

Delegated Decision Report

Application No:	26/0558	Statutory Period Expires:	15th September 2026
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Site:	46 Corporation Road Newport NP19 0AW		
Proposal:	CHANGE OF USE FROM 4 BEDROOM DWELLING (C3) TO 8 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)		
Applicant:	M Layton		
Type:	Full	Ward:	Victoria
Decision:	REFUSED		

1. BACKGROUND

- 1.1 Planning permission has previously been refused for the conversion of the property to an 8 bed HMO (25/0611) and subsequent to that permission was refused for the conversion of the property to a six bed HMO (25/0954). Application 25/0611 was refused for the following reasons:

01 The proposal will have a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity by reason of flooding and the intensification of occupation in a flood risk area and ground floor bedrooms. No information has been submitted that mitigates this objection, contrary to policy SP3, GP2, H8 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) and Technical Advice Note 15: Development, Flooding and Coastal Erosion (March 2025).

02 The proposed development, by reason of its scale/significant intensification of occupation by unrelated tenants with associated visitors, siting and close relationship to neighbouring properties, and significant number of HMO rooms in the vicinity, will result in unacceptable and unneighbourly impact associated with a greater degree of activity, noise and disturbance and a significant adverse impact upon the character of the area, residential amenity and social cohesion. This is contrary to Policies GP2 and H8 of the Newport Local Development Plan, 2011-2026 (Adopted January 2015) and the Council's supplementary planning guidance on Houses in Multiple Occupation adopted January 2017.

- 1.2 Reasons for refusal relating to 25/0954 were as follows:

01 The proposed development does not relate positively to the distinctive character and amenity of the locality or make a positive contribution to sense of identity, improve the character and quality of the area or contribute to the creation of a sustainable place. It will add to an existing significant level of HMO rooms and loss of single-family dwellings in the locality with associated amenity and social cohesion effects. This is contrary to Policies GP2 and H8 of the Newport Local Development Plan, 2011-2026 (Adopted January 2015) and the Council's supplementary planning guidance on Houses in Multiple Occupation adopted January 2017.

- 1.3 As can be seen from the above, there was no flood risk related reason for refusal for 25/0611 and this was due to there being no ground floor bedrooms proposed.
- 1.4 Application 25/0611 was appealed and the appeal was dismissed. However, whilst the Inspector considered the proposals to be unacceptable in terms of flood risk, she did not find that the proposals would be harmful in terms of the intensification of the occupation of the property, or in terms of social cohesion.

2. SITE LOCATION AND CONTEXT

- 2.1 The application site is an end of terrace dwelling set over three storeys on Corporation Road. It is situated in quite a dense residential area, which is characterised by linear rows of terraced dwellings having small forecourt set behind a dwarf wall. Rodney Parade sports ground is located to the rear (south-west) of the site and there is a lane to the north-west side of the property providing access to commercial units at the rear of the property.

- 2.2 The character of the area is predominantly residential, although this is intermixed with some commercial uses including a health centre and vehicle repair garage. The city centre lies approximately 700m away to the west of the site.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The proposal is for the change of use of the existing dwelling (C3) to an 8no. bedroom HMO (Sui generis). Whilst the plans show the property currently has five bedrooms, the application forms refer to it as a four bedroom property and this is reflective of recent sales particulars and it is likely that the attic room does not have Building Regulations approval.
- 3.2 The proposed layout would comprise of 2no. bedrooms, living room and kitchen at ground floor with 5 further bedrooms at first floor and a further bedroom at second floor level. A further bedroom and refuge room is proposed at second floor level. Six of the bedrooms would be en-suite with bedrooms 3 and 5 at first floor level being served by a bathroom on the same floor that is to be shared by users of the flood refuge room should the need arise. Externally, refuse would be stored to the front forecourt and at the rear external amenity space would be provided along with a shed for cycle storage.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
25/0611	CHANGE OF USE FROM 4 BEDROOM DWELLING (C3) TO 8 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS)	APPEAL DISMISSED (CAS-014768-F7Q0D3)	10.06.2026
25/0954	CHANGE OF USE FROM 4 BEDROOM DWELLING (C3) TO 6 BEDROOM HOUSE IN MULTIPLE OCCUPATION (RESUBMISSION)	REFUSED	22.01.2026

5. PLANNING POLICY

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

- 5.2 PLANNING POLICY WALES (EDITION 12) 2024

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 15 DEVELOPMENT, FLOODING AND COASTAL EROSION

8.1 - The TAN reflects the core principles of the National Strategy for Flood and Coastal Erosion Risk Management in Wales,⁹ to adopt a risk-based approach in respect of

development in areas at risk of flooding and coastal erosion.

10.24 - In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused. In these zones, Planning Authorities should seek all opportunities to provide enhanced flood protection for existing communities at risk.

5.4 NEWPORT LOCAL DEVELOPMENT PLAN (2011-2026)

SP1 – Sustainability;
SP3 – Flood Risk;
GP2 – General Amenity;
GP4 – Highways and Accessibility;
GP5 – Natural Environment;
GP6 – Quality of Design;
GP7 – Environmental Protection and Public Health;
H8 – Self Contained Accommodation and Houses in Multiple Occupation;
T4 – Parking;
W3 – Waste.

5.5 SUPPLEMENTARY PLANNING GUIDANCE

PARKING STANDARDS SPG;
HOUSE IN MULTIPLE OCCUPATION;
WASTE STORAGE AND COLLECTION.

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 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.

The planning application proposes highly vulnerable residential development. The Flood Map for Planning identifies the application site to be at risk of flooding and within Flood Zone 3 (Sea) and is sited within a TAN15 Defended Zone. 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. Therefore, we have reviewed the FCA..

Our advice to you is that the FCA is incomplete. The advice in paragraph 10.24 of TAN15 is clear:

“In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused.”

Therefore, in accordance with paragraph 15.4, we advise you to use your powers to request the following information:

- The FCA fails to include a full lifetime of the development and climate change allowance. The lifetime of development for residential development is considered to be 100 years, whereas the information within the FCA refers to 2121, which relates to 95 years. The revised FCA should account for the extra allowance for sea level rise within the additional 5 years to account for a full climate change allowance.

- The FCA does not include any flood data for the 1 in 1000 year plus climate change events. We therefore cannot comment on acceptability in terms of Figure 11 of TAN 15. The FCA should be updated to include this information.
- Sites within a TAN 15 Defended Zone must consider a breach of those defences in their assessment. This scenario will be considered as the Design Event. Rather than the development being flood free during the 1 in 200 year plus climate change event, they should be flood free during a breach in the 1 in 200 year plus climate change event in order to comply with TAN15. A breach assessment has not been included in the FCA. The document should be amended to include this scenario.

We note from section 5.1 of the FCA that a second-floor refuge room and a communal bathroom on the first floor is proposed, following observations made by the Inspector on the previous unsuccessful planning appeal (Inspector's report ref. CAS-04768-F7Q0D3, dated 10 June 2026). However, insufficient information has been provided in the FCA to assess the risk of flooding and to demonstrate that the consequences of flooding would be acceptable, particularly where the proposal would increase the number of occupants exposed to flood risk at ground floor level. Paragraph 10.23 of TAN15 states that proposals for residential development in zone 3 must ensure that such uses do not occur at ground floor level. Redevelopment proposals in defended zones should not overly intensify the use (paragraph 10.17) and must also be consistent with the acceptability considerations and tolerable conditions set out in section 11 of TAN15.

Paragraph 15.4 of TAN15 is clear that where insufficient information is provided, the planning authority should use its powers to request further information. Furthermore, should you be minded to go against our advice, you should inform us at the earliest opportunity prior to granting consent and allow reasonable time for us to make further representations. Please note, if an amended FCA is not submitted or any subsequent amended FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we are likely to **object** to the application.

- 6.2 Environmental Health - Housing: I confirm I have no objection regarding the proposals. Please note that the minimum bedroom size required for a one-person accommodation in a Shared House is 6.51m², and for a two-person accommodation, it is 11m². There is no information provided on any intended fire precautions. The owner of the property will have to ensure adequate fire protection. A Fire Risk Assessment should be complete by a competent person, so the owner/ landlord is aware of the fire safety requirements.
- 6.3 Environmental Health: I refer to the above application passed onto Environmental Protection for consultation. Having reviewed the supporting documentation, I confirm we have no objections in principle to the proposal. If permission is granted we propose the conditions below to be attached:

Tan 11 Assessment

As the application seeks change of use from a 4-bed dwelling to an HMO, the developer should note that Corporation Road is a busy, arterial route connecting towards the city centre and local amenities. Consideration should be given to noise emitting from traffic and its effects on the enjoyment of use for the end user.

We therefore recommend a noise assessment is undertaken to assess which Noise Exposure Category (or Categories) the proposed site falls within as provided in Planning Guidance Wales ' Technical Advice Note (Wales) 11 :Noise '. we suggest that the whole site should be considered in the assessment, but particular regard must be given to the rooms closest facing the station . The report should provide appropriate recommendations based on the Noise Exposure Categories determined.

Noise Insulation

Prior to first occupation, a scheme of sound insulation works to the floor/ceiling/party wall structure between flats shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in perpetuity.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected

Waste Storage and Recycling

Information regarding waste storage has been provided, looking at the application history, we see that on the previous application 25/0611 recommendations for the bin sizes were made by the Waste manager, we therefore recommend these are adhered to and therefore recommend the condition below be included.

Prior to first beneficial use, a scheme for the provision of waste storage and recycling shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first beneficial use and thereafter maintained for the duration of the use.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected

- 6.4 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).

- 6.5 Highways: **Highway recommendation:**

Further information requested, but no formal objection subject to condition.

Highway Comments:

The proposal is to convert a five-bed house to an eight-bed HMO. Cycle parking is proposed but not of appropriate quality. The shelter must be accessible and secure. The height is insufficient for residents to secure their bikes and the support is only suitable for cycles with two narrow wheels. It is therefore not inclusive or secure. There is sufficient space for a suitable shelter which should be secured by way of condition.

A parking survey is included with the application but lacks sufficient detail to be validated and given any weight. We would refer the applicant to the Lambeth methodology which sets out the level of detail needed. Key points are identifying times/days when residents are all expected to be at home (early hours of the morning) setting out detail of capacity calculations and spaces available with date stamped photos. Without this information the study cannot be given any weight.

The SPG would require three spaces for the existing dwelling and at least nine for the HMO. That equates to an additional six spaces needed to be policy compliant.

Notwithstanding the SPG it is likely that actual demand for the HMO is significantly less than required by policy. A formal objection on parking availability is therefore unlikely.

In conclusion, we would request further information to establish the availability of parking for completeness, however if the Officer is minded to approve the proposals, we would request the following condition.

Suggested Condition:

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.

- 6.6 Dwr Cymru – Welsh Water: We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development

site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

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

Conditions

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 28th July 2026, Site Notice was put up on 31st July 2026.

7.1 NEIGHBOURS: 9no objections received summarised below:

Traffic/Parking Issues

Anti Social Behaviour

Drug use

Theft

Overflowing bins/excessive litter

Property not maintained

Flood risk

Overgrown Garden into adjacent property

Increase Noise

Property devaluation

Landlords don't care who they put in these properties as long as they collect their rent.

Will cause resentment with the community and may lead to violence.

Overdevelopment and intensification of use

The proposed density would place pressure on local infrastructure and services, leading to a detrimental effect on the character of the area.

Parking and Highway Safety

Impact on Residential Amenity

The proposed change risks undermining the established family character of the area.

High concentrations of HMOs erode community cohesion, reduce long-term residency, and lead to transient occupancy patterns that negatively affect neighbourhood stability.

Inadequate shared facilities (kitchen, bathrooms, waste storage).

Contrary to planning policy

7.2 COUNCILLOR FARZINA HUSSAIN: I am writing in my capacity as Ward Councillor for Victoria Ward to formally object to the planning application 26/0558.

I remain firmly opposed to this proposal and would ask that the application be considered very carefully in light of the history of this site, the previous refusals, the subsequent appeal decision, the current plans, the cumulative concentration of HMOs in this part of Corporation Road, the existing parking pressures and the latest comments from the Council's Highway Officer.

History of previous applications and the appeal decision

This is not a new or isolated proposal.

The property has already been the subject of previous applications for HMO use, including the previous 8-bedroom proposal under application 25/0611 and the subsequent 6-bedroom proposal under application 25/0954, both were refused by the Council.

Most importantly, the earlier 8-bedroom proposal proceeded to appeal, and the appeal was

dismissed by the Welsh Government Inspectorate on 10th June 2026 under appeal reference CAS-04768-F7Q0D3.

I appreciate that each planning application must be considered on its own merits, however, the previous appeal decision is clearly a highly material consideration, particularly because the current proposal again seeks an intensive 8-bedroom HMO and appears to retain two bedrooms at the ground-floor level.

The Inspectors decision identified significant consequences of flooding and concluded that the previous proposal would materially increase to flood risk at ground-floor level. The Inspector described the flood-risk harm as significant and a compelling factor in dismissing the appeal.

I therefore do not consider that the applicant can simply resubmit essentially the same level of intensive occupation without demonstrating clearly and robustly how the matters identified by the Inspector have now been overcome.

Flood risk and ground-floor bedrooms

This remains one of my strongest concerns.

The property is located within a significant flood-risk area, and the previous appeal decision confirmed that it is within Flood zone 3.

The current plans appear to provide two bedrooms on the ground floor, this is particularly concerning given the previous Inspector's findings that the proposed increase in ground-floor occupation materially increased the number of people exposed to flood risk.

Although the current plans appear to show a larger safe refuge room than the one considered at the previous appeal, I do not believe this should simply be assumed to resolve the previous concerns. The council should be satisfied that the refuge is genuinely functional, accessible, has adequate headroom, can accommodate the proposed occupants safely and is supported by a comprehensive flood evacuation strategy.

In particular, planning should consider whether the proposed intensification from a normal 4-bedroom dwelling to an 8 bedroom HMO represent an unacceptable intensification of residential occupation from a flood-risk perspective.

Over-concentration of HMOs

I remain concerned that the assessment of HMO concentration does not properly reflect the cumulative nature of this part of Corporation Road.

The Newport HMO SPG recognises that clusters of HMOs can increase population density, demand for infrastructure and on-street parking, and can alter the character and balance of a neighbourhood.

The following HMOs are known to me in the immediate area:

21 Corporation Road (opposite) – 6 Units / 6 Occupants
37 Corporation (opposite) – 6 Units / 6 Occupants
44 Corporation Road (next door) - 6 Units / 6 Occupants
44 Corporation Road – 6 Units / 6 Occupants
81 Corporation Road – 5 Units / 5 Occupants

These are significant levels of occupation for individual properties and demonstrate that this is not simply a case of one additional HMO appearing in an otherwise conventional residential street.

Parking and the inadequacy of the parking survey

Parking is a major concern.

The applicants own parking assessment identifies a requirement for 9 spaces for the proposed 8-bedroom HMO, compared with 3 spaces associated with the existing dwelling.

This represents an additional requirement of 6 spaces.

The Council's highway Officer has specifically commented that the parking survey lacks sufficient detail to be validated and given any weight.

The Officer has referred to the need for appropriate information regarding survey times, capacity calculations and date-stamped photographs

This is extremely important.

As ward Councillor, I have received repeated complaints from residents about parking pressures in this area. I have also raised concerns myself on behalf of residents.

There are two garages/vehicle businesses in the immediate vicinity, including one situated behind 46 Corporation Road and another a short distance away. Residents have repeatedly raised concerns that vehicles associated with these uses occupy a significant proportion of the available non-resident parking spaces and parking on the pavement too.

This is the reality of parking on the ground and is not adequately reflected by a limited historic survey.

I therefore strongly object to the proposal being assessed on the basis of a parking survey which the Council's own Highway Officer has said cannot currently be given weight.

Residential amenity and intensity of occupation

The proposal would transform a conventional 4-bedroom dwelling into an 8-bedroom HMO.

That is a substantial intensification of the use of the property, eight separate occupants will inevitably generate a greater level of comings and goings, use of shared facilities, deliveries, waste, cycle movement and general activity than a normal single household. I am not saying that the council should make assumptions about the behaviour of future occupants. My concern is the physical intensity of the proposed use and its cumulative effect on the surrounding residential environment.

Given the existing concentration of HMOs and other intensive residential/support uses in the immediate area, I believe this proposal would further erode the balance between traditional family dwellings and more intensive forms of accommodation.

Communal facilities and overall standard of accommodation

The Council's HMO standards also require the number, type and quality of amenities to be appropriate to the proposed number of occupants.

Given the very intensive layout proposed, with 8 bedrooms and numerous small bathrooms fitted into the existing property, I would ask that the council scrutinise whether the communal facilities and circulation areas genuinely provide a good standard of accommodation rather than merely fitting the maximum number of bedrooms into the building.

Waste and storage

The plans appear to show only limited storage space, including a small storage area of approximately 0.77m² for an 8-person HMO, the Council's licensing standards require appropriate waste and recycling provision, and the HMO SPG expects suitable provision for refuse and recycling.

The application should therefore clearly demonstrate where the necessary bins will be stored, how they will be presented for collection and how this will be achieved without creating further obstruction or visual and amenity problems on the street.

Cycle parking

I also noted the latest Highway Officer's comments that the proposed cycle storage is not currently considered appropriate, secure or inclusive and that further information is

required.

This should not simply be treated as a minor technical matter, if the applicant is relying on the sustainability of the location to justify the reduced parking shortfall, then proper, secure and accessible cycle storage is an important part of that argument.

For all the reasons above, I strongly object to planning application 26/0558.

This is now the third attempt to secure a substantial HMO use at this 4-bedroom property, following previous refusals and the dismissal of the earlier appeal. The current proposal continues to raise significant concerns.

If the planning Officer is minded to grant the application, I would formally request that the matter is referred to the Planning Committee, so that local residents and I as Ward Councillor can attend and put our concerns directly to Members.

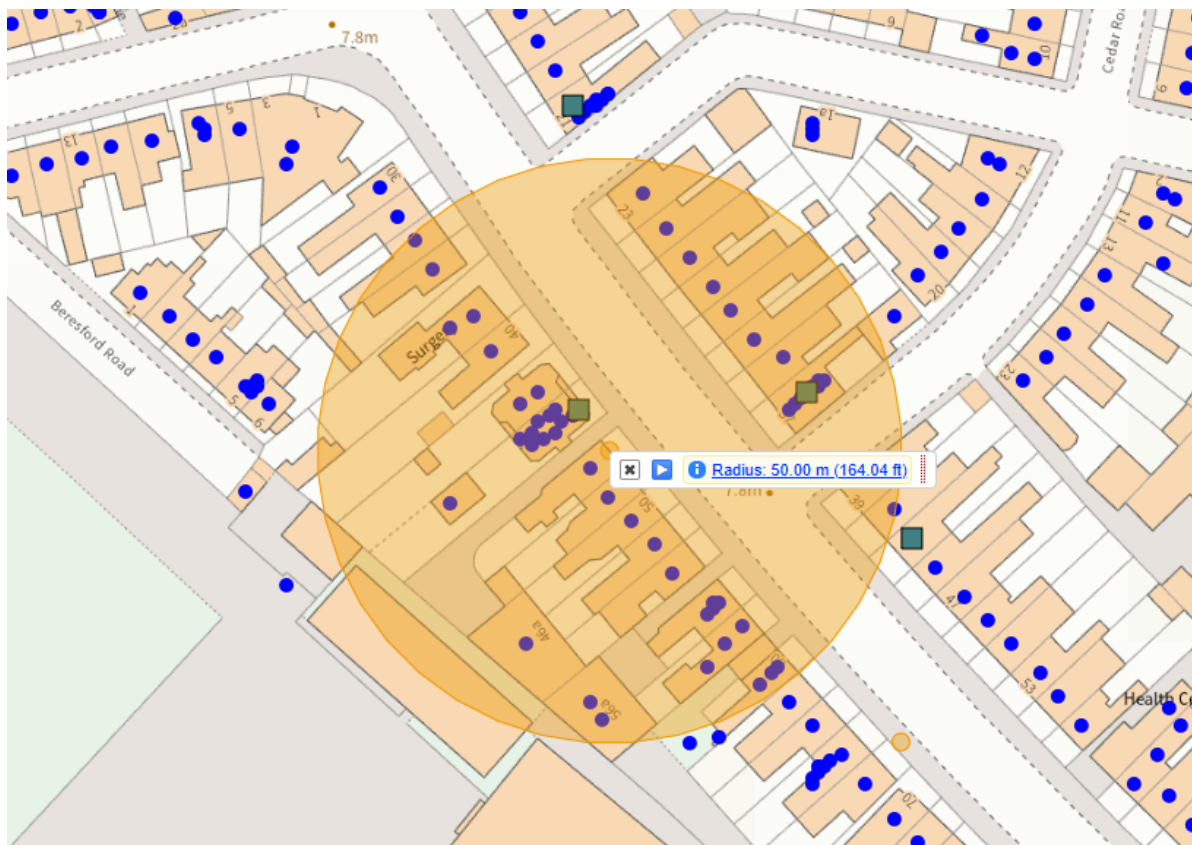
8. ASSESSMENT

8.1 Principle of Development:

The main considerations of this application are whether the proposals will result in an over-concentration of HMOs in the area, impact on the character of the area, impact on neighbouring amenity and the amenity for future occupiers including suitable provision for waste storage etc, impact on parking and associated highway impact and design and flood risk. As noted above, there is relevant planning history and an appeal decision relating to change of use of the premises to an 8 bedroom HMO, and whilst the appeal was dismissed, the Inspector did not agree that the proposals would adversely affect social cohesion or result in an over concentration of HMOs in the area. This appeal decision is recent and is a material planning consideration that must be given significant weight in the decision-making process.

8.2 Concentration of HMOs, Impact on Character and Appearance and Residential Amenity:

The adopted HMO SPG, states that 'clusters of HMOs can alter the composition of a community and detract from local visual amenity. The guidance introduces a threshold above which HMOs are considered to detract from the character of the area. In general, the Council will not support a planning application that would take the number of HMOs, considered as a proportion of the local housing stock, above a specified limit. This site is located within the 15% threshold area. When taking a 50m radius from the address point of the application site, the full front elevations of 26no. properties are caught. There are two existing registered HMOs within the 50m radius and if the application were to proceed, this would result in a percentage of just under 12%, therefore the 15% threshold would not be exceeded. The number of HMOs within the area has not altered from the previous applications and there has been no change of policy or adopted guidance either. The diagram below shows a 50m radius with existing HMOs represented by green squares:



- 8.3 It was previously noted that whilst the 15% threshold would not be exceeded by the presence of existing HMOs within a 50m radius, every application needs to be determined on its individual merits and in this instance there are two existing HMOs situated just outside of the 50m radius, one of which is prominently located on the corner of Corporation Road and Bedford Road and the neighbouring property directly to the north-west of the application property; no.44 Corporation Road (inside the 50m radius) is an existing large HMO. Given the proximity of these existing HMOs to the application site, and that the proposal is for a large HMO having 8 bedrooms and is a significant intensification of use compared to the current 4 bedroom residence, in addition to the existing HMO located next door to the property and on the opposite side of the street, the Council considered that there is a high likelihood of other neighbouring occupants being adversely affected by the introduction of a further large HMO in the area. However, the Inspector did not agree stating that with regard to noise and disturbance, given the mixed character of the area and busy edge of city location, and the fact that any additional noise would be residential in nature, it would not be so materially different, or even perceptible, that it would cause unacceptable harm to neighbours. Similarly, with regard to HMO threshold and potential impact on the character of the area the Inspector concluded as follows:

“Taking the above matters together, the evidence before me does not demonstrate that the existing pattern of HMO occupation, or any associated transient population, is causing unacceptable harm to the character of the area, social cohesion or residential amenity. Nor am I persuaded that the appeal proposal would materially alter existing conditions, either cumulatively or individually, to give rise to unacceptable harm. I, therefore, conclude that the proposal will maintain a sustainable and balanced community and protect the amenity and character of the area in accordance with LDP Policies H8 and GP2 and the aims of the HMO SPG.”

- 8.4 Given that the number of HMOs in the area has not increased since the previous application and giving weight to the appeal decision accordingly, the proposals are considered to be acceptable in relation to HMO concentration and character of the area.
- 8.5 Notwithstanding the above, in terms of amenity consideration for any future occupiers of the HMO units, the Council’s Environmental Health (Housing Licensing) department also acts as a regulatory authority in this regard. Notwithstanding this, the adopted HMO SPG states as follows:

Rooms should be arranged and designed in a manner that maximises the living standards of occupants. For instance, living rooms, kitchens and bedrooms should neither overlook adjoining properties nor face high boundary walls. Living rooms, moreover, should not be next to, directly above or directly below a bedroom in a neighbouring property.

- 8.6 In this case, these expectations are met with communal living room and kitchen located at ground floor and all bedrooms having adequate outlook and natural light via existing windows. The plans show that the occupants of bedroom five which is on the first floor would be served by a bathroom on the ground floor of the property. This is not acceptable having regard to the reliance by these occupiers solely on a ground floor bathroom in a flood risk area..

HMOs should provide outdoor amenity spaces in which residents can relax, dry their clothes and store refuse and recycling bins. Shared amenity spaces will be acceptable so long as they can accommodate every resident of the properties that they serve.

- 8.7 Access to a small rear garden is provided to residents and this could accommodate cycle storage, details of which could be secured by condition if planning permission were forthcoming. Taking bicycles through the house to store in a private rear garden is not unusual and notwithstanding the highway officer concerns in this regard, this is not ground to refuse permission.
- 8.8 *Conversion proposals should not detract from the character and appearance of the building. Any conversion involving external alterations should respect the form, scale and materials of the original building and the visual character of the area. This includes the style and proportion of window and door openings.*
- 8.9 No external alterations are proposed to the property and no changes that may encourage this property to stand out or appear different to other residences in the street.
- 8.10 In this instance the property has the benefit of a small front forecourt set behind a wall whereby refuse could be stored without spilling onto the footway. Refuse receptacles are stored behind the front boundary walls within the forecourt areas.
- 8.11 The HMO standards state that a single bedroom should be at least 6.51m², shared kitchens and living rooms for up to 8 persons should be 10m² and 16m² respectively. The combined area of the kitchen and living area is just over 32m² and so exceeds the standards. All of the bedrooms would exceed the requirements. The Council's licensing standards do not include floor area where the soffit height is less than 1.5m and one of the bedrooms at second floor level would have partial restricted head height but the plans are annotated to show that 10.8m² of floor space would be above 1.5m ceiling height, thus complying with the standards. Licensing standards are separate to amenity considerations and subject to a separate legislative process. It does not circumvent the need to comply with planning policy and that bedrooms in HMO accommodation provide the primary private and secure space for occupiers to sleep, relax and store personal belongings. All rooms are generously proportioned, of rectangular plan form and have access to natural light and ventilation. There would be a ground floor kitchen and lounge area sufficient in size and arrangement to accommodate prospective residents. The rear garden could provide space for cycle and bin storage in addition to a satisfactory amount of amenity and functional outdoor space.
- 8.12 The proposals are considered to be acceptable in terms of impact on the character of the area and amenity.

8.13 **Highways and Parking**

The site is located on Corporation Road, which is subject to a 20mph speed limit. The parking demand created as a 4no. bed dwelling is 3no. spaces (calculated using the SPG). There is no parking on site. The proposed 8no. bedroom HMO would require 1no. space per bedroom (8no spaces), plus a visitor parking space (9no spaces in total) which is a net gain of 6no. spaces and would need to be accommodated on the highway.

- 8.14 Existing parking problems and concerns regarding a worsening of the existing situation and

subsequent highway safety matters have been raised as significant concerns within the resident objections and also the Local Councillor responses. The Council's Highways officer notes that whilst a parking survey has been provided, it has shortcomings and does not include all of the information specified by the Lambeth methodology. The survey does not include the assessment of the available parking (just totals) or information to show where parking was available and there are no date/time stamped and identifiable photos. Without this information little weight can be attributed to the survey. (an updated survey has since been received which includes photos). Notwithstanding, no objection is offered by the Council's Highways officer as it is considered that the actual parking demand is likely to be less than stated in the SPG.

- 8.15 The Council's Parking SPG allows for a reduction in parking provision for sustainable sites and points are awarded on the basis of a range of facilities being located within set walking distances. The Standards do not allow for a reduction below one parking space per bedroom. The Local Planning Authority has tested decisions on HMOs in relation to lack of parking several times in recent years. All have been dismissed at appeal. The key point for Inspectors is the sustainability of the location not the availability of parking. In this case, the site is located within 200m of Clarence Place local centre and is approximately 700m away from the city centre. The site is located within a highly sustainable area. Demand for parking arising from HMO uses, particularly where these form a very low proportion of the housing stock in the 50m catchment area, is not considered to be a robust reason for refusing planning permission even though the potential for on road parking demand is acknowledged.
- 8.16 Parking was observed by officers at the time of a recent site visits and whilst it is clearly in high demand due to the absence of off street parking provision serving houses in the area, there were on-street parking spaces within walking distance of the site. It is appreciated that parking demand will vary depending on the day and time and reliance on on-street parking may mean that occupiers are unable to park in front of, or even near to their homes. However, Inspectors have confirmed this is not justification to refuse planning permission and the availability of on street parking on neighbouring streets is sufficient.
- 8.17 The proposals were not found to be unacceptable in terms of parking when considered under the recent appeal and Inspectors will often assume that car ownership in HMO properties will be lower and most notably in sustainable locations, such as this. The Local Planning Authority may not agree with this stance, particularly where no evidence of it is given but being aware of recent appeal decisions, the generally positive attitude of the Welsh Inspectorate to HMOs in sustainable locations irrespective of whether they have off street parking and the policy move of maximum parking standards rather than minimum standards espoused in the SPG, it is considered that there is no demonstrable adverse effect in relation to parking demand that could robustly be argued to impact upon highway safety or upon neighbouring amenity in this case. With this in mind and previous considerations relating to character, criterion (i) of policy H8 is met.
- 8.18 The application includes details of cycle storage to be accommodated within the rear garden serving the property and a condition to require this would be reasonable if planning permission were forthcoming. The Council's Highways officer has advised that the proposed storage is not suitable but that appropriate storage can be secured by condition if planning permission is forthcoming.
- 8.19 **Waste**
- As noted above, the property has the benefit of a small front forecourt set behind a wall whereby refuse can be stored without spilling onto the footway. This is the way in which waste would be stored as a dwelling and the use as a HMO would not stand out in this respect.
- 8.20 A waste storage and collection documents is submitted with the application and states on or before collection day, occupants will move waste and recycling to the kerbside and collect afterwards. Tenants will be responsible for replenishing bin liners. Tenants will be verbally and electronically notified of the process to order new bin liners. The procedures are reliant on occupiers ensuring waste is presented and collected. However this is no

different to other HMOs within the city and is not considered grounds for refusal.

8.21 **Flooding**

The proposed change of use and intensification of use of the property would not affect flood risk. In terms of vulnerability to flooding, both the existing and proposed uses are highly vulnerable development as defined by TAN15. NRW Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 3 – Sea Defended. The planning application proposes highly vulnerable development, change of use of existing residential property into 8no. bed HMO, intensifying bedroom numbers with each room constituting the primary residence of the occupier.

- 8.22 Paragraph 10.23 of TAN15 states that proposals for residential development in zone 3 must ensure that such uses do not occur at ground floor level. Redevelopment proposals in defended zones should not overly intensify the use (paragraph 10.17) and must also be consistent with the acceptability considerations and tolerable conditions set out in section 11 of TAN15. In the context of planning applications within a Defended Zone, Paragraph 10.17 of TAN15 states:

“On brownfield sites, redevelopment proposals should not result in over-intensification of use, nor should they diminish the area's capacity to absorb flood water or contribute to flooding elsewhere. All applications should explore opportunities to incorporate flood-resilient design where appropriate, and any proposal involving highly vulnerable development must comply with the tolerable conditions outlined in Section 11.”

- 8.23 TAN15 confirms that a Flood Consequences Assessment is required for any development proposal located fully or partly in Flood Zones 2 and 3. The assessment will help the planning authority determine whether the risk and consequences of flooding are acceptable and can be appropriately managed over the lifetime of development. The assessment can also be used to establish whether appropriate avoidance or mitigation measures could be incorporated within the design of the development to ensure that over its lifetime, development minimises risk to life, damage to property and disruption to people living and working on the site and does not increase flood risk elsewhere. The TAN also sets out the tolerable conditions (rate of water rise, speed of inundation etc) and an FCA should provide Authority's with details of how the development would comply/compare with these.

- 8.24 The application is accompanied by an FCA which NRW have reviewed. NRW advise that the FCA fails to include a full lifetime of the development and climate change allowance. The FCA does not include any flood data for the 1 in 1000 year plus climate change events and consequently NRW therefore cannot comment on acceptability in terms of Figure 11 of TAN 15. A breach assessment has not been included in the FCA. NRW object in the absence of an updated FCA.

- 8.25 In her consideration of the appeal the Inspector noted the limitations of the FCA accompanying the application and subsequently concluded that given this, the intensification of the use of the property and the inadequacy of the refuge space, the proposals were unacceptable in terms of flood risk.

- 8.26 Application 25/0611 did not initially include dedicated refuge space but an evacuation plan document that was submitted at appeal stage included a refuge room at second floor level having an area of 4.41m² and reducing the size of the second-floor bedroom down to 13.45m². In addition, the document stated that occupants of the ground floor bedrooms could also utilise the upper floor landing in the event of a flood. In response the Inspector noted that:

“the landing area on both the first and second floor is limited and needed to maintain circulation space. Therefore, the suggested flood refuge room would be the only practical option in a flood event and would have to be shared by both ground floor occupiers.”

- 8.27 In terms of the acceptability of the refuge space the Inspector noted that:

“Whilst its shared use would be acceptable, given the temporary nature of a flood event, the indicated refuge room is restricted in size, at just 4.41m², has narrow proportions and would be in the roof space. No information is submitted which demonstrates the available head height. It is, therefore, not possible to determine whether the space would be functional or fit for purpose. Furthermore, it does not contain bathroom facilities, and there are no communal bathroom facilities available on the first or second floor. The absence of access to such facilities further persuades me that the space would be inadequate. Overall, I am not satisfied that the evidence submitted demonstrates a suitable flood refuge space to accommodate both ground floor occupants safely, with their essential belongings, for the likely duration of a flood event.”

- 8.28 The size of the refuge room has been increased to 7.50m² under this submission with annotation stating 6.8m² of this is above a 1.58m ceiling height. Whilst marginally larger than the appeal submission, the room would potentially be required for occupants of two ground floor bedrooms in the event of a flood. In such an event they would need to evacuate themselves along with their possessions to the room which is at second floor level and up two flights of stairs. Such an event could occur at nighttime making this scenario even more impractical and potentially dangerous for the occupants who may have mobility issues and it is plausible that there is a greater likelihood of ground floor bedroom occupants having such issues. There is no communal bathroom at second floor level but there is one at first floor. Furthermore, the plans show that the occupant of bedroom 5 would be served by a bathroom which is on the ground floor and therefore likely to be inaccessible in a flood event. Whilst a bathroom is shown at first floor level it is indicated as being for occupiers of the refuge room and in reality therefore unlikely to be available for the occupant of bedroom 5. Given the impracticalities of the proposals with flood refuge being two storeys above the ground floor bedrooms and reached via several flights of stairs, together with the shortcomings of the FCA as outlined by NRW which fails to provide information specified in the TAN, it is considered that it has not been demonstrated that the proposals are acceptable in terms of flood risk. The proposal fails to comply with the aims of TAN15 and Policy SP3 of the NLDP 2011-2026 (adopted January 2015).

8.29 **Biodiversity:**

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy SP9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Bird boxes are proposed and it is considered that such enhancements could be secured by condition if planning permission were forthcoming.

8.30 **Other Matters**

Dwr Cymru – Welsh Water has requested drainage conditions if planning permission is forthcoming. However, given that the proposals do not include any physical development, such conditions are not considered warranted.

- 8.31 The Council's Environmental Health officers have requested that a noise assessment is undertaken given the location of the property on a busy arterial route. The assessment will establish what (if any) noise mitigation is required. However, whilst located on a busy road, it is subject to a 20mph speed limit and the area is predominantly residential in character and noise levels are therefore likely to reduce into the evenings and at nighttime. The assessment has not previously been requested and is not considered warranted. A scheme of sound insulation works to the floor/ceiling/party wall structure has also been requested but is not considered to be justified given that the application is for a HMO and not flats. Building Regulations has remit over noise attenuation between buildings.

- 8.32 The Council's Senior Scientific officer has requested a condition to require sustainable energy / heating systems. However, where relevant such matters are regulated by the Building Control service of the Council and the LPA will not impose such conditions.

- 8.33 A number of issues that have been raised within the objections received by local residents relate to the perception of HMOs and the occupants and that the proposal would devalue house prices within the vicinity. The personal details of occupants of a HMO are private interest matters and not ordinarily material considerations for planning. Similarly, property value is not a material planning consideration.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

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

9.2 *Equality Act 2010*

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

9.3 Having due regard to advancing equality involves:

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

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

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

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

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

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

10. CONCLUSION

10.1 Having regard to the recent appeal decision and there being no change in circumstances following this, the proposals are not considered to result in an unacceptable impact upon neighbouring residential amenity and the character of the area.

10.2 Whilst the proposals would result in an increased demand for parking when compared with the fallback use, the site is located within a highly sustainable location within close proximity to shops and services with good transport links. As such, it is not considered that

the proposals would result in a demonstrably adverse impact to highway safety or neighbouring amenity insofar as parking is concerned.

10.3 The proposal will have a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity by reason of flooding and the presence of ground floor bedrooms with refuge provision of a constrained and contrived nature requiring ground floor occupants to move themselves and their possessions up several flights of stairs. This is contrary to the aims and aspirations of Policies SP3, GP2 and H8 of the NLDP 2011-2026 (adopted January 2015), Planning Policy Wales and TAN15.

10.4 The application is refused.

11. DECISION

REFUSED

01 The proposal will have a significant adverse effect on interests of acknowledged importance, namely safety and residential amenity of future occupants by reason of flooding and the intensification of occupation in a flood risk area and ground floor bedrooms and the reliance of a first floor bedroom on a ground floor bathroom. No information has been submitted that mitigates this objection, contrary to policy SP3, GP2, H8 of the Newport Local Development Plan 2011-2026 (Adopted January 2015) and Technical Advice Note 15: Development, Flooding and Coastal Erosion (March 2025).

NOTE TO APPLICANT

01 This decision relates to plan Nos: Proposed floor plans 46cr, Existing floor plan 46cr, Waste Storage and Collection, Flood Consequence Assessment 00602AB, Flood Evacuation Plan, Cycle Storage, Parking Survey, Biodiversity Enhancement Scheme.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). Policies SP1, SP3, GP2, GP4, GP5, GP6, GP7, H8, T4 and W3 were relevant to the determination of this application.

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