

Delegated Decision Report

Application No:	26/0515	Statutory Period Expires:	9th September 2026
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Site:	3 Clytha Crescent Newport NP20 2EY		
Proposal:	CHANGE OF USE FROM SINGLE DWELLING HOUSE TO 6 BED HMO (RESUBMISSION)		
Applicant:	Grewal		
Type:	Full	Ward:	Pillgwenlly
Decision:	REFUSED		

1. BACKGROUND

1.1 25/0364 was a previous application at the host site for CHANGE OF USE FROM SINGLE DWELLING TO 6NO. BED HMO. The application was refused for the following reasons:

- The proposal would result in an over-concentration of Houses in Multiple Occupation within the area in excess of the 15% threshold as set out in the Council's adopted Supplementary Planning Guidance on Houses in Multiple Occupation. This over-concentration would have an adverse impact upon social cohesion, the character of the locality and general amenity. The proposal is therefore contrary to Policies GP2 and H8 of the Newport Local Development Plan 2011-26 Adopted Plan January 2015 and the Council's supplementary planning guidance on Houses in Multiple Occupation adopted January 2017.*
- The development has a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity, by reason of the site's location in an area at risk from flooding designated within Zone 3 as defined by the Flood Map for Planning and the intensification of highly vulnerable development involving new bedrooms on the ground floor. Insufficient information has been submitted that mitigates this objection. This is contrary to Policy SP3 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and Technical Advice Note 15: Development and Flood Risk (TAN15) (April 2025).*
- The proposed development will have a significant adverse impact upon interests of acknowledged importance, namely impact upon the appearance and character of the Clytha Conservation Area. Four roof lights on the front roof plane location are deemed excessive, non-discreet, and highly visible which is not sympathetic to the Clytha Conservation Area. Insufficient information has been provided relating to the proposed roof lights to the front elevation to mitigate this concern. The proposals are currently contrary to Policy CE7 of the Council's Local Development Plan, 2011-2026 (Adopted January 2015), Waste Storage and Collection SPG and the Historic Environment (Wales) Act 2023.*

The decision was appealed under CAS-04803-P7G8T5. The appeal was dismissed on flooding grounds only with the other reasons falling away at appeal.

2. SITE LOCATION AND CONTEXT

2.1 The application site is a residential property located on Clytha Crescent. The topography of the area is such that the land level decreases to the rear of the house resulting in the property appearing as 2 storeys from the front and three from the rear, the loft has previously been converted into additional living accommodation. The application site is located within a predominantly residential area, however is within

close proximity to the City Centre. The property fronts onto George Street/Cardiff Road, Newport Central Police Station is situated to the Northeast of the site. Commercial Road District Centre is to the East of the site and is within walking distance. The Site is also defined within Clytha Conservation Area and Flood Zone 3 (sea) as shown on NRW's Flood Map for Planning.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks consent for a change of use from a single dwelling house (use class C3) to a 6no.bed House in Multiple Occupation (HMO) (use class C4). On the lower ground floor, there is a kitchen/dining area and a separate living room proposed. On the ground floor 2no.bedrooms are proposed with a toilet and bike store. On the first floor there are 3no.bedrooms proposed and a bathroom. And within the attic conversion, there is 1no.bedroom and a bathroom. The application also seeks the insertion of 2no. roof lights within the roof plane of the principal elevation.
- 3.2 This application is a resubmission from previous application 25/0364. The key differences under this application is that the applicant has reduced the number of roof lights from 4no. to 2no. within the roof plane of the principal elevation and has provided an updated flood consequences assessment.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
25/0364	CHANGE OF USE FROM SINGLE DWELLING TO 6NO. BED HMO	R	13.05.2025 Appeal: Dismissed
90/1073	CHANGE OF USE OF DWELLING INTO 2 SELF CONTAINED FLATS - RESUBMISSION FOLLOWING REFUSAL OF APPLICATION 90/0721/F	GC	09.10.1990
90/0721	CHANGE OF USE OF DWELLING INTO 2 SELF CONTAINED FLATS	REFUSED	10.08.1990

5. PLANNING POLICY

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 8 – Flooding

Policy 9 - Resilient Ecological Networks and Green Infrastructure

- 5.2 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.

5.3 Technical Advice Note

- Technical advice note (TAN) 11: noise
- Technical advice note (TAN) 15: Flooding
- Technical advice note (TAN) 18: transport
- Technical advice note (TAN) 21: waste
- Technical advice note (TAN) 24: the historic environment

5.4 The Historic Environment Act (Wales) 2023

5.5 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

Policies SP1 (Sustainability), SP3 (Flood Risk), GP2 (General Amenity), GP4 (Highways and Accessibility), GP5 (Natural environment), GP6 (Quality of Design), GP7 (Environmental Protection and Public Health), T4 (Parking), W3 (Provision for Waste Management Facilities in Development) and H8 (Self Contained Accommodation, Houses in Multiple Occupation), of the Newport Local Development Plan 2011 – 2026 (Adopted January 2015) are relevant to the determination of this application.

5.4 SUPPLEMENTARY PLANNING GUIDANCE

- Houses in Multiple Occupation (HMOs) Supplementary Planning Guidance (Updated January 2017).
- Parking Standards Supplementary Planning Guidance (Adopted August 2015).
- Sustainable Travel SPG (July 2020).

6. CONSULTATION RESPONSES

6.1 ***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 may wish to seek further information from the applicant regarding flood risk.

Flood Risk

The planning application proposes change of use from a single dwelling to a 6 bed House of Multiple Occupation (HMO) which is defined as highly vulnerable development in Technical Advice Note 15: Development, flooding and coastal erosion (TAN15), dated 2025. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 – Sea.

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.

We have reviewed the following Flood Consequences Assessment (FCA) submitted in support of the application:

- 3 Clytha Crescent - Flood Consequences Assessment, prepared by JBA Consulting, dated July 2026.

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.

The FCA states:

- Access to the site is via Clytha Crescent, directly onto the first floor, with a threshold level of 10.43 mAOD. Access to the garden is via the ground floor with a threshold level of 7.91 mAOD.
- The site has a general west-to-east slope, with the rear levels lower than those on Clytha Crescent. Street level is noted at 9.96mAOD and the far east of the garden, at the eastern boundary of the site, has an approximate ground level of 7.73mAOD.

Frequency thresholds (Figure 5 - designing development to be flood free)

The FCA states that during the 0.5% (1 in 200 year) plus climate change (CC) flood event flood levels could reach 9.1m AOD. Based on the stated threshold level the proposed development could flood to a depth of 1.19m. Based on these depths of flooding the proposed development is not compliant with Figure 5 of TAN15. We note that this area will be formed of a kitchen, living room and lounge. The FCA states that all other areas of the proposal will remain flood free and elevated above the flood level.

Tolerable conditions (Figure 6 - managing consequences in an extreme flood event)

The FCA states that during the 0.1% (1 in 1000 year) plus climate change (CC) flood event flood levels could reach 9.69m AOD. Based on the stated threshold level the proposed development could flood to a depth of 1.78m. Based on these depths of flooding the proposed development is not compliant with Figure 6 of TAN15, as these depths of flooding are above the prescribed limits of 600mm in TAN15.

Mitigation and resilience measures

The FCA states that the site/building managers should sign up to the NRW's local flood warnings to allow the evacuation of the site before a flood event if sufficient warning is provided. Flood Warning lead times for tidal flooding are currently around 48 hours. This should be ample time to evacuate in an emergency.

It is recommended that a Flood Response Plan (FRP) is prepared to inform the management company and residents of the risk of flooding and detail actions before, during and after a flood event. As a minimum, the Flood Response Plan should cover adequate flood warning, evacuation, and access/egress routes in the event of flooding for the lifetime of the development.

Escape/evacuation routes

The FCA confirms that there is flood free access and egress via Clytha Crescent on the first floor. The LPA should determine if this is suitable mitigation and advise on any flood plans for the site.

Summary

While the proposed development is not compliant with Figures 5 & 6 of TAN15, we note that the application does not now include a ground floor bedroom. Table 6.1 and section 7.1 of the FCA states that the bedrooms would be flood free for the lifetime of the development, and safe refuge is provided within the bedrooms. In light of this, we advise your authority to take the above considerations into account when determining the application. It is ultimately for your authority to decide whether the consequences of flooding are acceptable and can be managed in accordance with TAN 15.

6.2 Local Highways Authority:

No objection subject to conditions.

Highway Comments: As previously the only issue to address is cycle storage. The proposed racks are not acceptable, and the application is not explicit regarding location and security. The proposed racks are not suitable for all users or bike types so cannot be considered “inclusive” furthermore they are not sufficiently secure as they do not allow both wheels and the frame to be secured or support the bike properly. At least some enclosed Sheffield racks are needed to meet the requirements. Where space is restricted these can be supplemented with other types. In conclusion there are no highway related objections subject to the following conditions.

Suggested Conditions:

Except for site clearance and remediation no development shall take place until a scheme for the provision of cycle parking in accordance with the Council's current standards has been submitted to and approved in writing by the Council as Local Planning Authority. The scheme shall be implemented as approved before any part of the development is brought into use and shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no building works, which reduce this provision, shall take place except following the express grant of planning permission by the Council. Reason: To ensure that adequate provision is made for parking cycles on the site; and to establish measures to encourage non-car modes of transport.

6.3 Heritage Officer: Background

My principal concern regarding previous application for this property (refused at appeal under CAS-04572-Z7V2B7) was the proposed introduction of an excessive number of roof-lights (4.no) to the prominent front roof slope of the building. This concern was supported by the inspector who considered that:

“Conservation Area

4. The terrace of which the appeal site forms part is formed of two-storey rendered properties with decorative keystones, sills and cornices framing well-proportioned and regularly placed windows and doors. In concert with the terrace south of Mountjoy Place, the consistency in the scale and design of front elevations affords Clytha Crescent a distinctive quality which contributes positively to the character and appearance of the CA.

5. Notwithstanding this, the principal visual change to the front elevation resulting from the appeal scheme would be the installation of four rooflights. As noted by the main parties, adjoining dwellings already feature rooflights which are visible from nearby viewpoints. Nonetheless, I concur with the Council's Heritage Officer that, whilst the prominence of the four proposed rooflights could be lessened via a condition to secure flush-fitting and dark matt surrounds, their number and insensitive placement relative

to the existing fenestration would not preserve or enhance the appearance of the dwelling, causing harm to the CA.”

Observations

As identified within the Clytha Conservation Area Appraisal (February 2020):

‘4.3.6 Detracting Features

Rooflights on principal elevations, which detract from the architectural value of the buildings, as well as the general streetscape and roofscape. This is especially obtrusive on Clytha Crescent where the modest size of the terraces mean that the roof is more clearly visible.’

However, the existing rooflights to adjacent buildings have been in situ long enough to benefit from deemed consent. In some cases, they appear to have been in situ on formation of the CA in 2009. Upon that basis, and due to their proliferation across the terrace in question, I would not object to rooflights in this location per se, however, they should be as unobtrusive as possible, as per our House Extensions and Domestic Outbuildings SPG, which states that:

‘5.7.11 HEDO 6.7 (Skylights and roof windows)

Where a roof light is required to the front or other prominent elevation; care should be taken to ensure that its proportions and positioning reflect the style and character of a dwelling, and that it does not look unduly prominent. Flush-fitting roof lights may help to reduce prominence.

5.7.12 HEDO 6.8 (Low-profile skylights and roof windows in conservation areas)

In conservation areas the installation of roof lights requires planning permission. Roof lights should be few in number and discreetly positioned so that they are not readily visible from prominent views within the conservation area. They should also be of a ‘conservation type’ which do not protrude above the plane of the roof. Consideration should also be given to the general arrangement of any roof lights in order to reduce their impact, even if this is limited to private views alone.’

Considering the above I would suggest that, pending satisfaction of the condition applied below, the proposed would result in minimal adverse impact upon the character and appearance of the conservation area:

The roof lights shall, when fitted, be flush to the roof pitch, with no greater upstand than 25mm above the roof covering. They shall have a surround of a dark matt finish.

Reason: To safeguard the character and appearance of Clytha Conservation Area, in accordance with section 160(1) of the Historic Environment (Wales) Act 2023 and Policy CE7 of Newport Local Development Plan 2011 – 2026.

6.4 Drainage manager:

No comments received.

6.5 Environmental Health:

On viewing the first floor plan showing proposed recycling/ waste storage, it is anticipated this would present an increased unacceptable fire safety risk to the first floor passage presenting a means of escape from fire, due to recycling waste storage and it may give rise to problems associated odour. On viewing the proposed ground floor plan, the detached enclosure near the ground floor kitchen dining room appears it may be more suitable for refuse and recycling.

There is no proposed bath room (containing a bath, wash hand basin and water closet) or a proposed shower room (containing a shower, wash hand basin and water close). This is a requirement and should be specified on the plan as either a bath room or shower room.

At first floor level, it shows an external door leading out of the building. Information should be submitted to explain where this doorway leads to and confirmation of any external stairs provided.

There are no room sizes given for the kitchen and living room. If the property is to be used as a house in multiple occupation (HMO) the applicant should be familiar with Newport City Council's houses in multiple Occupation (HMO) licensing standards. In that document I would draw to the attention of the applicant the minimum room sizes required for a property.

Having regard to the room sizes and proposed use of rooms, the property would be suitable for a maximum of four persons forming two households. If the property comprises of two household with at least three or four persons it would be defined as a house in multiple occupation (HMO). Whilst it would not require a licence due to a maximum number of 2 households and 4 persons, The Management of Houses in Multiple Occupation (Wales) Regulations 2006 would apply and therefore the applicant must be familiar with those regulations if letting the property as a HMO.

Where there is a proposed change of use to a House in Multiple Occupation (HMO) the most appropriate person (usually the landlord/owner of the property) must contact the Environmental Health Housing Team on 01633 656656 or EHHousing@newport.gov.uk with regard to HMO licensing.

The applicant is advised to read Newport City Council's Houses in Multiple Occupation (HMO) Licensing Standards, which details standards and licensing conditions for HMOs subject to licensing. The document can be viewed on Newport City Council's website.

6.6 ***HMO licensing:***

No comments received.

6.7 ***HMO police:***

No comments received.

6.8 ***Senior Scientific Officer:***

I have no comments in terms of contaminated land in respect of the below planning application.

In terms of air quality, I recommend the following planning condition:

- Sustainable energy / heating systems: No development shall commence on site until a scheme of sustainable energy / heating systems has been submitted to the local planning authority (LPA). Considerations should include the quality of building insulation, suitability of air source / ground source heat pump or ultra-low emission boiler installation and PV panel fitting. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

Reason: To prevent unacceptable harm because of air pollution (Policy GP7); There must not be a significant adverse effect upon local amenity in terms of air quality (Policy GP2).

6.9 ***Waste Manager:***

No comments received.

6.10 **Welsh Water:**

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

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

Condition

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

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

7. PUBLIC REPRESENTATIONS

Neighbour and Ward member notification letters were sent on 17/07/2026, Site Notice was put up on 24/07/2026.

7.1 83no. neighbours were consulted. One comment was received.

I have lived peacefully in this small street for 14yrs. A HMO will cause considerable anxiety which will impact my health with too much noise I need a quiet life. Also, what about parking? There isn't enough room now, what about rubbish. There is no room for all the extra bins/recycling.I am sure the applicant can find a better place to buy a HMO. I implore you to not impact on my health like this.

7.2 Councillor Saeed Adan and Councillor Debbie Jenkins were consulted.

Councillor Saeed Adan provided comments on the application:

1. The proposal constitutes a highly vulnerable development located within a high-risk flood zone. There is insufficient evidence contained within the submitted Flood Consequences Assessment (FCA) demonstrating that the necessary acceptable criteria for safety and flood management is met. The development poses an unacceptable risk to the safety of future occupants.

2. The proposed conversion exceeds the maximum 15 percent HMO density threshold within the local area, directly conflicting with the Council's Supplementary Planning Guidance (SPG). Applying the set threshold remains entirely appropriate and necessary to effectively manage HMO developments, particularly in areas with a high concentration of HMOs, i.e. Pill. Any deviation from the 15% rule would set a damaging planning precedent that effectively compromises the council's power to apply HMO limits against future applications and would cause harm to communities.

3. The proposed structural provisions for sustainable transport are inadequate. Specifically, the lack of appropriate designated racks for cycle storage. Failing to meet the required standard for sustainable, high-density residential use.

4. There is no evidence of approved planning permission for roof lights fitted. The proposal has not demonstrated roof lights that are few, discreet and unobtrusive. Therefore, the physical alterations fail to preserve or enhance the historic setting. The development would cause harm and a material detriment to the character and appearance of the Clytha Conservation Area, in contrary to both the Historic Environment (Wales) Act 2023 and the Newport Local Development Plan (LDP).

5. The proposal fails to provide adequate or practical waste storage. An inadequate layout for bin provision is unacceptable and would impact the amenity of both future occupiers and neighbours.

If minded to approve, please refer this application to the planning committee for full consideration and determination.

8. ASSESSMENT

8.1 Principle of Development

8.1.1 This application is a resubmission of application reference 25/0364, which was previously refused. The reasons for refusal are set out in Section 1 of this report. The key differences under this application is that the applicant has reduced the number of roof lights from 4no. to 2no. on the principal elevation, and an updated flood consequences assessment has been provided.

8.1.2 The proposal seeks the use of an existing building used for residential purposes within the urban area to provide residential accommodation. The principle of residential development at this location is considered acceptable; however, a full assessment of the proposal is provided below.

8.1.3 A site visit was requested in connection with the current application; however, access was not arranged. It is noted that the case officer undertook a site visit to the property as part of the assessment of the previous application (25/0364). Accordingly, the observations and photographs obtained during that visit have informed the assessment of the current proposal. An external inspection was undertaken for this application.

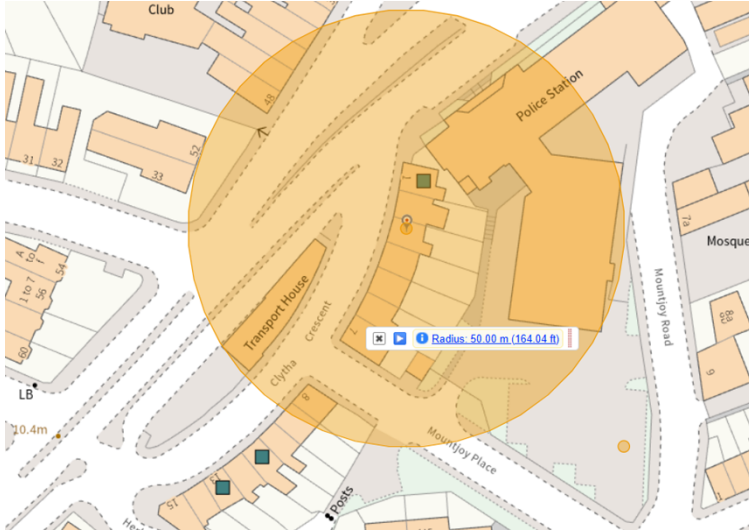
8.1.4 Firstly, Policy H8 evaluates self-contained accommodation and sets out a definitive set of criteria:

8.1.5 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:

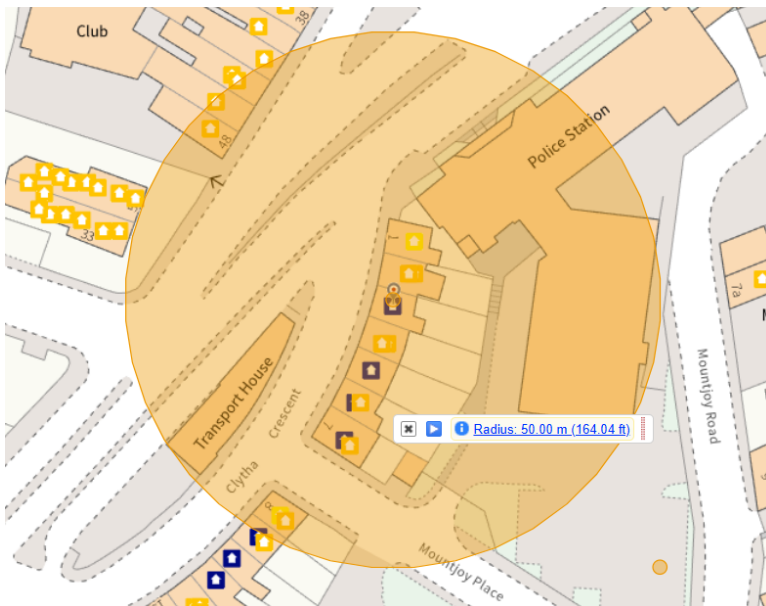
- i) THE SCALE AND INTENSITY OF USE DOES NOT HARM THE CHARACTER OF THE BUILDING AND LOCALITY AND WILL NOT CAUSE AN UNACCEPTABLE REDUCTION IN THE AMENITY OF NEIGHBOURING OCCUPIERS OR RESULT IN ON STREET PARKING PROBLEMS;

- 8.1.6 The proposal would intensify the existing use by increasing the number of bedrooms from five to six. Adequate internal space is available to accommodate six bedrooms, and the development would meet the relevant HMO standards. Given the predominantly residential character of the surrounding area, the proposed use is considered compatible with its context.
- 8.1.7 Whilst no comments have been received from Gwent Police on the current application, comments submitted in respect of application 25/0364 confirmed that existing call volumes and demand in the area were not having a detrimental impact on policing or the wider community. However, the Council did undertake research to assess the correlation between crime and HMOs, and found a positive correlation between high concentrations of HMOs and higher complaints and having an impact on social cohesion in an area. The issue of HMO concentration and social cohesion formed part of the reason for refusal under application 25/0364. However, the subsequent appeal was allowed by the Planning Inspector, and this decision is afforded significant weight. This matter is considered further below.
- 8.1.8 In terms of visual impact, the only external alteration proposed is the installation of two rooflights on the front elevation. The previous scheme proposed four rooflights, which were considered excessive and insufficiently detailed within the Conservation Area. As the site lies within the Clytha Conservation Area, special regard must be given to preserving or enhancing its character and appearance. The revised proposal, comprising two rooflights, is considered to have a minimal impact on the Conservation Area, as confirmed by the Heritage Officer, therefore no objection is raised to the proposed roof lights subject to condition.
- 8.1.9 The proposal would not result in any additional physical alterations to the exterior of the property that would result in overlooking/overshadowing or impact upon outlook to a greater degree than the existing. Moreover, whilst the unit is increasing from 5no. bedrooms to 6no. bedrooms, the increase in 1no. bedroom does not over intensify the use above the existing situation. Therefore, the LPA concludes that the development would not have an unacceptable impact upon neighbouring residential amenity/the living conditions of occupants and neighbouring occupiers.
- 8.1.10 Although the development does not provide parking to meet the full assessed demand, its sustainable location is considered to justify an exception in this instance. This matter is assessed in greater detail below.
- i) 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;
- 8.1.11 The SPG states that ‘clusters of HMOs can alter the composition of a community and detract from local visual amenity. The guidance introduces a threshold above which HMOs are considered to detract from the character of the area. In general, the Council will not support a planning application that would take the number of HMOs, considered as a proportion of the local housing stock, above a specified limit. In “defined areas” such as this site, this limit is 15%..’ When taking a 50m radius from the address point of the application site, encompassing the entire principal elevations, 12no. residential properties are caught. There is currently 1no HMO within this radius and this has been confirmed by the HMO licensing department. If the proposal were to be approved, HMOs would constitute 16% (2 of 12 properties) of the selected housing stock and the proposed development would not fall within permitted thresholds. Therefore, it could

cause significant harm to the character composition of the street and would be contrary to Policy H8. This was a previous reason for refusal under 25/0364, however, on review of the Inspectors comments, this aspect of the development was allowed. This is discussed further within the report below alongside HMO concentrations and the relationship with community cohesions and crime levels.



List of residential properties with the entire principal elevation caught:



- 1 Clytha Crescent
- 2 Clytha Crescent
- 3 Clytha Crescent
- 4 Clytha Crescent
- 5 Clytha Crescent
- 6 Clytha Crescent
- 8 Clytha Crescent
- 7 Clytha Crescent
- 48 Cardiff Road

- 46 Cardiff Road
- 44 Cardiff Road
- 42 Cardiff Road

8.1.12 Finally, Policy H8 states there should be ADEQUATE NOISE INSULATION IS PROVIDED; and ADEQUATE AMENITY FOR FUTURE OCCUPIERS.

In assessing these criteria, it is noted that the application property and neighbouring properties are residential in nature. Accordingly, the proposed increase in occupancy is not considered likely to result in significant noise impacts. Any necessary sound insulation measures would be addressed through the Building Regulations.

8.1.13 All proposed bedrooms meet the minimum space standards and benefit from natural light and ventilation. Adequate private amenity space is also available to the rear therefore the living conditions of future occupiers is considered to be acceptable.

8.1.14 Internal storage is proposed for both cycles and refuse. Given that the rear garden is accessed via steps, it is not considered suitable for cycle or bin storage, and no reasonable alternative location is available. However, the proposed refuse storage area adjacent to the front entrance is not considered acceptable and is assessed further below.

8.2 **Visual Amenity/ Character and Appearance;**

8.2.1 The site lies within the Clytha Conservation Area, where special regard must be given to preserving or enhancing its character and appearance. The previous application was refused, in part, due to the impact of four rooflights. The current proposal reduces this to two rooflights and provides further specification details. The Heritage Officer advises that, the roof lights would result in minimal adverse impact upon the character and appearance of the conservation area subject to conditions requiring flush-fitting rooflights with a dark matt finish. Accordingly, this overcomes Reason 3 of the refusal of application 25/0364.

8.2.2 In terms of character within the area, Gwent Police previously advised under 25/0364 that there are no significant crime trends or patterns associated with the site and that current demand is not having a detrimental impact on the community. However, the Council's research indicates a correlation between high concentrations of HMOs and increased complaints, and therefore the concentration of HMOs remains a relevant consideration.

8.2.3 The proposal would exceed the Council's adopted HMO threshold within the 50m radius, resulting in an overconcentration of HMOs contrary to the SPG. While Policy H8 of the LDP refers to overconcentration and associated harm, the LDP predates the introduction of Use Class C4 and therefore does not contain a specific threshold. As the HMO SPG has been subject to public consultation and formally adopted by the Council, its threshold is afforded significant weight in the assessment of this proposal. The Council undertook research to find if there was a correlation between high concentrations of HMOs and recorded crime. In order to see whether there is any evidence linking higher crime rates and complaints with higher concentrations of HMOs, crime rates within the LSOAs were undertaken and correlated against the number of HMOs within the LSOAs between 1 October 2016 to 30 September 2017. It was shown that LSOA Stow Hill W01001687 LSOA had the highest concentration of HMOs and also had the highest number of received complaints. The fact that this LSOA appears at the top of both tables would suggest there is a link between high concentrations of HMOs and high numbers of complaints.

8.2.4 Furthermore, there are numerous appeal decisions which have been dismissed by PEDW over the exceedance of the HMO threshold due to a Policy breach of overconcentration and these can be seen in annex 1. This was also highlighted off the back of Welsh Government research commissioned in 2015. Within the Welsh Government research, it was noted in some of the case study areas, HMO concentrations had reached very high levels in some wards and local authority officers cited the lack of planning controls as a factor in this. It was also very clear that these concentrations have caused changes to local communities which have led to major concerns in those communities with the problems in the high concentration areas (displacement of established communities, exclusion of first-time buyers, anti-social behaviour, degrading of the general environment and street scenes, parking problems, etc). The Local planning Authority take the view that the exceedance of the threshold is unacceptable. The transient nature of HMO residents can affect the stability and cohesion of community. Long-term residents may feel a diminished sense of belonging, which could undermine the strong community in the area.

8.2.5 This exceedance of the threshold formed a reason for refusal under 25/0364. The decision was appealed and the Inspector found that: *this exceedance would be lower than the other appeal schemes in Newport cited by the Council and subject to a different policy framework to the schemes referred to in Swansea. Whilst breaching the identified threshold, the infringement would be minor. The SPG is, in any case, merely guidance to support the application of LDP policy H8. Notwithstanding the evidence to support the identified threshold, the mix of uses in the immediate area inexorably limits the number of dwellings within a 50m radius. These local circumstances contrast with the 'worked example' in the HMOs SPG where the assessment area is predominantly residential in character. In the case before me, raising the number of HMOs from 1 to 2 within an area typified by a mix of uses would have little discernible effect on its character. Furthermore, I attach significant weight to the representation of the 'Designing Out Crime' Police Officer which does not raise any clear objection to the proposal due to the current crime/incident rate. Consequently, I am satisfied that there would no adverse effect on social cohesion.*

8.2.6 Given the Inspectors findings above, significant weight is afforded to this, and reason 01 falls away.

8.3 Residential Amenity

8.3.1 The HMO standards state that a bedroom should be at least 6.51m², a kitchen for up to 6no. persons should be at least 10m² and a living room for up to 6no persons should be at least 12m². It is noted that all rooms adhere to these thresholds. The kitchen and living area are separate and adhere to the thresholds set out. The bedrooms are also of an adequate size and meet the minimum room size requirements and are all serviced by a window.

8.3.2 Within the Housing in Multiple Occupation SPG, it outlines that, *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.*

8.3.3 All rooms have a window that will provide natural light and ventilation opportunities. However, it is considered that the lower ground floors living area would contain extremely limited outlook as light is gained via a grill in the floor as shown below. Whilst this is the main living area as light can still access the room and each bedroom has adequate outlook in this instance the LPA has not identified an unacceptable level of harm in this respect. The Environmental Health officer has stated that at first floor level, it shows an external door leading out of the building, information should be

submitted to explain where this doorway leads. On assessment of these comments, given the topography of the area, the land level decreases to the rear of the house resulting in the property appearing as two storeys from the front and three from the rear. The door exiting the first floor is the front door to the property which leads onto Clytha Crescent. Therefore, this is deemed acceptable.



- 8.3.4 The Environmental Health officer raised concerns that there is no proposed bath room (containing a bath, wash hand basin and water closet) or a proposed shower room (containing a shower, wash hand basin and water close). This is a requirement and should be specified on the plan as either a bath room or shower room. On assessment of these comments, as the application is being progressed with a recommendation to refuse on flooding grounds (as later assessed within the report), an amendment to the submitted information has not been sought. Given that the application is a resubmission, the LPA do not intend to introduce new reason(s) for refusal, however it is considered such information would need to be supplied should the intention to be to grant consent.
- 8.3.5 The development would not create overlooking opportunities into neighbouring properties.
- 8.3.6 Within the Housing in Multiple Occupation SPG, it outlines that, *Living rooms, moreover, should not be next to, directly above or directly below a bedroom in a neighbouring property.* Given the shape of the building, there are no neighbouring properties above, or below the living area. There is a residential property located next door. It is unknown if the neighbouring property has a bedroom located next to the living area on the lower ground floor. However, a living area on the ground floor is not unusual and this relationship would be deemed acceptable. In terms of noise, it is considered these units were both residential properties, it is unlikely that the increase in noise disturbance would be detrimental. Any noise insulation would need to be fitted in accordance with building regulations.
- 8.3.7 The HMO SPG also states that *'HMO's should provide outdoor amenity space 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 they serve.'* It appears the property benefits from an outdoor amenity space. This provides a positive attribute to the development.

- 8.3.8 The SPG suggests, *'Protected windows that face one another should be at least 21.00 metres apart (unless separated by permanent structures or evergreen trees protected by Tree Preservation Orders). ii) Protected windows that do not allow views to rooms that should be reasonably expected to be private may be less than 21.00 metres apart.'* It is considered the police station is situated to the rear of the property and is set away by approximately 20m. This relationship is deemed acceptable.

8.4 **Air Quality/ Soundscape**

- 8.4.1 It is considered the unit has previously been used as a residential unit and has been confirmed by Council Tax. No noise assessment has been submitted in line with the application. However, the scheme will need to be fitted with sound insulation in line with building regulations to comply fully with current requirements for soundproofing and ventilation. Whilst some rooms would face into the streetscene, this is not an unusual arrangement and, in this instance, this is deemed acceptable.

8.5 **Movement**

- 8.5.1 In relation to parking, Policy H8 requires there are no parking problems created by the development. The Site is within parking zone 2, but only approximately 100m from zone 1.
- 8.5.2 The Parking Standards SPG requires 3 spaces for the existing use, and 1 space per bedsit for a HMO, and 1 space per 5 units for a visitor space. Therefore, the proposed development requires 7 spaces with an overall increased demand of 4no. spaces. There is no scope for provision of on-site parking and the area is heavily controlled with "no waiting" and residents' only schemes. The residents' parking scheme limits numbers of passes, so not every resident could have a pass. Given the level of parking regulation and proximity of amenities and travel options, highways would not anticipate any significant impact in terms of parking and highways raise no formal objection.
- 8.5.3 Additionally, whilst the proposed HMO does not meet the parking standards within the SPG, Officers know, from previous appeal work that in such cases, parking concerns, even in congested areas where parking surveys are either flawed or show little to no parking availability, Inspectors will assume the type of housing will more likely attract those less likely to own and run a car and proximity to sustainable transport and facilities will reduce parking expectations further. Therefore, whilst sufficient parking has not been demonstrated as available to serve the use in accordance with adopted SPG, the sustainability of the site location and nature of proposed use outweigh this concern, and any refusal based on parking will unlikely be robust.
- 8.5.4 Highways state cycle storage is proposed, but the stands proposed are unacceptable. The proposed racks are not suitable for all users or bike types so cannot be considered 'inclusive'. Furthermore, they are not sufficiently secure as they do not allow both wheels and the frame to be secured or support the bike properly. At least some enclosed Sheffield racks are needed to meet the requirements. Where space is restricted, these can be supplemented with other types. Highways would therefore request a condition to ensure appropriate provision is made.

8.6 **Waste**

- 8.6.1 In terms of bins, this store is located next to the front door. Internal storage in this instance for 6no. bedrooms is inappropriate and would lead to odours and poor sanitary within the household, also leading to a fire risk as noted by the Environmental Health Officer. The applicant has stated that the room would be ventilated. The Environmental Health Officer goes on to state that more appropriate provision could be added to the kitchen on the ground floor, however, this would not be appropriate as

residents would have to navigate a set of stairs with the bins to get to street level (Clytha Crescent). The waste officer did not provide comment under the current application, but provided comment under 25/0364 and has confirmed for the existing use, as default a private dwelling would be a 120L bin and recycling boxes with kerbside collection. If the number of persons living in the property is 5 or above, they could apply for a 180L general waste. For a 6 bed HMO the default would be a 180L bin and recycling boxes with kerbside collection. Therefore, it is considered that the existing dwelling had the capacity for a 180L bin, and the increase in one bedroom to a 6no.bed dwelling would not exacerbate the waste over the existing use. It is not uncommon for surrounding houses to store bins on the street given that a flight of stairs would need to be navigated to access the rear amenity space to be stored. Therefore, given that the existing use would require a similar waste requirement, and the constrained nature of the site, this is deemed acceptable in this instance.

8.7 **Drainage**

- 8.7.1 Welsh Water have provided comments on the scheme and can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. Welsh Water recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system and request a condition. This condition will not be attached as Welsh Water are a separate statutory body, and any separate permission will need to be acquired from them.

8.8 **Flooding**

- 8.8.1 The planning application proposes highly vulnerable development in the form of a change of use from residential dwelling to House in Multiple Occupancy (HMO), with additional bedrooms proposed on the ground floor intensifying the use. The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 (Sea) (undefended).
- 8.8.2 TAN15 (2025) states in paragraph 10.22, *Planning applications in zone 3 require the strongest justification.*
- 8.8.3 10.23: *proposals which include residential development must ensure that such uses do not occur at ground floor level*
- 8.8.4 10.24: *In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused.*
- 8.8.5 It is considered that the application proposes ground floor accommodation in Flood Zone 3, contrary to TAN15. The applicant has provided a site specific Flood Consequences Assessment in line with TAN15, however, NRW have provided comment on the application and states that they have concerns with the application as inadequate information has been provided in support of the proposal.
- 8.8.6 The FCA fails to demonstrate that the potential risks and consequences of flooding are manageable.

The FCA states:

- Access to the site is via Clytha Crescent, directly onto the first floor, with a threshold level of 10.43 mAOD. Access to the garden is via the ground floor with a threshold level of 7.91 mAOD.
- The site has a general west-to-east slope, with the rear levels lower than those on Clytha Crescent. Street level is noted at 9.96mAOD and the far east of the garden, at the eastern boundary of the site, has an approximate ground level of 7.73mAOD.

8.8.7 The FCA states that during the 0.5% (1 in 200 year) plus climate change (CC) flood event flood levels could reach 9.1m AOD. Based on the stated threshold level the proposed development could flood to a depth of 1.19m. Based on these depths of flooding the proposed development is not compliant with Figure 5 of TAN15. We note that this area will be formed of a kitchen, living room and lounge. The FCA states that all other areas of the proposal will remain flood free and elevated above the flood level.

8.8.8 Furthermore, during the 0.1% (1 in 1000 year) plus climate change (CC) flood event flood levels could reach 9.69m AOD. Based on the stated threshold level the proposed development could flood to a depth of 1.78m. Based on these depths of flooding the proposed development is not compliant with Figure 6 of TAN15, as these depths of flooding are above the prescribed limits of 600mm in TAN15.

8.8.9 It is considered that the development fails to meet the requirements of TAN15 as outlined above. Whilst it is noted that only the lower ground floor would become flooded and the Local Planning Authority note that the existing bedroom on the lower ground floor has now been removed, the kitchen/dining area and living room would still become flooded. From a recent appeal decision, CAS-04803-P7G8T5 at 7 Conway Road for a change of use from a single dwelling to a HMO, the Inspector raised concern on the layout of the property, and that the only WC was located within an area which would flood during a flood event. The Inspector concluded that this was not acceptable.

8.8.10 In comparison to this submitted application, 3 Clytha Crescents existing kitchen was located on the first floor and was set up away from flood water. The application as submitted proposes a kitchen and dining area, along with a living area on the ground floor susceptible to flooding. In a flood event, residents would not be able to utilise the kitchen which is a basic amenity or the only communal living space or garden, this is considered to result in a significant adverse impact upon the living conditions of future occupiers as they would not be able to undertake basic domestic tasks such as preparing meals have access to refrigeration/cooking equipment, dry clothes externally or avail of a space outside of their bedrooms. Whilst information has been provided by the resident for evacuation routes and flood management, residents would not be able to stay in their accommodation and access basic amenities flood free. This is unacceptable and the development is contrary to TAN15 and Policy SP3.

8.9 Biodiversity

8.9.1 PPW12 states in paragraph 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. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.* Given the scale of development, a GI statement is not required in this instance, however, a net gain for biodiversity should be acquired and is discussed below.

8.9.2 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy GP5 of the NLDP supports this and states that proposals will be expected to maintain, protect, and enhance ecological networks and features of importance for biodiversity. No ecological enhancements are proposed as part of the development. As such the proposal is currently not compliant with the aims of Policy GP5 of the NLDP 2011-2026 (adopted January 2015). This can be reasonably secured via condition and therefore will not form a reason for refusal.

8.10 **Other Issues**

8.10.1 Councillor Adan has commented on the scheme and raises numerous concerns. Firstly, the councillor has raised concerns over the location of highly vulnerable development within the flood zone, and insufficient information outlined on the FCA. This has been addressed in the report above.

8.10.2 Secondly, the Councillor raises concerns over the exceedance of the 15% HMO density threshold. He further states, Any deviation from the 15% rule would set a damaging planning precedent that effectively compromises the council's power to apply HMO limits against future applications and would cause harm to communities. This has been assessed within the report. Whilst the LPA take the view that exceedance of the threshold could cause harm, the Inspectors comments are afforded significant weight from the previous appeal under 25/0364.

8.10.3 Councillor Adan has stated that the proposed structural provisions for sustainable transport are inadequate. Specifically, the lack of appropriate designated racks for cycle storage. This has been raised by the highways officer, and a condition can be added to any permission granted for a suitable scheme of storage now a space has been identified.

8.10.4 Councillor Adan also raised concerns that the proposal has not demonstrated roof lights that are few, discreet and unobtrusive. Therefore, the physical alterations fail to preserve or enhance the historic setting. This has been discussed within the report. The proposed roof lights have been reduced, and the Heritage Officer has no objection subject to a condition attached to control the design.

8.10.5 Finally, the Councillor states that the proposal fails to provide adequate or practical waste storage. This has been outlined within the report.

8.10.6 One resident submitted comments and states that a HMO will cause anxiety to the resident and cause too much noise. Noise concerns have been addressed within the report. The resident also goes on to state issues surrounding the lack of parking and rubbish. This has also been addressed within the report.

8.10.7 The Senior Scientific Officer has provided comment to add a condition for the requirement for sustainable energy/heating system. At present, there is no requirement for such provision to be provided under the Town and Country Planning Act. Therefore, should this application be progressed with the recommendation to be granted, this condition will not be added.

8.11 **Section 106 Planning Obligation matters**

- 8.11.1 In accordance with Policy SP13 of the adopted Newport Local Development Plan 2011-2026 and the adopted Planning Obligations Supplementary Planning Guidance, development will be required to help deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale and the sustainability of the location. In this case, the proposal results in a net nil gain of residential dwellings. As such, no affordable housing planning obligations are requested.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

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

9.2 *Equality Act 2010*

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

9.3 Having due regard to advancing equality involves:

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

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

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

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

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

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

10. CONCLUSION

- 10.1 The proposal overcomes the previous reason for refusal relating to the roof lights impact on the Clytha Conservation Area, and significant weight is afforded to the Planning Inspector's findings in relation to HMO concentration and social cohesion under appeal reference 25/0364. The proposal would provide acceptable living conditions for future occupiers and would not result in unacceptable impacts on neighbouring amenity, parking, or the character of the area. However, notwithstanding these benefits, the development fails to demonstrate compliance with TAN 15 and Policy SP3, as the proposed living accommodation at lower ground floor level would be subject to unacceptable flood risk and the consequences of flooding have not been shown to be manageable. The application is therefore recommended for refusal on flood risk grounds.

11. DECISION

REFUSED

01 The development has a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity, by reason of the site's location in an area at risk from flooding designated within Zone 3 as defined by the Flood Map for Planning. The FCA demonstrates that the communal kitchen would flood in a flood event resulting in residents not being able to access basic amenities within their accommodation. Insufficient information has been submitted that mitigates this objection. This is contrary to Policy SP3 of the Local Development Plan for Newport 2011-2026 (Adopted January 2015) and Technical Advice Note 15: Development and Flood Risk (TAN15) (April 2025).

NOTE TO APPLICANT

01 This decision relates to plan Nos: SD1035-06H - Proposed Elevations.; SD1035-05E - Proposed Second/Third Floor Plan; SD1035-04E - Proposed Ground/ First Floor Plan; SD1035-03 - Existing Elevation.; SD1035-02B - Existing Second/Third Floor Plan; SD1035-01B - Existing Ground /First Floor Plan; SD1035-00 - Block and Site Location Plan; Flood Consequence Assessment; Planning Statement; VELUX Heritage Conservation Roof Window, GCL; BXMW THB Thames Bridge Cycle Stand; BXMW NEA Neath Cycle Rack

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, GP2, GP4, GP5, GP6, H8, W3, T4 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.

Annex 1: PEDW appeals on HMOs and social cohesion (taken from 25/0364)

- 8.3.7 23/0372 proposed a CHANGE OF USE FROM A DWELLING TO A 6 BEDROOM HOUSE IN MULTIPLE OCCUPATION (C4 USE) in Newport at 12 Queens Hill. The application was refused on the exceedance of the 10% threshold at 12.5%. The application was appealed and the Inspector concluded:
- 8.3.8 *It is clear that the area around the appeal site does not currently exhibit any of the characteristics often associated with a high concentration of HMOs, such as disrepair, littering or anti-social behaviour. However, I am conscious that the development of an additional HMO will alter the balance between single and multiple occupancy dwellings in this location and, in my view, would start to erode the quality of the living environment and level of social cohesion that is currently present in the area surrounding the appeal site.*
- 8.3.9 23/0732 in Newport was for the erection of three dwellings to be used as houses in multiple occupation, including associated parking and amenity space. The application was partly refused on the reason for the exceedance of the threshold limit for HMOs within a designated area. This application was appealed. The Inspector states:
- 8.3.10 *The Council states the proposal would increase this concentration from zero to three out of an increased total of sixteen properties (18.75%) and would thus, breach this threshold. In these circumstances, the SPG advises that proposals will be unsuccessful unless their implementation, judged in the light of all other material considerations, would serve the public interest. This SPG was adopted following public consultation and I afford it considerable weight. A breach of the threshold is not, in itself, sufficient to withhold planning permission and it is necessary to consider the effects of the proposal on its merits. In this case, the high rate of crime is raised as a key concern for the area.... its breach of the SPG's upper threshold with respect to the proportion of residential properties, could exacerbate levels of crime in the area, which, given its vulnerability in this respect, would be particularly harmful to levels of social cohesion and subsequently, the residential character of the area*
- 8.3.11 **2023/1220/FUL** application in Swansea for a HMO was refused partly due to the overconcentration within the threshold set out. The application was appealed. In short, the inspector suggested:
- 8.3.12 *The proposal would add to the concentration of HMOs in this area and in doing so it would fundamentally undermine the evidenced based approach of Policy H 9. I conclude that the proposal would not contribute to the objective of fostering sustainable and cohesive communities, and it would conflict with LDP Policies PS 2 and H 9, and the SPG.*
- 8.3.13 **2023/0783/FUL** application in Swansea for a HMO was refused partly due to the overconcentration within the threshold set out. The application was appealed. In short the inspector suggested:
- 8.3.14 *I do not consider the character and demographic is such that HMOs dominate. Nevertheless, there are signs that some properties were not as well cared for as others and whilst that could be said in any street, the evidence of the national studies indicates that this is more likely and prevalent in areas with concentrations of HMOs. As is*

rubbish being left out and anti-social behaviour... I conclude that the proposed development would have an adverse impact on community cohesion and conflicts with Policy H9 of the LDP.

8.3.15 **2023/0783/FUL** application in Swansea for a HMO was partly refused due to the over concentration within the threshold set out. In short, the inspector suggested:

8.3.16 *I consider that a further HMO in this location would begin to upset the balance in housing tenure to the detriment of social cohesion and residential amenity. I accept that the proposal by itself might not have an appreciable impact, but this is an argument that could be repeated many times with cumulative adverse effects over time... I find no other material considerations or exceptional circumstances that would demonstrably outweigh the outcome of the threshold test or the consequences of 'sandwiching'. The proposal would fail to comply with local planning policies relating to HMOs and it would be harmful to residential amenity.*

8.3.17 **2023/1025/FUL** application in Swansea for a HMO was solely refused due to the overconcentration within the threshold set out. The application was appealed. In short, the inspector suggested:

8.3.18 *Whilst policy H 9 indicates that there may be circumstances or considerations which may justify a breach of the identified thresholds, little compelling evidence has been submitted that the appeal scheme would not, in combination with existing HMOs, harmfully erode community cohesion and balance within the immediate area. Consequently, I find that the appeal development would unjustifiably conflict with LDP policy H 9.*

8.3.19 **2023/0776/FUL** application in Swansea for a HMO was partly refused due to the overconcentration within the threshold set out. The application was appealed. In short the inspector suggested:

8.3.20 *The proposal would increase the concentration of HMOs within a 50m radius from just over the threshold limit at 10.5% to a more substantial 15.8% (based on 3 out of 19 properties)...During my site visit, I saw limited visual evidence of the physical effects of current HMOs along Ysgol Street, although I note a local resident's complaint of increased levels of rubbish which is one of the impacts associated with concentrations of HMOs in the research commissioned by Welsh Government. I am also aware that not all harmful effects associated with HMOs are clearly visible, especially taking into account their cumulative effects over time. The above-mentioned research also identifies their contribution towards problems, including but not limited to less community cohesion due to residential transience, loss of owner-occupied properties, and a proliferation of vacant properties at certain points of the year. As the LDP's 10% threshold has been subjected to the tests of soundness during the LDP examination, I give it significant weight...*

I conclude that there are no exceptional circumstances or overriding considerations that would adequately justify the breach of the 10% threshold. Therefore, the proposal would conflict with the Council's objectives to secure and maintain sustainable and balanced communities, contrary to LDP Policy H 9 and the SPG. It would also be contrary to the general requirement of LDP Policy PS 2 that development should enhance the quality of places and respond positively to aspects of local context that contribute towards a sense of place.

Appendix 2: Newport City Councils research on evidence to support the Councils Hmo threshold stance

HOUSES IN MULTIPLE OCCUPATION

EVIDENCE TO SUPPORT THE COUNCIL'S HMO THRESHOLD STANCE

Introduction

The Council understands the contribution HMOs make to housing provision in Newport. They can provide accommodation for a wide range of groups, including young professionals, students, migrants and persons on low income. In clusters, however, they can detract from the character and appearance of an area and potentially lead to social and physical problems.

The Welsh Government's publication 'Houses in Multiple Occupation: Review & Evidence Gathering – April 2015' states that the problems associated with high concentrations of HMOs are generally accepted to be:

- Damage to social cohesion with higher levels of transient residents and fewer long term households and established families; leading in the long term to communities which are not balanced and self-sustaining;
- Access to the area for owner occupiers and first time buyers becoming much more difficult because of increased house prices and competition from landlords, with a reduction in the number of family homes;
- Increases in anti-social behaviour, noise, burglary and other crime;
- Reduction in the quality of the local environment and street scene as a consequence of increased litter, refuse and fly tipping, increased levels of disrepair and prevalent letting signs.
- A change of character in an area through tendency for increased numbers of takeaways, discount food stores, letting agencies and so on;
- Increased pressure on parking;
- Reduction in provision of community facilities for families and children in particular pressure on schools through falling rolls.

(Houses in Multiple Occupation: Review & Evidence Gathering – April 2015, pages 5 and 6)

This Council already has a threshold guideline set out in its adopted SPG in order to avoid concentrations of HMOs. This paper examines the relationship between concentrations of HMOs and some of the problems outlined above and aims to establish whether quantitative evidence exists which would prove or disprove a correlation.

Methodology

Is there a correlation between high concentrations of HMOs and recorded complaints?

The Council records all complaints made regarding HMO properties. Complaints are usually received by the Council's Contact Centre and are then forwarded to the relevant Council department. All complaints relating to HMOs are sent to Environmental Health. Officers in Environmental Health then take appropriate action. Environmental Health record all complaints relating to HMOs in a specific database. The complaints are categorised and cover the following issues:

- Anti-social behaviour
- Harassment complaints
- Nuisance complaints
- Rogue landlords referral
- Issues with poor maintenance of services – poor living standards
- Emergency repairs required
- Structural issues
- Filthy and verminous – poor living conditions
- Alleged pest/rodent infestation
- Dumping of rubbish
- Parking problems
- Overgrown garden
- Suspected Illegal eviction
- Suspected illegal immigration problems
- Overcrowding

For the purposes of the evidence gathering, complaints/enquiries which relate to HMO licensing, inspection requests and alleged unlicensed properties have all been removed from the research. Therefore only 'negative' complaints covering the above issues, which are linked to licenced HMO properties, have been considered in this paper. In order to acquire a meaningful level of data, complaints dating back for the last 30 months have been considered (April 2015 – October 2017). In total, 250 complaints have been recorded against 466 licenced HMO properties.

Each complaint can be attributed to an individual HMO property, with an address. Therefore it is possible to identifying the location of the HMOs and the complaints linked to them. The evidence will unveil whether there is a link between high concentrations of HMOs and high levels of complaint.

In order to establish the locations of the high concentrations of HMOs, the number of HMOs must be compared to the actual number of households within a defined geographical. Lower layer super output areas (LSOA) are considered an appropriate geographical area to base the research on. These are geographical areas identified by The Office of National Statistics and are used for the Census. LSOAs are relatively confined areas typically containing approximately 600 homes.

The location of each licensed HMO will be placed within its relevant LSOA. Then the percentage of HMOs can be established when compared to the overall number of households in that specific LSOA (as determined by the 2011 Census). For example, if LSOA 1 contained 600 households and 30 of these were HMOs, then the concentration of HMOs would be 5%.

The complaints for individual HMOs will also then be attributed to specific LSOAs. A picture will emerge as to whether high concentrations of HMOs also attract high numbers of complaints.

Is there a correlation between high concentrations of HMOs and recorded crime?

In addition to the evidence collected on complaints, the Welsh Government publication also states that 'anti-social behaviour, noise, burglary and other crime' are associated with high concentrations of HMOs. The website www.ukcrimestats.com allows the user to extract crime figures at a LSOA level. In order to see whether there is any evidence linking higher crime rates with higher concentrations of HMOs, this website will be used to record crime number for the past 12 months in each LSOA (1 October 2016 to 30 September 2017). Figures for shoplifting will be excluded from the evidence as not all LSOAs will contain shops. Therefore for the purposes of evidence gathering, recorded crimes will include:

- Bike theft
- Theft from a person
- Other theft
- Possession of weapons
- Public order
- Other crime
- Anti-social behaviour
- Burglary
- Robbery
- Vehicle crime
- Violent crime
- Drugs
- Criminal damage and arson

The evidence collected on concentrations of licensed HMOs will be compared to crime numbers in that specific LSOA. Again, a picture will emerge as to whether high concentrations of HMOs are also associated with higher levels of crime.

Concentrations of Licenced HMOs – The Evidence

As of November 2017, the Council has 466 licenced HMO properties. Each HMO has been placed within its geographical LSOA. Table 1 below identifies the location of HMOs within specific LSOAs and ranks these in terms of their concentration.

Table 1: Location and concentration of licenced HMOs in Newport

Ward	LSOA	Households	No of HMOs	% of HMOs
Stow Hill	W01001687	876	62	7.078
Victoria	W01001693	643	30	4.666
Allt-yr-yn	W01001603	588	25	4.252
Pillgwenlly	W01001661	917	36	3.926
Victoria	W01001692	837	32	3.823
St Julians	W01001675	614	23	3.746
Stow Hill	W01001685	762	28	3.675
St Julians	W01001676	694	21	3.026
Allt-yr-yn	W01001605	617	18	2.917
Stow Hill	W01001686	562	14	2.491
Victoria	W01001691	770	19	2.468
Beechwood	W01001612	603	14	2.322
Pillgwenlly	W01001660	626	14	2.236
Pillgwenlly	W01001659	760	16	2.105
Pillgwenlly	W01001662	623	10	1.605
Shaftesbury	W01001681	654	10	1.529
Victoria	W01001690	956	14	1.464
Allt-yr-yn	W01001601	636	8	1.258
St Julians	W01001680	510	6	1.176
Beechwood	W01001613	616	7	1.136
Shaftesbury	W01001684	638	6	0.940
Caerleon	W01001628	509	4	0.786
Caerleon	W01001623	658	5	0.760
Liswery	W01001644	1126	8	0.710
Always	W01001608	638	4	0.627
Shaftesbury	W01001683	486	3	0.617
St Julians	W01001677	649	4	0.616
Caerleon	W01001626	579	3	0.518
Allt-yr-yn	W01001602	673	3	0.446
Caerleon	W01001625	577	2	0.347
Allt-yr-yn	W01001600	661	2	0.303
Beechwood	W01001614	777	2	0.257
Bettws	W01001618	492	1	0.203
Langstone	W01001641	536	1	0.187
Marshfield	W01001913	551	1	0.181
Liswery	W01001643	563	1	0.178
Bettws	W01001619	599	1	0.167
Beechwood	W01001616	619	1	0.162
Caerleon	W01001627	629	1	0.159
Ringland	W01001663	692	1	0.145
Ringland	W01001665	745	1	0.134
Liswery	W01001642	779	1	0.128
Rogerstone	W01001671	822	1	0.122
St Julians	W02000351	2704	2	0.074

Stow Hill LSOA W01001687 has the highest concentration of HMOs in Newport. It is worth noting that the above table is not a complete list of all LSOAs in Newport. It is only a list of LSOAs which contain at least one HMO. As the purpose of this research is to understand whether there is a link between high concentrations of HMOs and complaints/crime, then it was considered that there would be no point in recording data on LSOAs which contained no HMOs.

Is there a correlation between high concentrations of HMOs and recorded complaints?

Now the locations of the high concentration of HMOs have been identified, the data collected on complaints held by Environmental Health can be added to the sample.

Table 2 ranks the LSOAs by number of complaints received over a 30 month period.

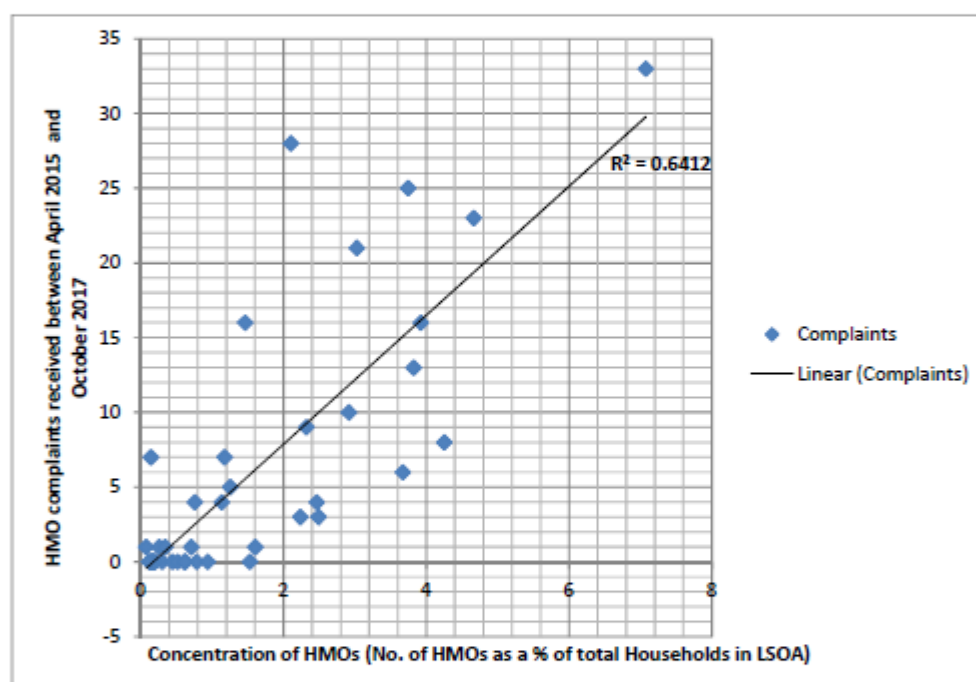
Table 2: HMO areas ranked by complaints received in 30 month period

Ward	LSOA	Households	No of HMOs	% HMOs	Complaints
Stow Hill	W01001687	876	62	7.078	33
Pillgwenlly	W01001659	760	16	2.105	28
St Julians	W01001675	614	23	3.746	25
Victoria	W01001693	643	30	4.666	23
St Julians	W01001676	694	21	3.026	21
Pillgwenlly	W01001661	917	36	3.926	16
Victoria	W01001690	956	14	1.464	16
Victoria	W01001692	837	32	3.823	13
Allt-yr-yn	W01001605	617	18	2.917	10
Beechwood	W01001612	603	14	2.322	9
Allt-yr-yn	W01001603	588	25	4.252	8
Ringland	W01001663	692	1	0.145	7
St Julians	W01001680	510	6	1.176	7
Stow Hill	W01001685	762	28	3.675	6
Allt-yr-yn	W01001601	636	8	1.258	5
Beechwood	W01001613	616	7	1.136	4
Caerleon	W01001623	658	5	0.760	4
Victoria	W01001691	770	19	2.468	4
Pillgwenlly	W01001660	626	14	2.236	3
Stow Hill	W01001686	562	14	2.491	3
Beechwood	W01001614	777	2	0.257	1
Caerleon	W01001625	577	2	0.347	1
Liswery	W01001644	1126	8	0.710	1
Pillgwenlly	W01001662	623	10	1.605	1
St Julians	W02000351	2704	2	0.074	1
Allt-yr-yn	W01001600	661	2	0.303	0
Allt-yr-yn	W01001602	673	3	0.446	0
Always	W01001608	638	4	0.627	0
Beechwood	W01001616	619	1	0.162	0
Bettws	W01001618	492	1	0.203	0
Bettws	W01001619	599	1	0.167	0
Caerleon	W01001626	579	3	0.518	0
Caerleon	W01001627	629	1	0.159	0
Caerleon	W01001628	509	4	0.786	0
Langstone	W01001641	536	1	0.187	0
Liswery	W01001642	779	1	0.128	0
Liswery	W01001643	563	1	0.178	0
Marshfield	W01001913	551	1	0.181	0
Ringland	W01001665	745	1	0.134	0
Rogerstone	W01001671	822	1	0.122	0
Shaftesbury	W01001681	654	10	1.529	0
Shaftesbury	W01001683	486	3	0.617	0
Shaftesbury	W01001684	638	6	0.940	0
St Julians	W01001677	649	4	0.616	0

LSOA Stow Hill W01001687 is again at the top of the table. This LSOA has the highest concentration of HMOs and also has the highest number of received complaints. The fact that this LSOA appears at the top of both tables would suggest there is a link between high concentrations of HMOs and high numbers of complaints. However, in comparison, LSOA Shaftesbury W01001683 contains 10 HMOs and has a concentration of 1.529%, but has received no complaints in the 30 months period.

In order to understand the relationship better, the data has been plotted on a scatter graph (see below).

Figure 1: Relationship between concentrations of HMOs and complaints received



The above graph demonstrates that there is a correlation between high concentrations of HMOs and higher numbers of complaints. A linear trendline has been added to the scatter graph, creating a 'Goodness-of-Fit Linear Model'. In general, it is relatively clear that as the concentration of HMOs increases, so does the number of complaints received.

The scatter graph shows a cluster of LSOAs with HMO concentrations of less than 1% which have received no complaints in the 30 months, or just one complaint. However, the graph evidently shows that once the concentration of HMOs in a LSOA goes above 1%, then the number of complaints increases. Therefore underlining the fact a clear correlation exists.

The R-squared value of the linear trendline is 0.6412. R-squared is a statistical measure of how close the data are fitted to the trendline. R-squared is always between zero and one. Zero indicates that

there is no relationship between the data, where one indicates there is a perfect relationship and the trendline passes through all of the plotted points. The higher the R-squared value, the better the model fits the data.

There are varying interpretations of what represents a strong R-squared value. In the field of physics and engineering, a high R-squared value of 0.9 would be considered substantial, however, in more real world examples, academics have suggested the following:

- Less than 0.25 = no relationship
- 0.25 to 0.5 = weak relationship
- 0.5 to 0.75 = moderate relationship
- 0.75 to 1 = substantial relationship

With a value of 0.6412, the relationship between high concentrations of HMOs and high numbers of complaints sit comfortably within the 'moderate relationship'.

Is there a correlation between high concentrations of HMOs and recorded crime?

Table 3 below ranks the HMO areas by the recorded crime figures captured over the last 12 months. As noted in the methodology, figures for shoplifting have been excluded as not all LSOAs will include shops, therefore the inclusion of shoplifting data could have unfairly skewed the evidence.

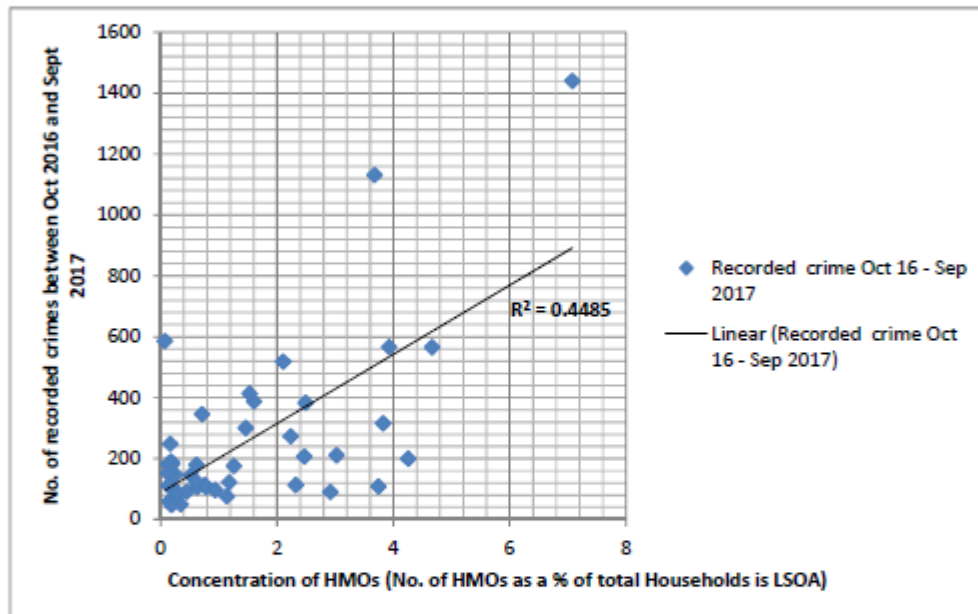
Table 3: HMO areas ranked by recorded crime over a 12 month period

Ward	LSOA	Households	No of HMOs	% HMOs	Recorded Crime
Stow Hill	W01001687	876	62	7.078	1441
Stow Hill	W01001685	762	28	3.675	1132
St Julians	W02000351	2704	2	0.074	586
Pillgwenlly	W01001661	917	36	3.926	567
Victoria	W01001693	643	30	4.666	566
Pillgwenlly	W01001659	760	16	2.105	519
Shaftesbury	W01001681	654	10	1.529	414
Pillgwenlly	W01001662	623	10	1.605	388
Stow Hill	W01001686	562	14	2.491	384
Liswery	W01001644	1126	8	0.710	346
Victoria	W01001692	837	32	3.823	316
Victoria	W01001690	956	14	1.464	301
Pillgwenlly	W01001660	626	14	2.236	274
Bettws	W01001619	599	1	0.167	249
St Julians	W01001676	694	21	3.026	211
Victoria	W01001691	770	19	2.468	207
Allt-yr-yn	W01001603	588	25	4.252	200
Liswery	W01001643	563	1	0.178	191
Bettws	W01001618	492	1	0.203	183
Liswery	W01001642	779	1	0.128	182
Shaftesbury	W01001683	486	3	0.617	180
Ringland	W01001663	692	1	0.145	178
Allt-yr-yn	W01001601	636	8	1.258	176
Rogerstone	W01001671	822	1	0.122	152
Beechwood	W01001614	777	2	0.257	147
Caerleon	W01001626	579	3	0.518	146
St Julians	W01001677	649	4	0.616	123
St Julians	W01001680	510	6	1.176	122
Beechwood	W01001612	603	14	2.322	114
Caerleon	W01001623	658	5	0.760	113
Ringland	W01001665	745	1	0.134	111
Marshfield	W01001913	551	1	0.181	109
St Julians	W01001675	614	23	3.746	109
Always	W01001608	638	4	0.627	106
Caerleon	W01001628	509	4	0.786	106
Shaftesbury	W01001684	638	6	0.940	97
Allt-yr-yn	W01001602	673	3	0.446	92
Allt-yr-yn	W01001605	617	18	2.917	91
Allt-yr-yn	W01001600	661	2	0.303	86
Beechwood	W01001613	616	7	1.136	76
Beechwood	W01001616	619	1	0.162	62
Caerleon	W01001627	629	1	0.159	59
Caerleon	W01001625	577	2	0.347	50
Langstone	W01001641	536	1	0.187	48

There is a common theme occurring with Stow Hill W01001687 sitting at the top of the table again. Recorded crime in the two Stow Hill LSOAs is significantly more than all other LSOAs. The higher levels of recorded crime reflect their inner city locations.

As with the complaints data, the recorded crime data has been plotted on a scatter graph below.

Figure 2: Relationship between concentrations of HMOs and recorded crime



A linear trendline has been added to this scatter graph. There does appear to be a correlation between the concentration of HMOs and recorded crime, however the relationship does not appear as strong as the correlation between HMOs and complaints. The R-squared value is 0.4485 which confirms a weak relationship, but nevertheless, a relationship exists.

There are obviously numerous factors that cause crime, but in accordance with the Welsh Government publication, the evidence from Newport does suggest that there is a relationship between higher concentrations of HMOs and higher numbers of recorded crime.

CONCLUSION

The evidence collected does demonstrate that there is a correlation between high concentrations of HMOs and negative complaints made to the Council, and recorded crime. Therefore the Council should continue to try and control the concentration of HMOs.

The Council seeks to control the concentration of HMOs through its two-tier threshold approach set out in the adopted SPG. This approach limits the number of HMOs to 15% within a 50m radius within a defined area of Newport (as per the SPG), and 10% in all other areas of the City.

With regard to the correlation between high concentrations of HMOs and number of complaints, there does appear to be a pattern which suggests that LSOAs which have a HMO concentration of 1% or lower, record a very low number of complaints. Once the HMO concentration of a LSOA exceeds 1%, there is a clear increase in the number of complaints received. Therefore there is an argument to suggest that 1% is the 'tipping point' where the number of HMOs goes from acceptable to unacceptable. Then again, if the linear trendline of Figure 1 is followed, then a HMO concentration of 2% would result in 8 complaints being received over a 30 month period. There is an additional argument to suggest that 8 complaints would be a manageable level. Similarly, 4% would result in 16 complaints. Therefore defining the 'tipping point' is a difficult task.

In addition, it would be difficult to define a 'tipping point' using LSOAs as the geographical area. For example, if a tipping point of 2% was applied, a LSOA consisting of 600 households would be acceptable with 11 HMOs, but a planning application for a 12th HMO would hit the 2% concentration level. All 12 HMOs could be neighbouring properties, or all 12 could be evenly dispersed around the LSOA. Therefore a tipping point based on the concentration of HMOs within a LSOA is not considered appropriate.

Also, the relationship between HMO concentrations and recorded crime is weaker, and the pattern identified is not as strong and consequently it is even less obvious where a tipping point would be.

Therefore in conclusion, this research has demonstrated a correlation between high concentrations of HMOs and complaints and recorded crime. As a result, it is considered that the Council is justified in trying to control the concentrations of HMOs. The mechanism used to control concentrations of HMOs is set out in the adopted SPG. It applies a 50m radius to a HMO planning application site and establishes the percentage of HMOs within that radius. Within the SPG defined area, the percentage of HMOs should not exceed 15%, and outside of the defined area, the percentage of HMOs should not exceed 10%. This threshold approach has the benefit of controlling HMO concentrations. Whereas it is acknowledged that the 15% and 10% are arbitrary figures, it is argued that they are reasonable figures and appropriate figures which will help the Council in controlling the concentration of HMOs. If the threshold figures were higher, then the evidence would suggest that this would result in more negative complaints and higher recorded crime. Consequently, it is considered that the need for a threshold is necessary.

The evidence in this report has established that there is a relationship between high concentrations of HMOs and complaints and recorded crime. As a result, the Council is justified in trying to control and limit concentrated areas of HMO properties. It is considered that the most effective and most reasonable way of doing this is through a threshold approach, as set out in the Council's adopted HMO SPG.