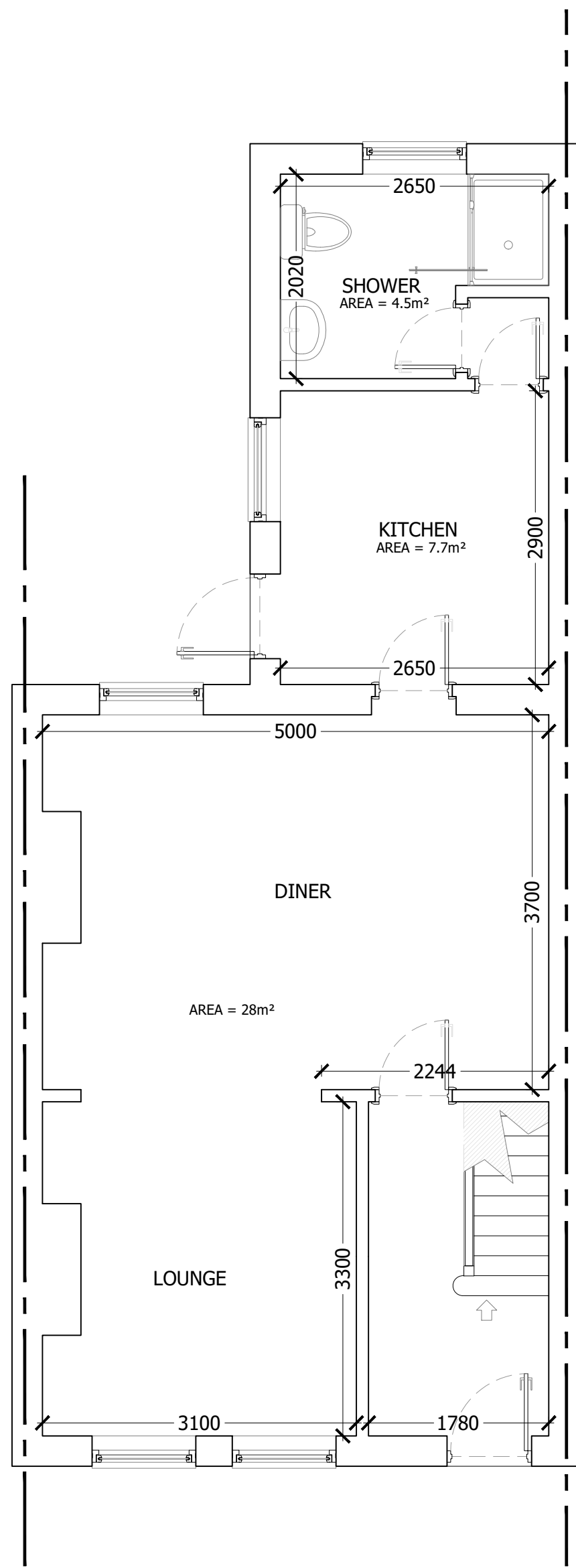
## APPENDIX C



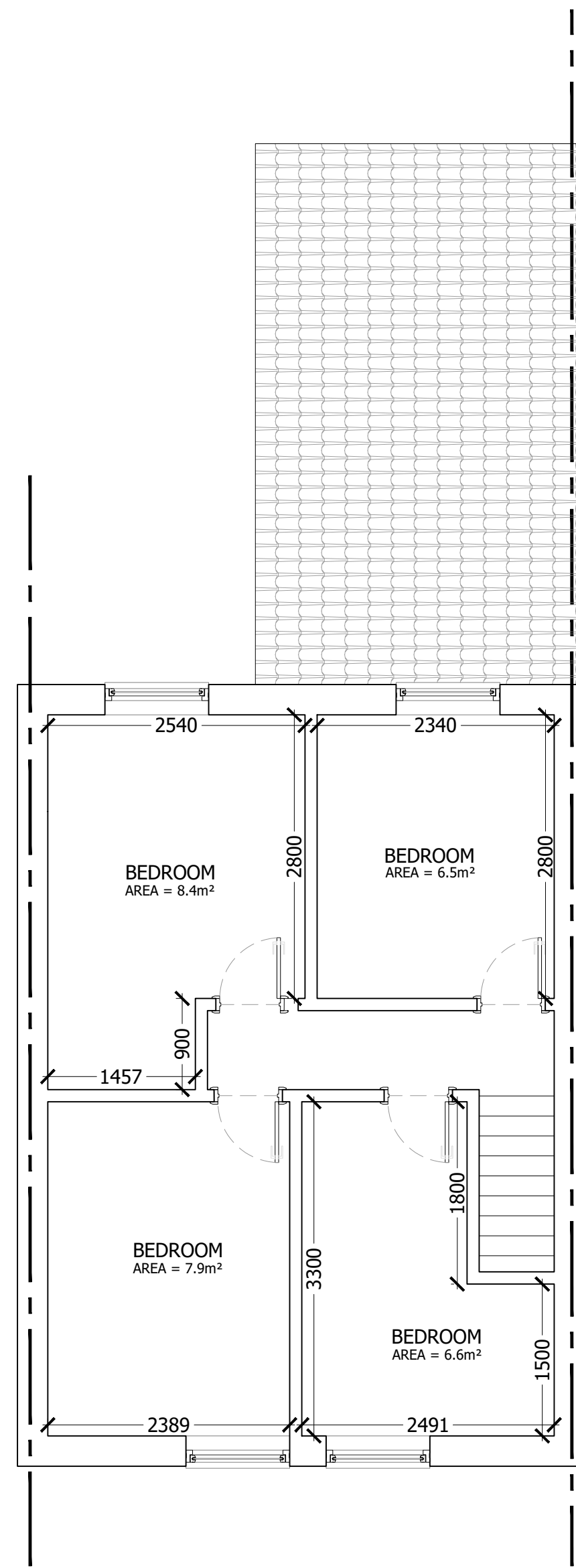
EXISTING GROUND FLOOR



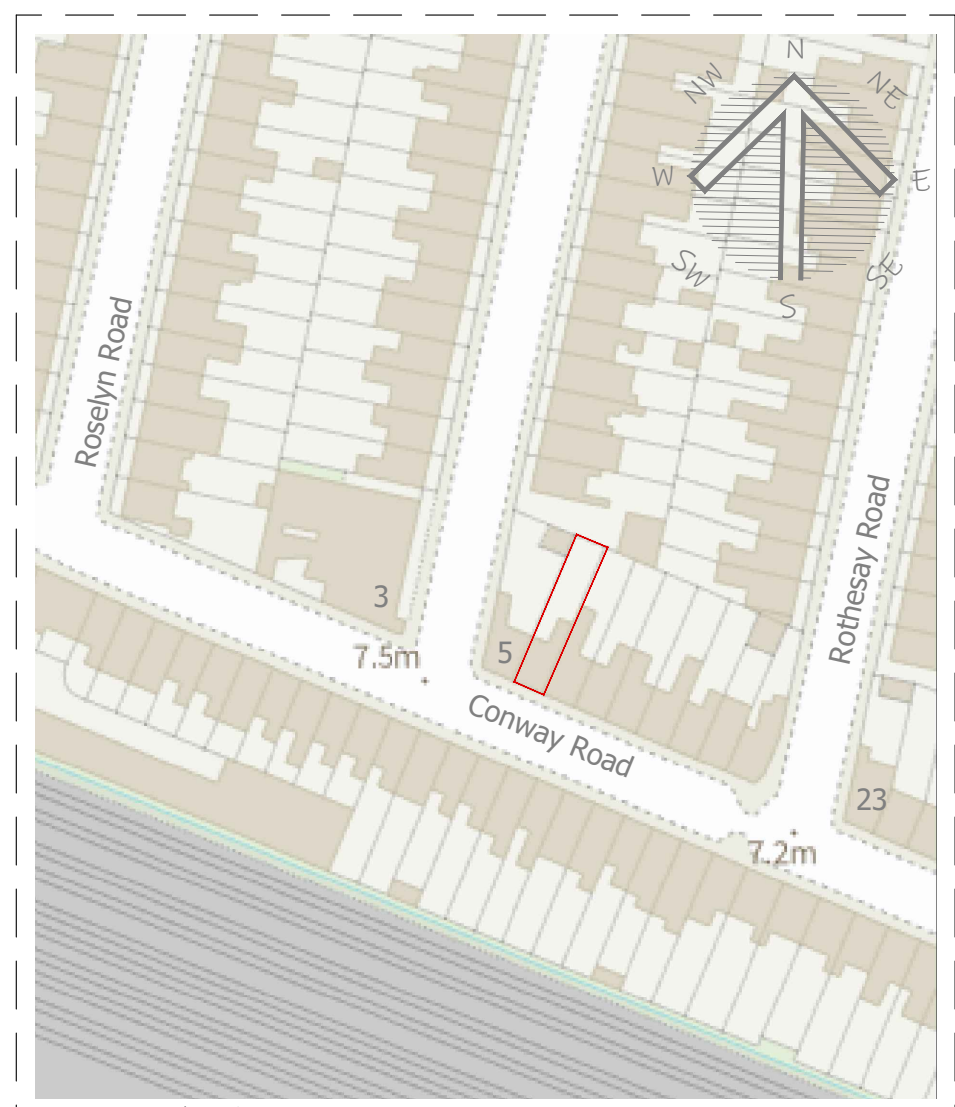
EXISTING FIRST FLOOR



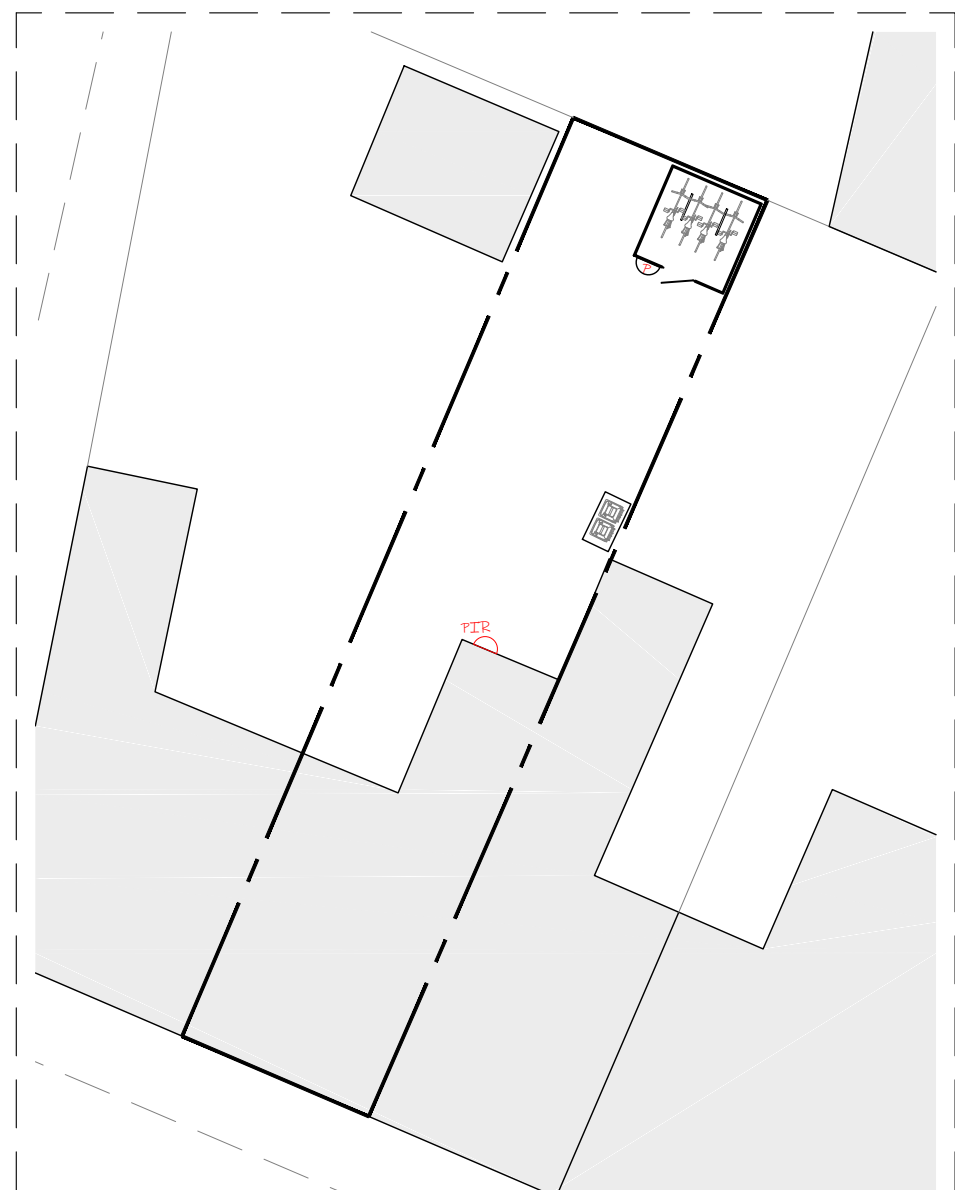
PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR



LOCATION PLAN



PROPOSED BLOCK/ROOF PLAN

All dimension to be checked on site prior to construction. Dimensions are for planning purposes only. All landscaping indicative only and subject to full detailed site survey. This drawings remains the copyright of Tower Residential Design and no portion should be reproduced without permission of Tower Residential Design

DRAWINGS TO BE READ IN CONJUNCTION WITH ENGINEER SPECIFICATIONS AND DETAILS.

FOR ANY STRUCTURAL STEELWORK DETAILS PLEASE REFER TO STRUCTURAL ENGINEER DRAWINGS AND CALCULATIONS.

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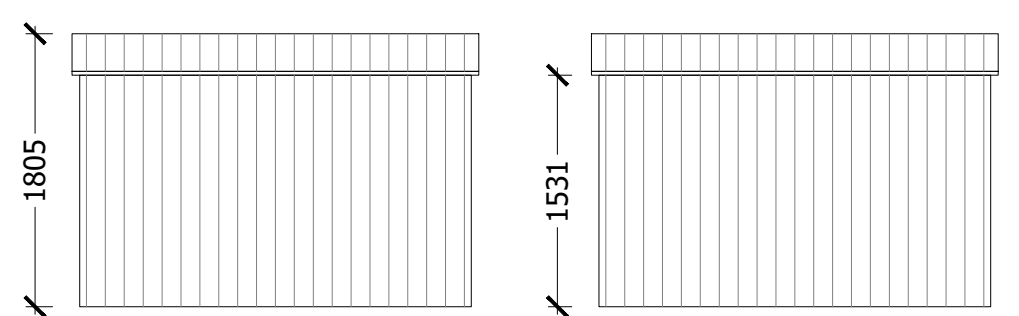
PLANNING  
EXISTING  
+  
PROPOSED PLANS

7 Conway Road  
Newport  
NP19 8PA

DRAWN: AAV DATE 13/08/2025

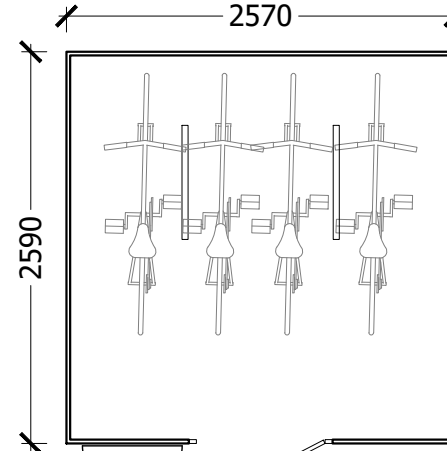
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DRG No. TRD-222515 - A1/01

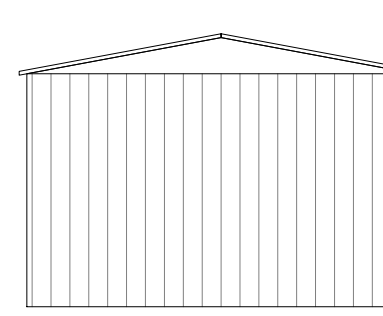


PROPOSED REAR VIEW

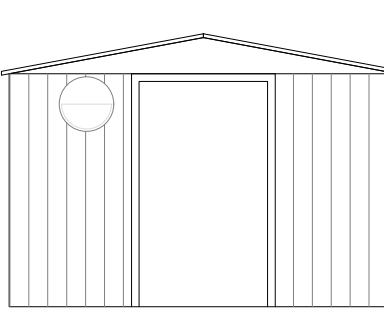
SIDE VIEW



FLOOR PLAN



SIDE VIEW



FRONT VIEW

Drawings by

