



**North Tyneside Council**

# Planning Committee

Monday, 4 December 2023

**Tuesday, 12 December 2023** Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 6.00 pm.**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for absence</b>	
To receive apologies for absence from the meeting.	
<b>2. Appointment of substitutes</b>	
To be informed of the appointment of any substitute members for the meeting.	
<b>3. Declarations of Interest</b>	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	

If you need us to do anything differently (reasonable adjustments) to help you access our services, including providing this information in another language or format, please contact [democraticsupport@northtyneside.gov.uk](mailto:democraticsupport@northtyneside.gov.uk).

<b>Agenda Item</b>	<b>Page</b>
<p>You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.</p>	
<p><b>4. Minutes</b></p> <p>To confirm the minutes of the previous meeting held on 14 November 2023.</p>	<p><b>5 – 8</b></p>
<p><b>5. Planning Officer Reports</b></p> <p>To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.</p>	<p><b>9 – 14</b></p>
<p><b>6. Land at Newsteads Drive, Whitley Bay, Tyne and Wear</b></p> <p>To determine a full planning application from Argon Property Development Solutions for the construction of a new medical centre with associated access and landscaping works on land to the east of Newsteads Drive, Whitley Bay, North Tyneside to replace the existing Beaumont Park Medical Centre at Hepscott Drive, Whitley Bay (Landscape Environmental Management Plan submitted 08.11.23)</p>	<p><b>15 – 66</b></p>
<p><b>7. The Redburn, Wallsend Road, North Shields, Tyne and Wear</b></p> <p>To determine a full planning application from Mr Ali Rezaei for the Erection of a fuel filling station, convenience store, canopy, petrol pumps, with associated access and car parking. (AMENDED PLANS AND ADDITIONAL INFORMATION SUBMITTED).</p>	<p><b>67 – 94</b></p>
<p><b>8. 116 Woodbine Avenue, Wallsend, Tyne and Wear</b></p> <p>To determine a full planning application from Mr Taylor in respect of 116 Woodbine Avenue, Wallsend, Tyne and Wear for a proposed change of use from dwelling apartment to 7 bed</p>	<p><b>95 – 118</b></p>

<b>Agenda Item</b>	<b>Page</b>
HMO including 1 no rooflight to front and 1no rooflight to rear.	
<b>9. 66 George Road, Wallsend, Tyne and Wear</b>	<b>119 – 138</b>
To determine a full planning application for Mr Armstrong for 66 George Road, Wallsend, Tyne and Wear for a Change of Use from C3 Dwelling House to Sui Generis (HMO with 6+ bedrooms) – the current dwelling has 7 bedrooms and application seeks permission to change the use of the building to a 8 bedroom HMO.	
<b>10. 102 Laurel Street, Wallsend, Tyne and Wear</b>	<b>139 – 160</b>
To determine a full planning application from Mr Evans for 102 Laurel Street, Wallsend, Tyne and Wear for a Change of Use from 1no Apartments (use class C3) to 1no HMO's (use class C4) comprising 8no bedrooms including loft conversion (AMENDED DESCRIPTION AND PLANS SUBMITTED).	
<b>11. 245-247 Station Road, Wallsend, Tyne and Wear</b>	<b>161 – 180</b>
To determine a full planning application from Mr Taylor for 245-247 Station Road, Wallsend, Tyne and Wear for proposed minor alterations to the rear Apartment 245. Proposed Change of Use of Apartment 247 to form an 8 bed HMO including loft conversion and 4 no Roof Windows.	
<b>12. Land to the South of the former Deuchars, 5 Backworth Lane, Backworth – Tree Preservation Order</b>	<b>181 – 236</b>
To consider the above Tree Preservation Order for six trees taking into account the representations received in respect of the order.	

Circulation overleaf ...

## Members of the Planning Committee

Councillor Willie Samuel (Chair)

Councillor Steve Cox

Councillor Tracy Hallway

Councillor Jim Montague

Councillor John O'Shea

Councillor Cath Davis

Councillor Julie Cruddas (Deputy Chair)

Councillor Ian Grayson

Councillor Chris Johnston

Councillor Pat Oliver

Councillor Matthew Thirlaway

## Planning Committee

**Tuesday, 14 November 2023**

Present: Councillor W Samuel (Chair)  
Councillors S Cox, I Grayson, T Hallway, C Johnston,  
J Montague, P Oliver, J O'Shea and M Thirlaway

Apologies: Councillors J Cruddas and C Davis

### **PQ43/23 Appointment of substitutes**

There were no Substitute Members reported.

### **PQ44/23 Declarations of Interest**

There were no declarations of interest or dispensations reported.

### **PQ45/23 Minutes**

**Resolved** that the minutes of the meeting held on 24 October 2023 be confirmed and signed by the Chair.

### **PQ46/23 Planning Officer Reports**

The Committee received guidance in relation to the principles of decision making when determining planning applications and then gave consideration to the planning application listed in the following minute.

### **PQ47/23 23/01257/FUL Hadrian Yard A, B and C, Hadrian Way, Wallsend, Tyne and Wear**

The Committee considered a report from the planning officers, together with three addenda circulated prior to the meeting, in relation to a full planning

application from Smulders Projects UK for the erection of a new workshop building (55m x 270m x 41m) to accommodate welding and fabrication activities.

A planning officer presented details of the application with the aid of various maps, plans and photographs. It was explained that there had been a legal challenge in relation to the previous permission granted for the site and that the previously approved building had been substantially completed although the windows did not match what had previously been approved. The Committee was reminded that it must consider the current application on its merits and not attach any weight to the previous application when determining the application currently before the Committee. It was also explained that further details of the lighting scheme and landscaping would be submitted and an additional condition would be imposed in relation to a scheme to specify how apprenticeships, training and employment opportunities would be delivered.

In accordance with the Committee's Speaking Rights Scheme Chris Black, a local resident, addressed the Committee. He explained that he considered that it would be unlawful for the Committee to determine the current application, which was substantially the same as the previous application, prior to the High Court's consideration of the judicial review in respect of the previous application in relation to the site. He suggested that a short deferral of the application would allow the judicial review to take place. Mr Black then made reference to the development's height and impact on amenity and he also referred to the failure to abide by the planning restrictions in relation to the creation of dust, construction outside of authorised hours and the noise associated with the operation of the site. He explained that residents had not been considered during the course of the construction of the development and he made reference to the impact that the lighting on site had had on peoples sleep and the associated effect on the residents' quality of life.

James Cullingford of Lambert Smith Hampton addressed the Committee on behalf of the applicant. He explained that he supported and agreed with the conclusions reached by the officers. He also explained that a review of the lighting scheme had been commissioned and would be available by the end of January 2024. He also confirmed that the applicant had taken appropriate action as soon as it had been made aware of the issue regarding lighting and had installed timers on the lighting to ensure that the lights were switched off at a suitable time, he also explained that further consideration was to be given to the

orientation of the external lighting. He also confirmed that the applicant had been reminded of the obligation to comply with the noise conditions and that noise validation was to be carried out and submitted in January 2024. In relation to concerns over the control of dust from the site he explained that the works to create the required hardstanding were around 60% complete and the applicant had tried its best to minimise the impact of dust on residents.

Members of the Committee asked questions of the speakers and officers and made comments. In doing so the Committee gave particular consideration to:

- The legal position in relation to the determination of the current application prior to the conclusion of the judicial review of the previous application. The Committee's legal advisor advised the Committee that, whilst material considerations in relation to an application were a matter of law, the weight attached to the considerations was a matter for the members of the Committee to determine. The Committee was advised that the application before it was a fresh application and should therefore be decided on its own merits. It was explained that the Committee could not be criticised for attaching no weight to the previous permission granted and making a decision on the application before the Committee. It was also explained that the Committee could, if it wished, defer consideration of the current application but officer advice was that a decision on the current application could be made.

The legal advisor also explained that the judicial review related to two technical grounds, the environmental impact assessment and the presence of certain wording in the report. The court would only assess whether the previous planning permission was valid in relation to the two elements outlined above and not undertake a wholesale review of the decision to grant planning permission or consider the wider merits of the development. It was suggested therefore that the outcome of the legal proceedings would be unlikely to be helpful to the Committee in determining the current application, which did not have those defects. It was also explained that whether the original application was quashed or not had no bearing on the applicant's right to make a second application and have that application determined, the alleged technical failings in relation to the earlier application did not prevent a second application being considered without the alleged defects. It was therefore suggested that the benefits of deferring the application were unclear. If the previous

application was quashed the applicant would have the second application determined as normal or the judicial review would be dismissed and the applicant would have two permissions;

- Potential breaches of the previously agreed conditions in relation to the construction of the development and the impact that this had on local residents;
- Conditions in relation to noise and lighting from the development and the possible use of blackout materials and sound attenuation measures in relation to the external doors; and
- The employment and training opportunities for local people as a result of the development.

The Chair proposed acceptance of the Planning Officer's recommendation and an additional condition in relation to employment and training matters.

On being put to the vote, 8 members voted for the recommendation and 1 voted against the recommendation.

**Resolved** that the application be permitted subject to the conditions detailed in the report and addenda and the imposition of the following additional condition:

Within two months of the date of this consent, a scheme specifying how employment and training opportunities will be offered and/or apprenticeships provided shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the agreed details unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

Reason: To enable the Council to put forward local eligible unemployed people with a view to securing work and training opportunities and encourage employment in accordance with Policy S2.1 of the North Tyneside Local Plan 2017.

(Reasons for Decision: The Committee concluded that having regard to the relevant policies contained within the Local Plan 2017 and National Planning Policy Framework (NPPF) the proposed development was acceptable in terms of the principle of development and accords with allocation of the site for employment use and would secure employment opportunities in accordance with the NPPF)



## PLANNING COMMITTEE

Date: 12 December 2023

### PLANNING APPLICATION REPORTS

#### **Background Papers - Access to Information**

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

#### **Principles to guide members and officers in determining planning applications and making decisions**

##### Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed, preferably in writing, so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

## Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

### Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

### Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this

does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

#### Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

#### Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

**PLANNING APPLICATION REPORTS  
CONTENTS**

- 1    23/01265/FUL    Monkseaton North**
- Land At Newsteads Drive Whitley Bay Tyne And Wear**
- Speaking rights requested -Mr Paul Gorman, 17 Fairways Whitley Bay
- 
- 2    23/00634/FUL    Chirton**
- The Redburn Wallsend Road North Shields Tyne And Wear NE29 7AF**
- Speaking rights requested -Ms Ashley Wilson, 156 Wallsend Road North Shields
- Speaking rights requested -Mr Harjeet Singh, 116 Wallsend Road North Shields
- Speaking rights requested -Mr Harjeet Singh, 118 Wallsend Road Newcastle Upon Tyne
- Speaking rights requested -Mrs Stephanie Rycroft, 79 Wallsend Road North Shields
- 
- 3    23/01439/FUL    Wallsend**
- 116 Woodbine Avenue Wallsend Tyne And Wear NE28 8HE**
- Speaking rights requested -Mrs Vicky Lee, 49 Laburnum Avenue
- Speaking rights requested -Ms Claire Cooke, 112 Woodbine Avenue Wallsend
- 
- 4    23/01410/FUL    Wallsend**
- 66 George Road Wallsend Tyne And Wear NE28 6BU**
- 
- 5    23/01371/FUL    Wallsend**
- 102 Laurel Street Wallsend Tyne And Wear NE28 6PQ**
- 
- 6    23/01515/FUL    Wallsend**
- 245 - 247 Station Road Wallsend Tyne And Wear NE28 8SA**

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**Item No:** 1  
**Application No:** 23/01265/FUL  
**Author:** Julia Dawson  
**Date valid:** 18 September 2023  
**Target decision date:** 13 November 2023  
**☎:** 0191 643 6314  
**Ward:** Monkseaton North

Application type: full planning application

**Location: Land At, Newsteads Drive, Whitley Bay, Tyne And Wear**

**Proposal: Full planning application for the construction of a new medical centre with associated access and landscaping works on land to the east of Newsteads Drive, Whitley Bay, North Tyneside to replace the existing Beaumont Park Medical Centre at Hepscott Drive, Whitley Bay (Landscape Environmental Management Plan submitted 08.11.23)**

Applicant: Argon Property Development Solutions

Agent: DPP

**RECOMMENDATION:** Minded to grant legal agreement req.

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

The main issues in this case are;

- The principle of the proposed development;
- The impact upon residential amenity;
- The impact on the character and appearance of the site and the surrounding area; and
- The impact on the highway.

1.2 Consultation responses and representations received as result of the publicity given to this application are set out in the appendix to this report.

#### 2.0 Description of the Site

2.1 The application site is an area of open grassed amenity space within an established residential area of Monkseaton. It is located on the east side of Newsteads Drive, with three storey residential flats at Chathill Close located immediately adjacent to the north of the site. Further residential dwellings are located beyond the open space to the east on Meadowfield Drive, and to the south and southeast on Fairways. On the opposite side of Newsteads Drive to the west/southwest is the Sainsburys supermarket and petrol station.

2.2 The site consists of mowed grass, trees and shrubbery. The application site area is approximately 1,504 sqm.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of a new medical centre with associated access, parking and landscaping works.

### 4.0 Relevant Planning History

90/01755/LAREG3 - Laying of paths, erection of lampposts, pillars, bollards and fences and planting works to create a park – Approved 15.11.1990

95/01651/LAREG3 - Public open space - new footpaths and landscaping. Construction of a new access to a highway. – Approved 05.02.1996

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 5.2 Government Policies

5.3 National Planning Policy Framework (NPPF) (September 2023)

5.4 National Planning Practice Guidance (NPPG) (As amended)

5.5 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires Local Planning Authorities (LPAs) to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 6.0 Main Issues

6.1 The main issues in this case are;

- The principle of the proposed development;
- The impact on the character and appearance of the site and the surrounding area;
- The impact upon residential amenity;
- The impact on the highway; and
- The impact on biodiversity.

### 7.0 Principle

7.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the Local Plan predate the publication of the revised NPPF. However, it is clear from paragraph 219 of the NPPF that “... *existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to*



*their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

The Council considers that the Local Plan policies set out in this report are consistent with the NPPF and can be afforded significant weight.

7.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

7.3 Paragraph 93 of NPPF encourages planning policies and decisions to 'plan positively for the provision and use of shared spaces, community facilities...and other local services to enhance the sustainability of communities and residential environments" and to "take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community'. Paragraph 93 also encourages planning policies and decisions to 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs'.

7.4 Paragraph 98 of NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.

7.5 Paragraph 99 of NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

7.6 Strategic Policy S1.2 states that the wellbeing and health of communities will be maintained and improved by:

- a. working in partnership with the health authorities to improve the health and well-being of North Tyneside's residents.
- b. requiring development to contribute to creating an age friendly. healthy and equitable living environment through....
- (iv) providing good access for all to health and social care facilities'

7.7 Strategic Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence-based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

7.8 Policy DM1.3 of the Local Plan states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

7.9 Policy DM5.2 states that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or,
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or,
- d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

7.10 Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections. Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

7.11 Policy DM5.3 states that accessible green space will be protected and enhanced to be of the highest quality and value. New development should sustain the current standards of provision, quality and value as recorded in the most up-to-date Green Space Strategy. Opportunities should be sought to improve provision for new and existing residents.

7.12 Policy S7.10 states that the Council will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhoods that they serve. In order to achieve this:

- a. Priority will be given to the provision of facilities that contribute towards sustainable communities, in particular, catering for the needs of the growing population around key housing sites;
- b. Access to education and healthcare provision will be maintained and, where necessary, improved throughout the Borough;
- c. Existing provision will be enhanced, and multi-purpose use encouraged, providing a range of services and resources for the community, at one accessible location;
- d. Opportunities to widen the cultural, sport and recreation offer will be supported; and,
- e. The quantity and quality of open space, sport and recreation provision throughout the Borough will be maintained and enhanced.

7.13 The application site consists of an area of designated open space, within a wildlife corridor (Local Plan) and it is identified in the Council's Green Space Strategy as an 'amenity greenspace', with unlimited access by the public, which is of high value and quality. The purpose of amenity greenspace is to provide opportunities for informal activities close to home or work or enhancement of the appearance of residential and other areas.

7.14 A significant number of objections have been submitted with regard to the loss of the open space and its function, with many objectors stating that there are better locations for such a development and that these have not been properly considered. These objections are noted.

7.15 The applicant has advised that the existing premises on Hepscott Drive are 70% undersized and are no longer fit for purpose, in line with current NHS design or space standards and that they are prohibitive to service delivery to the patients. Options to expand or reconfigure the existing premises have been considered, but this has proven to be unviable and would still not provide the space required. A new modern fit-for-purpose medical centre is urgently required to meet the evolving needs of the community within the catchment area.

7.16 An Open Space Assessment has been submitted, which contains a sequential assessment of alternative locations within one mile of the existing premises on Hepscott Drive. This search radius was chosen to ensure that there would be no encroachment on other medical centre patient catchment boundaries. Alternative sites were considered based on three indicators; availability, suitability and viability, along with the requirement for a minimum site area of circa 1,500sqm to accommodate the new building and car park. The assessment concluded that all of the alternative sites were either unsuitable, unavailable or both.

7.17 The applicant has acknowledged that the open space within the application site (and the adjoining open space) has value to the community in terms of access and function as amenity open space, and that there are some conflicts with the criteria set out in policy DM5.2, particularly (a). However, they have pointed out that the application site itself relates to approximately 16% of the overall open space and that the remaining green space will be unaffected by the development in relation to quality and value. The landscaping scheme seeks to create a boundary to the remainder of the open space in order to ensure that its accessibility and function as open space is maintained and enhanced and that all existing footpaths across the site are to be retained to minimise disruption to users of the open space.

7.18 The applicant has also noted that whilst the application site is located within a Wildlife Corridor, it is not a designated wildlife site. The Council's Green Space Strategy 2015 (GSS) states that Wildlife Corridors are intended to help conserve biodiversity where patches of semi-natural habitat have become fragmented and isolated within intensively used landscapes. The proposal will result in the loss of a small area of this corridor. However, the supporting ecological impact assessment confirms that ecological enhancements will be delivered within and outside of the site. The Biodiversity Officer has provided details comments on this and it is referred to in Section 11 of this report.

7.19 The applicant has also noted that the GSS states that all properties should be within 300 metres of at least 0.1ha of accessible, free and usable green space. 93.7% of properties within the Monkseaton North ward are within 300 metres of accessible green space. This indicates that there is a -6.3% under supply in the ward. However, there are a number of accessible green spaces within walking distance of the application site, and the applicant considers that as 84% of the accessible open space in this location will remain, this will not significantly alter the number of properties within 300m of at least 0.1ha of accessible green space.

7.20 The applicant has also highlighted the significant public benefits of the proposed development, with the principal benefit being delivery of essential public health infrastructure to meet a currently unmet need. They consider that this weighs heavily in the planning balance to outweigh the loss of a small portion of this open space allocation at Newsteads Drive.

7.21 Concerns have been raised by local residents that approval of the proposed development will set a precedent and lead to further development of the open space in this location. However, the wider site will remain as designated open space, within the ownership and control of the Council. The applicant has advised that they have no plans for future extension of the building/site. Nevertheless, such a proposal would require planning permission and would be subject to public consultation. The granting of planning permission in the current application would not set a precedent as all planning applications must be considered on their individual merits.

7.22 It is considered that the sequential assessment contained within the applicant's Open Space Assessment has provided a thorough and detailed assessment of alternative sites within 1m of the current premises, and that it clearly demonstrates that there are no available, suitable or viable alternative sites.

7.23 The applicant has submitted proposals for the enhancement of the remainder of the open space, which will not detrimentally affect its existing function as amenity space. It is considered that although the proposed development will result in a small reduction in the amount of available open space, which is contrary to Policy DM5.3, it will provide significant enhancements of the remainder of the open space, resulting in better quality open space and increased habitat (resulting in a biodiversity net gain).

7.24 it is also acknowledged that the proposed development does not accord with policy DM5.2 (and NPPF 99), which requires alternative provision to be, "equivalent to or better than in terms of its quantity and quality", as no additional quantity is to be provided. However, it is considered that the provision of biodiversity habitat and landscaping within the application site and the significant enhancement of the remainder of the open space, will provide open space of an improved quality, albeit of a slightly lesser quantity. It is therefore considered that the applicant is providing satisfactory mitigation to the community for the value of the current open space, which will be lost as a result of the proposed development. In addition, whilst it cannot be argued that DM5.2(a) applies (that

the site no longer has any value to the community in terms of access and function), it is considered that the exception set out in DM5.2(b) (that the site is not a designated wildlife site or providing important biodiversity value), does apply. The biodiversity impacts are considered further in Section 11 of this report.

7.25 Weight must also be given to the public benefits of the proposed development. The NHS North East and North Cumbria Integrated Care Board (ICB), which are commissioners of primary care services across the region, have submitted detailed letters of support for the proposed development. They have advised that the new medical centre is essential in meeting both the current and future health and wellbeing needs of the local population. Construction of a new, purpose-built surgery will allow the practice to expand its current service offer and better meet the needs of patients. The upgrades will allow Beaumont Park Medical Group to see patients more efficiently, provide a wider primary care offering and reduce pressure on acute services. The ICB recognises that there will be a loss of some of the open space currently on the site. However, they believe that the health and wellbeing benefits of a fit-for-purpose primary healthcare building will bring the community significantly more benefits. In particular, the proposed medical centre will provide:

- An inclusive, fully accessible building, providing care for all within a residential area and supporting access for those who most need health and wellbeing services.
- Retention and enhancement of primary care services.
- Increase in GP services to meet growing demand.
- Enhancement of wellbeing patients receive from the surgery.
- Continuation of easy access, due to proximity to existing surgery.
- Good public transport links.

7.26 The public benefits of the proposed development would be in accordance with the objectives of paragraph 93 of the NPPF and policy S7.10 of the Local Plan in terms of meeting the health needs of the community and guarding against the loss of valued facilities and services.

7.27 Members must determine whether the principle of building a new medical centre on this site is acceptable, and whether it is in accordance with the NPPF and aforementioned Local Plan policies. It is Officer advice that whilst the proposal is contrary to parts of Policy DM5.2, the adverse impacts which would result from the proposed development (in terms of the loss of a small area of designated open space and wildlife corridor), will not outweigh its public benefits having regard to the mitigation being provided. As such, it is officer advice that, on balance, the principle is acceptable.

## 8.0 Character and Appearance

8.1 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

8.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

8.3 Para.199 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

8.4 The Council's Design Quality SPD states that innovative design and layout will be encouraged, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

8.5 The proposed building will be two storey with a maximum height of approximately 7.8m. It will have an internal floor area of approximately 607sqm. The entrance will be located on the northeastern facing elevation. The external elevations will be finished in a combination of through coloured render and facing brickwork. The car park will be located to the north of the building, set back from the northeast boundary.

8.6 Concerns have been raised by local residents with regard to the design, scale, massing and appearance of the proposed development, in particular with regard to the impact on the visual amenity of the site and surrounding area.

8.7 The Design Officer originally raised concerns with regard to the multi-coloured cladding, vents and the detail on the external elevations. In response to this, and the concerns of local residents, the applicant has submitted revised plans which omit the multi-coloured cladding and which show additional detailing and vertical emphasis to the windows. The vents remain on the plans. However, the applicant has advised that ventilation scheme itself is not yet developed enough to be able to confirm any reduction in size/location changes. The applicant has committed to reducing the size of the vents where possible at the post-planning detailed design stage, and also to colour match all vents to the elevations. It is considered that a suitably worded condition to ensure that the vents can be incorporated, but that their detailed design and any reductions/changes are submitted to the LPA for agreement prior to their installation, will satisfactorily address this matter.

8.9 The Design Officer has raised no objection to the proposal noting that the mono-pitched design of the building, although not ideal in comparison to a

traditional pitched roof, will assist in minimising the overall height of the building. He has also noted that the building will have active frontages from all sides and the elevation design and materials help to reduce the building mass. It is also noted that building has been designed to meet NHS standards.

8.10. Members need to consider whether the proposed design is acceptable and whether it would harm the character and appearance of the surrounding area. It is officer advice that, on balance, the proposal is acceptable in terms of design, scale and massing; and the relationship with the surrounding area.

### 9.0 Residential Amenity

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.3 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.4 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.5 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.6 Objections have been received from the residents with regard to a potential negative impact on their residential amenity, including such matters as a loss of outlook, daylight and privacy to residents on Chathill Close, and disturbance from noise and fumes as a result of the new building, both during construction and its future operation. Concerns also relate to dirt, chemicals, gasses, mess, inconvenience and debris from the construction site. These objections are noted.

9.7 Firstly, with regard to the impact on the residents of Chathill Close, it is noted that the proposed building will be located a significant distance from the boundary with these dwellings (the north-east facing elevation will be located at least 22m from the corner of the building at 14-23 Chathill Close). The first floor windows in the north-east elevation will serve two offices and a meeting room. Given the orientation of the building and the separation distance it is not considered that this will result in any significant loss of outlook, daylight, sunlight or privacy for the occupants of these dwellings. The windows in the first floor south east elevation will face towards the open space and will not provide direct overlooking into the rear windows of any surrounding dwellings due to relationship with the surrounding properties and the separation distances.

9.8 Concerns have also been raised concerning the impact of the car park on the residents of Chathill Close with particular regard to a loss of privacy and noise. However, there is existing planting along this boundary (which will be retained and protected during construction works) and the car park has been set back from the boundary to prevent/minimise the impact on this. The planting and existing boundary treatments will ensure that privacy is not compromised and that adequate mitigation is provided for any additional noise from vehicles using the car park.

9.9 The Environmental Health Officer has reviewed the application and raised no objection subject to conditions to address the potential impact of any new lighting at the site, any noise arising from new plant and equipment, and to control construction hours and dust suppression measures.

9.10 With regard to the impact of the construction phase of the development in terms of noise and pollution, it must be noted that some disruption is inevitable during the construction phase. However, a condition will be attached to the planning approval to require the submission of a Construction Method Statement, which will identify measures to control these issues and minimise the impact.

9.11 Members need to consider whether the impact on the amenity of the occupiers of nearby residential dwellings is acceptable. It is officer advice that the impact on amenity is acceptable subject to the suggested conditions.

## 10. Highway Impact

10.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

10.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

10.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on



highway safety, or the residual cumulative impacts on the road network would be severe.

10.4 Local Plan Policy DM7.4 New Development and Transport states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

10.5 The Transport and Highways SPD set out the parking standards for new development.

10.6 Significant concerns have been raised by local residents with regard to the highway impact, as set out earlier in the 'Representations' section of this report. These concerns are noted.

10.7 Incurtilage parking provision is to be provided by way of a new car park located immediately to the north of the building. This will be accessed from a new opening onto Newsteads Drive and will provide 27no. car parking spaces, including 2no. accessible spaces, an area for manoeuvring of ambulances and servicing vehicles, plus electric vehicle charging points and 14no. covered cycle parking spaces.

10.8 The Highway Network Manager has commented and noted that the applicant has submitted a Transport Assessment with the application, which demonstrates that traffic associated with the site does not cause capacity issues at the site access or wider network. In addition, parking will be provided in accordance with current standards and a Framework Travel Plan is included with the application, with the intention of reducing car journeys associated with the site. On this basis he has recommended conditional approval.

10.9 The Sustainable Transport Team have also commented and raised no objection to the proposed development noting that the Transport Statement identifies actions, measures and initiatives to promote sustainable travel to the site.

10.10 Members need to determine whether the proposed development is acceptable in terms of parking provision and the impact on highway safety. It is officer advice that it is.

#### 11.0 Impact on Biodiversity

11.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment by amongst other matters improving biodiversity.

11.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

11.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

11.4 Policy DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

11.5 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

11.6 Policy DM5.7 states that development proposals within a wildlife corridor must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

11.7 Concerns have been raised by local residents with regard to the ecological impact of the proposed development and the loss of trees. These concerns are noted.

11.8 The site is designated as Open Space by the Local Plan and lies within a Wildlife Corridor. The applicant has submitted an Arboricultural Impact Assessment, Landscape Environmental Management Plan, Ecological Impact Assessment, BNG Assessment and Metric 4.0, and detailed landscape/planting plans.

11.9 The proposal will necessitate the removal of 12no. category C trees to enable development. The Council's Biodiversity Officer and Landscape Architect have advised that the proposed landscaping strategy adequately mitigates for the loss of these trees through the re-planting of 33 new trees both on and adjacent to the site, six of these trees will be planted on the application site itself. They have also noted that the proposed on-site landscape strategy will provide an adequate buffer between Newsteads Drive, the adjacent residential spaces, and the surrounding open green space. The proposed native-mix hedgerow now envelopes around the entire southern and eastern boundary of the car park and medical centre, widening on the western-side of the site as an adequate buffer to improve the visual impact of the development. A rain garden will also be included as part of the onsite landscaping.

11.10 The Biodiversity Officer has noted that application site consists of amenity grass of low ecological value. The BNG Assessment and Metric 4.0 indicate that a biodiversity net gain cannot be achieved on site (net loss of -76%) and therefore additional landscape mitigation is required off site to deliver a net gain. The LPA has agreed that net gain can be delivered on amenity space adjacent to

the development site which currently comprises amenity grass and trees. Off-site landscaping includes 27no. native standard trees, 590m<sup>2</sup> of species rich grassland, 410m<sup>2</sup> of mixed native scrub and a 50 linear metres of new native hedgerow. This will result in an 18.84% net gain in biodiversity which meets Local Plan Policy and the NPPF and is considered acceptable.

11.11 The applicant will manage and monitor the habitats created on-site and will also monitor and report on the off-site net gain habitats, however, North Tyneside Council has agreed to take on the management of the off-site habitats adjacent to the medical centre for the 30-year period with a financial contribution agreed with the Local Authority to fund this, which will be secured via a S106 legal agreement.

11.12 The Biodiversity Officer has suggested several conditions which will be attached to the planning approval to address any impacts.

11.13 Members need to determine whether the impact of the proposed development is acceptable in terms of biodiversity and landscaping. Officer advice is that, subject to the suggested conditions and legal agreement, the proposed development is in accordance with policies S5.4, DM5.5, DM5.6 and the Coastal Mitigation SPD (2019).

## 12.0 Other Issues

### 12.1 Flood Risk and Drainage

12.2 NPPF states that when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site-specific flood risk assessment following the Sequential Test.

12.2 Policy DM5.12 Development and Flood Risk states that all new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

12.3 The site falls within Flood Zone 1, which is the lowest risk of flooding. The applicant has provided a Flood Risk Assessment and Drainage Strategy. Concerns have been raised by local residents with regard to the potential increased flood risk as a result of the proposal.

12.4 The Council's Local Lead Flood Authority have reviewed the application documents and advised that they have no objections noting that the site is at low flood risk though its position is located adjacent to an existing surface water flow path. However, to mitigate against the risk of internal flooding from this flow path the building will have a finished floor level set at 300mm above the estimated flood level.

12.5 Surface water attenuation will be provided within the development site via the use of a rain garden, permeable paving in the car parking areas and surrounding footpaths and an underground storage tank. The LLFA has advised that in order to retain all surface water within the site a drainage channel or similar drainage feature will need to be installed across the site entrance in order to capture and control any surface water leaving the site and impacting on

Newsteads Drive and that this can be controlled via a condition attached to the planning permission.

12.7 Members are advised that the proposed development would have an acceptable impact upon flood risk, subject to the suggested conditions.

#### 12.6 Ground Stability

12.7 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

12.8 Policy DM5.18 'Contaminated and Unstable Land'; states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report.

12.9 Local residents have raised concerns with regard to the suitability of the land for development as they believe that there may be previous mine workings on the site or a site of industrial waste. These concerns are noted.

12.10 The application site is located within a Coal Authority Referral Area. The Coal Authority have reviewed the submitted Phase 1 Preliminary Contamination Risk Assessment & Coal Mining Risk Assessment and raised no objections subject to the attachment of conditions to ensure that intrusive ground investigation works are undertaken prior to development commencing in order to ensure the safety and stability of the proposed development, including any the provision of any required remedial measures.

12.11 The Contaminated Land Officer has been consulted and reviewed the submitted reports. She has raised no objection to the proposed development, subject to contaminated land and gas investigation surveys.

12.12 Members must determine whether the proposed development is acceptable in terms of ground stability. Officer advice is that the proposal is acceptable in this regard.

#### 12.13 Sustainability

12.14 Section 14 of the NPPF sets out the Government's objectives for the planning system in terms of meeting the challenge of climate change, flooding and coastal change. Para.152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraphs 153 through to 158 set out measures for the planning system to address the climate change challenge, including the planning of green infrastructure, reduction of greenhouse gas emissions and increasing the use and supply of renewable and low carbon energy and heat. A planning application should be approved if its impact is, or can be made, acceptable.

12.15 Policy DM7.6 of the Local Plan states that proposals for development involving the provision of renewable and/or low carbon technologies, including micro-generation technologies, will be supported and encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations of the development.

12.16 The applicant has submitted a Sustainability Statement in support of the application. This provides a detailed overview of the measures proposed to maximise energy efficiency and minimise the carbon footprint of the development. Such measures include building orientation, natural ventilation, insulation, compliance with Building Regulations Part L 2021 which requires that all new schemes meet not only the Building/Target Carbon Emission Rate (BER/TER) criterion but the New Primary Energy Criterion BPER/TPER. In addition, external measures include the installation of PV panels to the roof.

12.17 It is clear from the information submitted that the design of the proposed development acknowledges the need to address climate change. It is officer advice that the proposed development is acceptable in this respect.

12.18 Members need to determine whether the proposed development is acceptable in terms of its provision of renewable and/or low carbon technologies, incorporation of green infrastructure and measures to reduce greenhouse gas emissions in accordance with Policy DM7.6 and the NPPF.

#### 12.19 Local Financial Considerations

12.20 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

12.21 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that there are any local financial considerations material to this application.

#### 13.0 Conclusions

13.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

13.2 Specifically, the NPPF states that LPA's should approve development proposals that accord with an up-to-date development plan without delay. However, NPPF also recognises that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with

an up-to-date development plan permission should not usually be granted. It is officer advice that this development is acceptable, albeit it does not fully comply with Policy DM5.2, which requires the loss of any part of the green infrastructure which meets an exception set out in the policy, to be replaced with alternative provision, equivalent to or better in terms of its quantity and quality. In this case, whilst no additional quantity is being provided, a better/enhanced quality is being provided and this is acceptable for the reasons set out in this report.

13.3 The proposal will provide significant public benefits in accordance with the objectives of paragraph 93 of the NPPF and policy S7.10 of the Local Plan in terms of meeting the health needs of the community and guarding against the loss of valued facilities and services. This is a material consideration which should be afforded weight.

13.4 The design and layout of the proposed medical centre conforms with the general design principles and is not considered to have a significant adverse impact upon the character and appearance of the site or its immediate surroundings.

13.5 The proposal would provide parking in accordance with the Council adopted standards and would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe.

13.6 The proposal would not adversely affect the privacy or amenity of surrounding properties.

13.7 Issues to do with flooding and contamination can be dealt with via planning conditions.

13.8 Whilst the proposal does not fully comply with Policy DM5.2, it is considered that given the mitigation provided both on and off site and the benefits of the proposal, planning permission should be granted subject to a S106 Legal Agreement and conditions.

**RECOMMENDATION:** Minded to grant legal agreement req.

***It is recommended that:***

***the Committee indicates that it is minded to grant the application; and***

***the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:***

***the conditions set out in the planning officers report and any subsequent addendum(s); and,***

***the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development;***

***and***

***Completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:***

**A financial contribution of £41,240 towards the management of off-site net gain habitats**

**Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Application Form 15.09.23
  - Location Plan 1493 (SP)01 A1, 18.07.23
  - Wider Context Plan 1493 (SP)04 A1, 18.07.23
  - Proposed Elevations - Sheet 1, 1493 (00)04 A2, 14.11.23
  - Proposed Elevations - Sheet 2, 1493 (00)05 A2, 14.11.23
  - EV Charging Points, 1493 (SP)08 A1, 11.10.23
  - Proposed Ground Floor Plan, 1493 (00)01 A1, 18.07.23
  - Proposed First Floor Plan, 1493 (00)02 A1, 18.07.23
  - Proposed Roof Plan, 1493 (00)03 A1, 18.07.23
  - Proposed Section, 1493 (00)06 A1, 18.07.23
  - Proposed Site Plan, 1493 (SP)03 A1, 18.07.23
  - Indicative Sections and Details, POE\_252\_002 A, 14.07.23
  - Landscape General Arrangement, POE\_252\_001 A, 14.07.23
  - Planning Statement and Open Space Assessment, JP/LH/ER/5050NE/R001, Sept 2023
  - Sustainability Statement, v1, 06.07.23
  - Ecological Impact Assessment, Ref: RiderHunt\_NewsteadsDrive\_EclA1.4, 28.11.23
  - BNG Metric 4.0
  - Landscape Environmental Management Plan, ref: POE252-071123: Rep001, 22.11.23
  - Noise impact assessment 10946.1A, 27.07.23
  - Travel Plan Statement, Ref: 1106-ISTPS, rev.2, 31.07.23
  - Transport Assessment, Ref: 1106-TA, rev.4, 31.07.23
  - Flood Risk Assessment and Drainage Strategy, JK-7060, P02, July 2023
  - Phase I Preliminary Contamination Risk Assessment & Coal Mining Risk Assessment, GEOL23-7723, 26.06.23
  - Mineral Safeguarding Assessment, GEOL23-7723, 03.08.23
- Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL                      MAN02    \*

3. Restrict Hours No Construction Sun BH                      HOU00    \*  
4

4. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of

vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development), and details of loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires. The scheme must include a site plan illustrating tree protection measures for the trees to be retained, the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

5. The scheme for access shall be laid out in accordance with the approved plans. This access shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. The scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. The scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. This EV charging shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. The scheme for the provision of undercover, secure cycle provision shall be laid out in accordance with the approved plans and prior to the occupation. This cycle provision shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

9. No part of the development shall be occupied until details of a parking management strategy has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).



10. The scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation. These refuse storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

11. Prior to the installation of drainage in connection with the approved development, a detailed drainage design scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Lead Local Flood Authority. The scheme should include a drainage channel or similar drainage feature to be installed across the site entrance in order to capture and control any surface water leaving the site and impacting on Newsteads Drive. Thereafter the development shall take place in accordance with the approved details prior to operation of the site.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

12. Notwithstanding the approved plans, full details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the approved development must be submitted to and approved in writing by the Local Planning Authority prior to its installation. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

13. Notwithstanding the approved plans, full details any air ventilation system to be provided in connection with the approved development must be submitted to and approved in writing by the Local Planning Authority prior to its installation. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

14. Prior to the installation of any external plant and equipment at the application site (including extraction vents, flues, air conditioning units etc.), a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme, which must be in accordance with BS4142, shall provide the noise rating level from the combined plant and equipment to ensure that the background noise levels at the façade of the nearest residential properties (as set out in Table 1 of noise report ref.10946.1A) are not exceeded and should include details of any required sound insulation materials. Thereafter, all equipment must be installed and maintained in accordance with the manufacturer's details and the rating level for all plant and equipment (including the combined noise created by use of all plant and equipment) shall not at any time exceed the agreed levels

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. Within one month of the installation of any external plant and equipment acoustic testing shall be undertaken to verify compliance with condition no.14 of this approval and the results submitted in writing for the approval of the Local Planning Authority. Thereafter, the plant and equipment shall be operated in complete accordance with the approved details and maintained in working order.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

16. Noise No Tannoys Externally Audible                      NOI002    \*

17. There shall be no deliveries to the premises or collections from the premises outside of the hours of 07:00 - 23:00 on any day.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

18. Prior to the installation of any external lights in connection with the approved development full details of the location and design, including illuminance levels, must be submitted to and approved in writing by the Local Planning Authority. External lighting must be low level, avoiding use of high intensity security lighting and will be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/23 "Bats & Artificial Lighting in the UK" <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>. Thereafter, any external lighting may only be installed in accordance with the approved details.

Reason: In order to protect the residential amenity of the nearby residents, the character and appearance of the host site and surrounding area and to ensure that local wildlife populations are protected in the interests of ecology that having regard to policies DM5.5, DM6.1, DM6.2, and DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

19. The premises shall not be open for business between the hours of 20:00 hours and 07:00 hours on any day.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

20. Site Investigation    CON00    \*  
4

21. Remediation Method Statement                                      CON00    \*  
5

22. Validation Report    CON00    \*  
6

23. Unexpected Hotspots    CON00    \*  
7

24. Gas Investigate no Development GAS00 \*  
6

25. No development shall commence until;  
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and  
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: This is required, prior to the commencement of development, to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

26. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: This is required in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

27. Means of Enclosure Details No Occupation ENC01 \*DM6.1

28. Materials Building Schedule Before Devel MAT03 \*DM6.1

29. Materials Surfaces Schedule Before Devel MAT04 \*DM6.1

30. External Features DES01 \*

31. Prior to their installation/construction, the following information must be submitted to and approved in writing by the Local Planning Authority:  
- Detailed design of bin store  
- Detailed design and location of vents (including details of colour coding to match external elevations)  
- Detailed design of cycle shelter

Thereafter, prior to first occupation of the approved development, the works shall be carried out and completed in accordance with the approved details.

Reason: In the interest of visual amenity, having regard to Policy DM6.1 of the North Tyneside Plan.

32. Prior to construction of the approved development above damp-proof course level, details (to include specifications and locations) of 2no.integrated Swift bricks, such as the Manthorpe Swift brick (<https://www.nhbs.com/manthorpe-swift-brick>), or similar, shall be submitted to and approved in writing by the Local Planning Authority. The Swift bricks must be installed on the north-eastern or north-western aspects of the new building at a minimum of 4- 5 metres height. Thereafter the development shall be carried out in accordance with the agreed details and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interest of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan 2017.

33. Prior to construction of the approved development above damp-proof course level, details (to include specifications and locations) of 2no.integrated bat boxes (as recommended in section 6.7.1 of the Ecological Impact Assessment (EclA) Report (Dendra Consulting October 2023)) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the integrated bat boxes must be installed in accordance with the agreed details and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interest of ecology, having regard to the NPPF and Policy DM5.5 of the North Tyneside Local Plan 2017.

34. No vegetation removal or building works shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

35. All works shall be undertaken in accordance with the hedgehog working methods set out in section 6.5.1 of the Ecological Impact Assessment (EclA) Report (Dendra Consulting October 2023).

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

36. Prior to the installation of any new boundary fencing associated with the approved development details of locations and specifications of hedgehog gaps must be submitted to and approved in writing by the Local Planning Authority. The hedgehog gaps (13cm x 13cm) shall thereafter be installed within the new fencing in accordance with the approved details and retained thereafter.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to NPPF and Policy DM5.5 of the North Tyneside Local Plan 2017

37. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan for on-site landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be in accordance with the details of the BNG Assessment and Metric 4.0 (Dendra Consulting Nov 2023) and include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of 30 years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5, DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

38. Prior to the commencement of any development, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation on-site, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. The plan must include details of the following:

- Details on the creation, enhancement and management of all habitats identified within the Net Gain Report/Biodiversity Metric (Dendra Consulting Nov 2023) and approved on-site Landscape Plans/Strategies. Management prescriptions shall relate directly to the targeted criteria required to meet the specific habitat condition assessments set out in the BNG Report

- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report and Metric 4.0 (Dendra Consulting Nov 2023). Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.

- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

The LEMMP shall be implemented in accordance with the approved details on completion of the landscape scheme and thereafter for a minimum period of 30 years.

Reason: To ensure a satisfactory standard of landscaping having regard to policies DM5.5 and DM5.7 of the North Tyneside Local Plan (2017).

39. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

40. Prior to the commencement of any site clearance works, the protective fencing shall be erected according to the locations marked within the approved Arboricultural Impact Assessment, MS & TPP document. The type, height and position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site shall be in accordance with the fencing shown in the Arboricultural Impact Assessment, MS & TPP document. Any alternative tree protection fencing to be used on site prior to and during construction shall be agreed in writing by the Local Planning Authority. Each tree group /hedgerow within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

41. All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, landscaping, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

42. Prior to the undertaking of any works involving excavation of soil, including foundations and the laying of services, within the RPA's of the trees to be retained on the site, a scheme of works must be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the method which shall include hand digging or another suitable method such as an air spade. Thereafter, works within the RPA's must only be carried out in accordance with the agreed method.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

43. All pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, details of which are to be submitted for approval.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

44. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

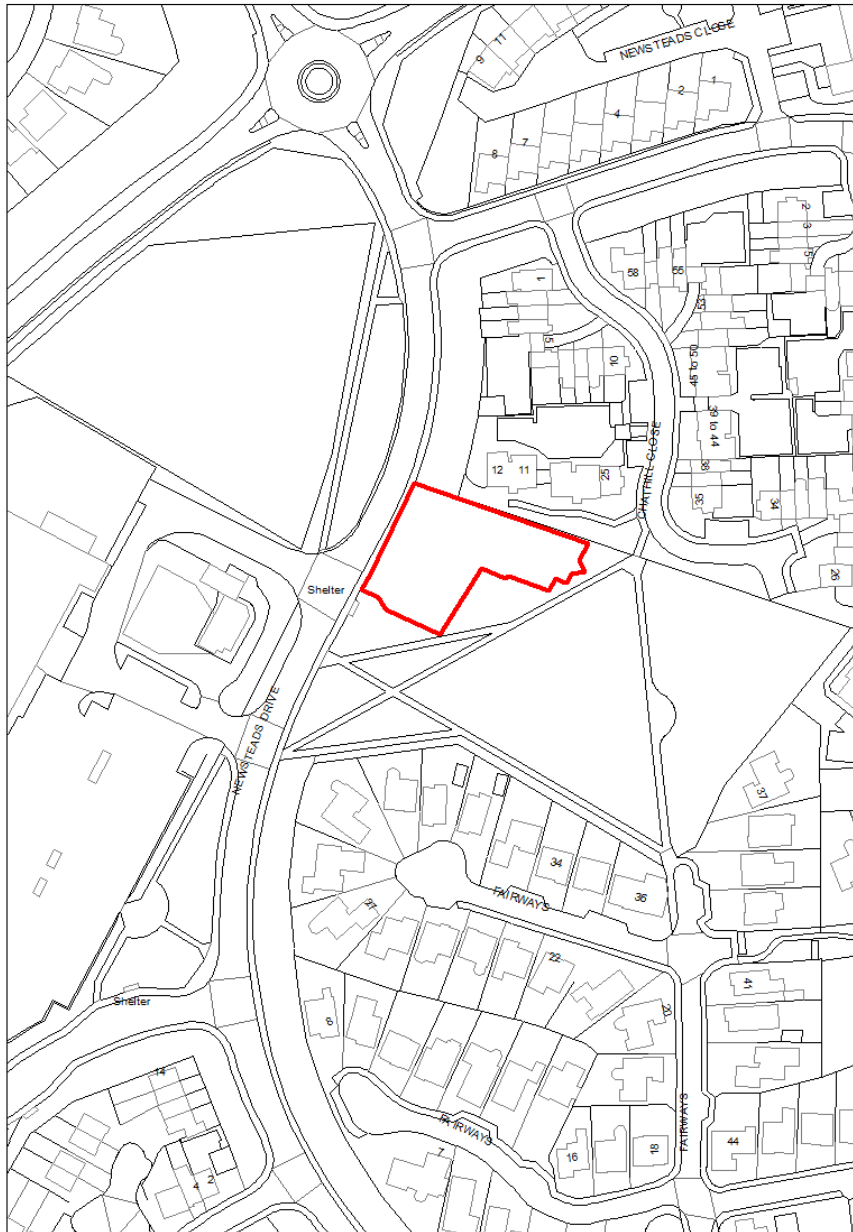
Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

45. On completion of the approved development and prior to its first occupation, written evidence of regular monitoring of the site to ensure compliance with the approved Arboricultural Method Statement must be submitted to and approved in writing by the Local Planning Authority. The formulation of the evidence will require the developer to appoint an arboricultural consultant, prior to commencement of the development, who will advise on the tree management for the site, undertake regular supervision visits during all stages of construction work to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



**Application reference: 23/01265/FUL**  
**Location: Land At, Newsteads Drive, Whitley Bay, Tyne And Wear**  
**Proposal: Full planning application for the construction of a new medical centre with associated access and landscaping works on land to the east of Newsteads Drive, Whitley Bay, North Tyneside to replace the existing Beaumont Park Medical Centre at Hepscott Drive, Whitley Bay**

Not to scale  
 Date: 30.11.2023

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**Consultations/representations**

**1.0 Representations**

The representations received are as follows:

- 460no. objections;
- 88no. letters of support;
- 3no. representations;
- Objection petition (436 signatures); and
- 361no. individually signed letters in support of the proposed development, which have been submitted by Beaumont Park Medical Centre.

The above are summarised below:

**1.1 Objections**

**Open Space**

- Loss of much needed open/green space, of which there are not enough.
- Pocket Park is well-used by all generations of the community as amenity space for games, walking, sitting, socialising, dog walking, children learning to ride bikes, community fayres/event etc.
- Pocket Park is the only green safe place for children to play in a highly populated area.
- This will set a precedent for green space to be taken up by buildings.
- Inappropriate location for this development.
- We need more green space, not less.
- Loss of green spaces has lasting impacts for future generations.
- For some residents, particularly those with poor mobility and/or no transport, this is their only accessible green space as it is a considerable distance to other parks and green areas.
- Two story building and car park will take up too much space on what little green we have within the West Monkseaton area.
- The park provides valuable green space in an area that has been relentlessly developed in the last 35 years.
- If anything is built here no doubt it would mean no ball games.
- Although the development will still leave some of the land, it will affect the open aspect and change the feeling of the space.
- The council should be enhancing the area with bench's more trees and flower beds.
- The original master plan for the area included this open space for public amenity.
- Residents in the immediate locality purchased properties believing the implied promise that the recreational area would remain intact.
- It has for over 30 years acted as and is by default a 'village green' with the associated customary rights and as such is protected in perpetuity.
- These green sites once lost will never be replaced.
- This proposal contravenes NPPF paragraph 99 and North Tyneside's Local Development Plan. The development does not comply with any of the criteria for exceptions, and the site was designated as being of "high value" in NTC's 2015 Green Space Strategy.

- A restrictive covenant is to be applied to the remainder of the green space if the application be successful. If the other 86% of the land needs protecting why doesn't the 16% in question?
- There is already a -6.3% under supply of green space within the ward which will increase further if this development was to progress.
- Yet another example of this council building on a precious piece of green land at this end of the borough.
- The plans state only a small part of land will be used this is incorrect as once building starts more of the park will be built on.
- This is an award-winning area for green space so please keep it that way.
- The importance of new doctors surgeries but this has to be balanced with the impact on an important piece of green space used by the local community.
- Will result in significant loss of green space for local residents without significantly improving GP services for the area.

### Ecology/Environment

- Negative impact on wildlife corridor.
- The site is a haven for wildlife.
- Pocket Park is used by endangered birds for feeding at night. Reducing a vital feeding ground for these birds will endanger their populations further and this will have an impact on the local bird populations at St Mary's Nature Reserve from where they fly to feed on the site at night.
- Proposal fails to deliver biodiversity net gain.
- Undermines our environmental sustainability goals.
- Trees planted by local school children many years ago are to be uprooted to make way for this building.
- Destruction to trees and hedges.
- Proposed planting will not replace the many semi mature trees that would need to be dug up.
- Swift nesting bricks should be used in all development in North Tyneside.
- Increase in pollution from emissions will impact climate change.
- Would be far better to repurpose an existing building, saving building materials, carbon footprint and saving much need trees, green space and natural environment.
- The site is a green lung for the environment.
- This would be the permanent destruction of an incredibly valuable and attractive open space and a destruction of trust in the Local Authority for thousands of people.
- To make Pocket Park smaller would result in a degraded outdoor experience for those using it.
- Environmental impact that the construction of a medical centre might have on the local ecosystem.

### Flooding

- Pocket Park acts as a rain garden and building over it will increase the likelihood of flooding to nearby residential homes, during flash flooding, which will increase in frequency due to the climate crisis.
- Proposal will reduce natural drainage after rain and will reduce heat absorption in the area.

### Highway Impact

- Increased traffic, parking and congestion.
- Exacerbation of existing highway safety issues (Sainsburys car park access/HGV entrance/Newsteads Drive).
- Access to bus stop will be restricted.
- Newsteads Drive is busy at all times.
- Reduced pedestrian safety, particularly school children and elderly residents.
- Increased risk of vehicle collisions/accidents.
- Proposed parking area is too small, there will be overflow parking onto surrounding streets.
- The site is poorly served by public transport from areas where their patients live.
- Patients will have to travel several miles to reach the nearest pharmacy.
- There is no pedestrian crossing.
- Existing infrastructure cannot support increased traffic from this proposal.
- Applicant does not have Sainsbury's permission to use their car park for overflow.
- Nowhere for contractors vehicles to park during construction.

### Visual Amenity

- Design is out of keeping with the surrounding area.
- Proposed building and car park will spoil the outlook and beauty of this area.
- Too large and too high.
- A lovely area will be blighted by an ugly building and car park.
- Materials are not in keeping with surrounding properties.
- The cladding is out of keeping with the brick buildings surrounding the area and it makes it look cheap and distasteful.
- Looks more like an amusement arcade than a place of healing.
- Building will be an eyesore.
- The suggestion that having a building there will be of benefit as a barrier between the green space and the road is ridiculous. We've managed fine without any such barrier last 30 plus years.
- The colour scheme is for Whitley Bay seafront, the site is some distance away from this.
- I assume this construction is more cost effective however given the high level of rent that will be paid by the NHS to the surgery, they can afford to invest more in the building construction.

### Residential Amenity

- Light pollution and loss of privacy for residents of Chathill Close.
- Car park will affect the privacy of residents on Chathill Close, especially in winter when the trees are without leaves.
- Views from my flat will be horrendous.
- Detrimental impact on natural daylight to homes in Chathill Close.
- Traffic fumes/detrimental impact on air quality.
- Environmental damage.
- Dirt, harmful chemicals, gasses, mess, inconvenience, noise and debris from building site would be unacceptable.
- The people who live in the flats must be devastated as this is their garden.
- Elford Close residents will have this development basically in their back yard.
- Noise from increased traffic.
- During construction rats will be displaced to residential gardens spreading disease

### Mental Health/Wellbeing

- Loss of green space will have negative impact on mental health and wellbeing.
- Harmful impact on physical activity.
- Health implications for local residents (air quality).
- Proposal will reduce community cohesion and increase social isolation.
- Ironic that building a new medical centre will adversely affect the health of people in this area.
- Greenspaces should be invested in to improve health.
- Depleting a green space, which positively impacts health is counter intuitive.

### Ground Stability

- Unsuitable ground conditions. Adjacent sites have similar geology and history and most, if not all of the houses and bungalows in Fairways, for example, have raft foundations. I understand that extensive piling was carried out on the Sainsburys site with cast-in-situ reinforced concrete piles installed even in the carpark area. If driven piles are specified as on the West Park site, there will be substantial noise disturbance and possible vibration damage to adjacent properties.
- I was told when the surrounding houses were built (I've lived here for 40 years) that this area couldn't be built on as it was site of an uncontrolled tip. This may consist of household or industrial waste, but no-one knows what's buried there or what gases now exist.
- When we moved to area in 1981 we were informed that the site could not be built on due to underground mine workings from 'Fenwick Drift', which has left the area unstable.

### Other

- Lack of transparency.
- The way this planning application has been presented is somewhat underhanded.
- No need for another medical centre in this area. Other local spaces already allocated for healthcare purposes are underutilised (Shiremoor Resource centre) due to difficulties in recruiting GP's.
- Existing surgery is never busy.
- Conflict of interest as local Councillor is medical centre employee.
- The lease owner has vested interest in both the medical facility and the current building.
- Existing premises have been allowed to fall into disrepair. Gives rise to concern over maintenance and upkeep of a new development.
- If the current building were maintained sufficiently, they wouldn't be looking for a new and extremely inappropriate site.
- Has the plan along been to let the existing building get so bad they have to move and make more money by building a bigger surgery?
- In this digital age why is there a need for a bigger surgery?
- Investment should be made into the existing surgery, which could then be extended.
- There are other brownfield sites which are more suitable for the proposed development, these have been refused by the applicant.
- Applicant should explain very clearly what other options have been considered and the reasons why they are unsuitable.

- I feel the council are being held to ransom by the threat that the medical centre will be lost unless this is approved.
- Proposal goes against promises made to surrounding residents.
- We are losing a lot of green land to 300 plus houses without more for a medical centre when there are several other areas of unused buildings.
- Same proposal was overruled in 2022 due to local residents' objections so what is the justification to change that ruling now when even more residents don't want this?
- There are other surgeries in the area which are not at full capacity.
- Will the existing Beaumont Park surgery become derelict and spoil that area too?
- Lack of public communication from Labour Councillors and Council Officers.
- Planning consultation process fails to engage disabled people adequately. The Council should actively seek Disabled Residents permission and inclusion on all planning issues affecting where they live.
- Little justification for using public land for private profit, given that those who use the land for healthy recreation will be displaced and have nowhere else to go.
- Harmful impact on property value.
- Many patients do not live in the catchment area for the medical centre. To ruin a space where people live and use to make money and accommodate people not even from the area is wrong.
- Pocket Park is not on Beaumont Park.
- The planning committee should visit the site to experience firsthand the tranquillity and natural beauty that would be lost if this project proceeds.
- Why haven't provisions been made to build on sites with new housing rather than taking green space from existing estates?
- No details have been given of alternative sites, and why they were rejected?
- The reasons given for why the 20+ other locations are not viable also apply, if not more so, to the application site.
- There is a significant shortage of qualified medical staff in England. Whilst they may build bigger premises they may still not have sufficient qualified staff to enable the patient list to grow.
- The health centre has been actively "coercing" their patients to sign a pre-typed form to support their development. Logging each of these letters as individual support is misleading and equal weight should therefore be attached to each signature on the objection petition.
- Concerns about reports that patients at the medical centre have been pressured to submit comments in support of the planning application. This is an immoral and bullying tactic and should be stopped.
- There was a great effort among local councillors and the community to get the decision to sell the land rejected in March 2022.
- As far as we have been made aware, is not proposing to increase the number of doctors so it will still be impossible to get an appointment and access the facilities.
- If the practice reduced its catchment to just the local area, they would have a smaller volume of patients to care for and could maybe just relocate to one of the many vacant properties in the area or stay where they are.

## **1.2 Support Need**

- Existing surgery is not fit for purpose. It was never intended to service the many thousands of patients it now does. A lot of those patients are elderly.
- In order to provide all patients with the best experience at their time of need and give staff a safe and pleasant working environment, this building needs to be constructed.
- The existing surgery will be closed down if this planning application fails.
- Closure of surgery will negatively impact many patients and other nearby surgeries.
- If Beaumont Park closes down there will be thousands of patients looking for a new surgery and they may have to travel miles to see a GP.
- New surgery is needed, especially with more houses being built in the area.
- Desperate need for new, modern premises.
- Healthcare of the community far exceeds people that see this area just for dog walking.
- As a long time resident of Monkseaton and Whitley Bay and as a patient of the current Beaumont Park surgery I know that there is a major need for additional capacity at this NHS medical practice.
- The proposal would provide new facilities to provide much needed GP training within North Tyneside, not only increasing GP facilities to local patients but also potentially drawing additional GPs into North Tyneside in the longer-term post qualification.
- Local Healthcare for patients is only sustainable if the people who work in it are given the right tools and buildings, developments such as this are necessary across many different areas.
- Current patient provision is inadequate within practices in this area and staff are crammed into spaces that are not fit for purpose.
- Well-being will be enhanced for the surrounding community by the provision of this Medical Centre, due to the services, access and support offered to thousands of individuals for generations to come.
- This building is long overdue.
- This will support a sustainable local NHS and provide excellent health care for the local population.
- Very difficult for wheelchair access in the building.
- As a disabled patient this practice is not fit for purpose and needs replacing.

#### Location

- Whenever I pass 'Pocket Park' I never see anyone on the specific part of the land that they're planning to build on. They are always at the back of the field.
- Most of the activity in the park takes place in the triangle of grass to the west of the Sheep statues, the surgery is proposed to be built near the road in an underused area of the park which wouldn't affect the objectors' activities.
- All paths will still remain in place and the building will shield kids playing from the road.
- Application site is only a small part of Pocket Park.
- There is ample space for the new build surgery as well as the public who use this space.
- Well located for the patients of Beaumont Park Medical Group and would not take all of the green area.
- The existing premises are landlocked, and it is clear they cannot be expanded – additional storeys would have a major impact on surrounding residents.
- The application site has very little amenity or ecological value.

- This will be good for the community.
- This area of land has had little or no use since it was created.
- Children no longer play on the park, it's not safe, or clean underfoot.
- The summer fair held on the field during the summer wasn't very well supported, this recent invention appears to be ploy to pretend that the field is a home counties style village green - we appear to have managed without a summer fair over the past 30 years, no need to prohibit a much-needed health facility to save the 'summer fair.'
- The plans clearly demonstrate minimal use of the area, with plenty space for all current and future recreation.
- The proposal will reduce traffic congestion within the surrounding housing areas.
- The proposed site is one of the few suitable in the area.
- The loss of green space is minimal when the advantages are so much greater for health.
- "Save the park posters" that are around are giving a false impression. The park will not disappear nor will all the green space.
- The site is in a built-up area and is on mowed turf. Much green space will remain and I believe the advantages far outweigh any perceived negatives

#### Residential Amenity

- There is plenty of room on the proposed area not to impact on local housing.

#### Visual Amenity

- Will blend in well with the surrounding area.
- The design is modern and attractive, fitting in with Sainsburys opposite.
- Small footprint and pleasant landscaping.

#### Environment

- Good for environment, as more landscaping going in and able to charge electric vehicles, can cycle there or get bus right outside.
- Proposal will have little to no negative impact on any current wildlife, as this is open space and the plans show that this area will be enhanced with extra landscaping to encourage more wildlife to the area.

#### Accessibility

- The surgery needs to be in a more accessible location such as this.
- Proposal will allow additional NHS services to be made available within this part of the borough and increase access to residents.
- The site is easily accessible by public transport (bus and metro).
- Access to proposed building will be safer than the existing surgery.

#### Other

- A pharmacy should be included in the development.

### **1.3 Representations**

- As a non-driving pedestrian aged over 75, I have considerable concerns regarding crossing Newsteads Drive safely. The proposed development presents an opportunity to improve existing pedestrian safety, it should not exacerbate existing problems.



- Traffic calming measures and/or a controlled crossing point are required to minimise risks to pedestrians. An increased risk of vehicular collisions arising from the introduction of a new access point could also be mitigated by traffic calming measures.

#### **1.4 Petition (436 signatures)**

This is a collective objection to building on West Monkseaton's only accessible green space which is used and valued by many residents and their families from the surrounding area. The decision to sell this land after 30 years being a community green area is a travesty and beyond belief. We implore you to reconsider the decision to sell this land.

#### **1.5 NHS North East and North Cumbria ICB**

1.6 I would like to register the ICB's support for the construction of a new surgery at the above site. As commissioners of primary care services across the region we have assessed this development as essential in meeting both the current and future health and wellbeing needs of the local population. Construction of a new, purpose-built surgery will allow the practice to expand its current service offer and better meet the needs of patients.

1.7 Providing access to high quality primary care within the community in which people live, is an essential element of keeping people in good health and in their homes. The current facility is not fit for purpose and the upgrades will allow Beaumont Park Medical Group to see patients more efficiently, provide a wider primary care offering and reduce pressure on acute services.

1.8 The proposal will bring positive health and wellbeing benefits to the community and wider area through retention and enhancement of primary care services. Although the ICB recognises the loss of some of the open space currently on the site, we believe that the health and wellbeing benefits of a fit-for-purpose primary healthcare building will bring the community significantly more benefits. Even with the construction of a new surgery, a large amount of the wider site will remain undeveloped, with the schemes associated planting and landscaping helping to increase the range of fauna and flora that inhabit the site.

1.9 The new building will be fully accessible, allowing patients with a wider range of mobility challenges to access the building and care. It will also allow the practice to provide a more inclusive environment from which to offer care to the community.

1.10 The site is in close proximity to the existing surgery, meaning that patients will continue to be able to get easy access to primary care. The building's position within a largely residential area is a necessary feature of providing accessible care for all. As an ICB we are aware that for lower income households travel costs form a disproportionately large percentage of monthly costs. Therefore, the building's position within a residential area helps to support access for those who most need health and wellbeing services.

1.11 The ICB believes that this particular site has the benefits of close proximity to patients, whilst also channelling traffic generated by the scheme along non-residential roads. Furthermore, the existing bus routes that support Sainsbury's

will also in the future allow patients to travel by bus to access the site, improving the utilisation of the community bus route.

1.12 In summary the new facility will allow the GP practice to meet the current and future health needs of the community whilst enhancing the wellbeing patients receive from the site.

### **1.13 NHS North East and North Cumbria ICB (Head of Commissioning (Primary Care) North East and North Cumbria ICB)**

1.14 The proposed building will allow the much needed relocation of Beaumont Park Medical Group to a purpose built health facility which will significantly improve the primary care health offer to patients in the local area.

1.15 With local populations increasing in both number and average age we know that the demand for general practice services is only going to increase and there is a need to grow local services to meet that demand. Sadly Beaumont Park Medical Group outgrew its building a long time ago restricting the ability of the practice to grow as needed.

1.16 This has caused both resilience and stability issues for the practice as well as limiting the range of services that the practice can offer registered patients. Access to the current building is poor, particularly for those with disabilities, and the building doesn't lend itself to modern general practice provision. There are concerns that the above limitations result in patients local to Beaumont Park having no choice but to access services through neighbouring GP practices to get their health needs met. This increases the pressure on those practices and makes it more challenging for patients at those practices to access appointments.

1.17 There is a clear strategic need therefore for the practice to relocate, but it has been very challenging over a number of years to find a viable site to relocate to. The proposed site for the new medical centre works well for a health facility. Geographically it is close to both the existing practice and local amenities, there are good public transport links, and there is good access to the site. The location and increased building size will also support future provision of primary care services to the planned Murton Gap development.

1.18 I believe a new medical centre at this site would be an asset for the local community, both in terms of improving the current provision of healthcare services to patients in the area, as well as safeguarding the future provision of primary care services in north Whitley Bay.

### **1.19 Newcastle & North Tyneside Local Medical Committee**

1.20 We write in our capacities as the Chair and Medical Secretary of Newcastle and North Tyneside Local Medical Committee, the statutory representative body for General Practitioners in Newcastle-upon-Tyne and North Tyneside.

1.21 We are aware of the ongoing proposal for the redevelopment and relocation of Beaumont Park Medical Group in Whitley Bay and would like to formally write to support this development in the strongest possible terms. Our reasons for doing so are as follows:

1.22 It is absolutely clear that the current premises occupied by Beaumont Park Medical Group are not fit for purpose either currently nor in the future. In 2023 and moving forwards, it is critically important that GP Surgeries operate out of modern purpose-built facilities. The proposed new development will undoubtedly support the Beaumont Primary Care Team to be able to provide high quality care and properly meet the needs of the local population. It is completely clear that the current premises do not.

1.23 For the Beaumont Park Primary Care Team to continue operating out of their current site massively impairs their ability to house their growing staff team and is having a major adverse impact on staff recruitment and retention. It is absolutely clear to us that if the proposed relocation does not go ahead, Beaumont Park Surgery is very likely to close like 110 other GP surgeries in England during 2023 alone. Were this to happen, all existing patients would be dispersed to other existing GP surgeries resulting in significant disruption and difficulty for thousands of local residents. This would have a disproportionate impact on the elderly and those with existing mobility issues. Worse still, given the current severe difficulties relating to staff recruitment and retention in General Practice, it would be highly likely that neighbouring practices, faced with thousands of new patients overnight would find their ongoing viability threatened. This kind of contagion has already happened with devastating impact in other parts of England.

1.24 As far as we can see, the proposed new development would have the space and accessibility to ensure a great service for patients, with the ability to house the growing numbers of services and staff desperately needed in the community in future.

## **2.0 Ward Councillors**

### **2.1 Councillor Judith Wallace (St Mary's Ward)**

2.2 Please note that I wish to support this application:

1. The new building will enable the practice to open to more patients. Currently, their list is closed and I have had many ward residents express their concern and disappointment that they cannot attend a local GP surgery.
2. The new building will enable the GPs to offer more services and treatments, which will mean patients are treated sooner and more easily. It will also relieve pressure on facilities elsewhere. The current building is too small to allow such provision.
3. The new building will enable the practice to train doctors who wish to become GPs. The current premises are inadequate and the practice is not allowed to offer training even though it is keen to do so. There is a shortage of GPs and, if this application is rejected, there will be an adverse impact on services in the long and short term.
4. The new site offers adequate parking.

### **2.3 Councillor Jane Shaw (Monkseaton North Ward)**

2.4 I wish to support the objections of Monkseaton North residents to the application by Beaumont Park GP Practice to obtain planning permission to erect a new surgery building on the Newsteads Drive pocket park.

2.5 There is little open green space that is readily accessible by the residents living on the surrounding housing estate without the need to walk some distance or cross the A1148 road. I am therefore disappointed that at a time when North Tyneside doctors are voicing support for the planned seafront cycle route and the NHS is encouraging people to be active for the sake of their health, a local doctor's practice is hoping to spoil this area of well utilised green space, by bringing what we are led to believe, will be a busy surgery building to it. Thereby divesting it of the peace it affords to users and increasing air pollution from the additional traffic that will be created.

2.6 In addition, I am greatly concerned that the proposed surgery will significantly raise the risk of road traffic accidents occurring on Newsteads Drive, due to its proximity to Sainsbury's supermarket. The supermarket lorries manoeuvring off and onto Newsteads Drive are already a hazard to existing traffic and when the supermarket is busier Newsteads Drive is used by shoppers as an overspill car park. The addition of the vehicular entrance to the surgery car park can only worsen an already unsatisfactory situation.

2.7 I am not without some sympathy for the Beamont Park GP's need for improved surgery accommodation, but I am not convinced that the only suitable solution to the Practice's problems is to despoil the Newsteads Drive pocket park.

### **3.0 Internal Consultees**

#### **3.1 Highway Network Manager**

This application is for the construction of a new medical centre with associated access and landscaping works. The practice currently operates from a site at Hepscott Drive in a Local Centre with shared parking.

3.2 A Transport Assessment (TA) was submitted as part of the planning application and the traffic associated with the site does not cause capacity issues at the site access or wider network.

3.3 Parking will be provided in accordance with current standards, including Electric Vehicle (EV) charging and the site has reasonable links with public transport. A Framework Travel Plan is included with the application, with the intention of reducing car journeys associated with the site. Conditional approval is recommended.

3.4 Conditions:

3.5 The scheme for access shall be laid out in accordance with the approved plans. This access shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

3.6 The scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

3.7 The scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. This EV charging shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

3.8 The scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation. These refuse storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

3.9 The scheme for the provision of undercover, secure cycle provision shall be laid out in accordance with the approved plans and prior to the occupation. This cycle provision shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

3.10 No part of the development shall be occupied until details of a parking management strategy has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

3.11 No development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. If the agreed measures are not operational, then no vehicles shall exit the development site onto the public highway.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

3.12 Informatives:

3.13 The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

3.14 The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

3.15 The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

3.16 The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

3.17 The applicant is advised that no gates may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

3.18 The applicant is advised to contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

3.19 The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

### 3.20 Sustainable Transport Team

3.21 This application is a Full planning application for the construction of a new medical centre with associated access and landscaping works on land to the east of Newsteads Drive, Whitley Bay, North Tyneside to replace the existing Beaumont Park Medical Centre at Hepscott Drive, Whitley Bay. The application includes a Transport Statement which identifies actions, measures and initiatives to promote sustainable travel to the site.

3.22 Due to the size of the development, we would not require a travel plan bond or a monitoring fee. However, it was noted that the location of the cycling

provision was at the back of proposed car parking spaces rather than adjacent to the entrance to the medical centre. In line with NTC's Transport and Highways SPD, all developments will need to provide appropriately positioned, well signs, direct and convenient access to secure cycling parking facilities.

### 3.23 Recommendation: Conditional Approval

#### 3.24 Condition:

Notwithstanding the details submitted, the scheme for storage of cycles shall be laid out in

accordance with the approved plans and prior to the occupation of the development. These

storage areas shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy

DM7.4 of the North Tyneside Local Plan (2017).

#### 3.25 Local Lead Flood Authority

3.26 I have carried out a review of the flood risk and drainage proposals detailed in planning application 23/01265/FUL. I can confirm in principle that I have no objections to the proposals as the site is at low flood risk though its position is located adjacent to an existing surface water flow path. To mitigate against the risk of internal flooding from this flow path the building will have a finished floor level set at 300mm above the estimated flood level to reduce the potential flood risk posed to the site.

3.27 The applicant is proposing to provide surface water attenuation within the development site via the use of a rain garden, permeable paving in the car parking areas and surrounding footpaths and an underground storage tank. These attenuation features will store surface water within the development for a 1 in 100 year rainfall event including a 45% allocation for climate change. To reduce the impact this development will have on the local sewer network the surface water from the development will have a restricted discharge rate of 2.6 l/s and will be controlled by a flow control chamber before it discharges into the adjacent Northumbrian Water surface water sewer.

3.28 I would advise that in order to retain all surface water within the site a drainage channel or similar drainage feature will need to be installed across the site entrance in order to capture and control any surface water leaving the site and impacting on Newsteads Drive. This additional drainage can be show in a detailed drainage design drawing which can be provided via a suitable condition placed on the application if approved.

#### 3.29 Environmental Health (Pollution)

3.30 Thank you for consulting Pollution with regard to this application for the construction of a new medical centre with associated access and landscaping works on land to the east of Newsteads Drive, Whitley Bay, North Tyneside to replace the existing Beaumont Park Medical Centre at Hepscoot Drive, Whitley Bay. The premises are located within an area with residential properties located

immediately to the north and south of the site. There is a supermarket located to the west of the site.

3.31 I would have concerns with regard to potential noise from plant and equipment installed at the premises and noise from the associated car park of the new medical centre.

3.32 I have reviewed the noise assessment which has been provided to assess the potential noise from the external plant and the associated noise impacts of the car park. Noise from plant has been calculated to be - 5 dB below the existing background noise level which was calculated as 48 dB LA90. The noise assessment assumes that the external plant and car park will be operational during the night period. If this is not the case then further noise monitoring will be required to assess the impacts during the night period. The predicted noise arising from the car park was determined to give rise to negligible impacts.

3.33 If planning consent is to be given, I would recommend the following conditions are attached to any approval for development to ensure noise and lighting levels are controlled.

3.34 EPL01; EPL02; HOU03 To those on the application; HOU04

3.35 Prior to the installation of external plant and equipment at the premises a noise scheme must be submitted that details the noise rating level from the proposed combined plant and equipment to ensure that the background noise levels are not exceeded, the existing background noise levels are provided in Table 1 that need to be met at the nearest facade of residential properties, as detailed in noise report reference 10946.1A.

Table 1

NSR location description LA90	Assessment period	Background dB
Nearest Sensitive Receptor Chathill Close & Fairways	Daytime 1 hour (07:00 - 23:00 hrs)	48

3.36 NO104 this will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

3.37 It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

3.38 NOI02

3.39 Deliveries and collections must not be permitted to the premises between 23:00 and 07:00 hours.

3.40 LIG01; SIT03; REF1; REF2



### 3.41 Contaminated Land Officer

3.42 The site lies within a Coal Referral Area and may be at risk from mine gas. The Phase 1 report submitted states:

Completion of appropriate geotechnical laboratory classification testing, dependant on the soils / deposits encountered below the site area.

Completion of confirmatory laboratory contamination screening on selected samples of soil recovered from site to assess the suitability of these deposits for remaining on site. The samples of soil collected should also be forwarded to a UKAS and MCERTS accredited laboratory Production of a factual and interpretive Phase II Ground Investigation Report, including a Ground Contamination & Ground Gas Risk Assessments for Human Health and Controlled Waters.

3.43 Based on the above information the following should be attached:

Con 004; Con 005; Con 006; Con 007; Gas 006

### 3.44 Biodiversity Officer & Landscape Architect (Joint Comments)

3.45 This full planning application is submitted for the proposed construction of a new medical centre (Use Class E(e)) with associated access and landscaping works on land to the east of Newsteads Drive, Whitley Bay, to replace the existing Beaumont Park Medical Centre at Hepscott Drive, Whitley Bay.

3.46 Open Space:

The site under consideration, as designated in the North Tyneside Local Plan 2017, is officially classified as open space, which provides green areas for sport, wellbeing and recreation for residents and the broader community. According to the 'Planning Statement and Open Space Assessment', one of the core aspects of the application is to ensure that 84% of the existing open space remains accessible to the public, with the 16% reduction in open space to be mitigated through landscape enhancements both within and around the new medical centre, as demonstrated on the landscape strategy plans.

3.47 Hedgerows:

The proposed landscape plan has detailed how the existing vegetation, such as the existing mature mixed hedgerow and hedgerow trees to Chathill Close will be retained and protected in accordance with BS5837: 2012, such as using permeable paving for the adjacent parking bays. The landscape strategy further details the addition of a new, native edge mix to improve the existing connectivity of the existing mixed hedgerow and hedgerow trees to the northern end of the site and to enhance and improve the adjacent open space.

3.48 Following consultee comments from the pre-application stage, the on-site landscape strategy for the proposed medical centre is designed to provide an adequate buffer between Newsteads Drive, the adjacent residential spaces, and the surrounding open green space. The proposed native-mix hedgerow now envelopes around the entire southern and eastern boundary of the car park and

medical centre, widening on the western-side of the site as an adequate buffer to improve the visual impact of the development.

#### 3.49 Landscape Strategy:

The landscape strategy details the construction of a rain garden to the west of the medical centre with indicative species, on the inside of the hedgerow. The rain garden is an opportunity to improve the overall visual amenity of the development in corroboration with a positive ecological impact and a point of temporary flood alleviation for surface water. Six new trees will be planted on the application site. Liquidambar is proposed (not native) but if a single specimen tree, one would be acceptable.

#### 3.50 Arboricultural Impact Assessment:

The arboricultural impact assessment (AIA) identified four potential conflicts between the proposed development and the impact on existing trees in and around the site. The AIA has sufficiently examined these conflicts and provided mitigation/ countermeasures across the site.

3.51 Potential conflict 1 examines the loss of twelve category C trees on site to allow construction. The AIA identified that due to the quality of the trees, design would not ordinarily be compromised and in turn, the offsite enhancements provide adequate mitigation for the immediate visual impact post tree removal - this is deemed acceptable.

3.52 Potential conflict 2 identifies potential damage to retained trees and bushes on the northern boundary. The AIA explains that the encroachment close to the small trees and shrubs are unavoidable (such as minor pruning of overhanging foliage) however, all other trees and bushes to this northern boundary can be protected during the construction process through the installation of appropriate protective fencing (in accordance with BS5837) and by maintaining the exclusion zones shown in the report. The anticipated damage to a portion of the shrubs and trees to the northern boundary of the site is deemed acceptable in this instance as in the long term, no significant conflict is expected between the development and trees/shrubs.

3.53 Potential conflict 3 highlights the risk of damage to tree roots due to the installation or replacement of services. The AIA explains that no new service runs will be located within the retained tree root protection areas and in turn, all proposed works will comply with NJUG (National Joint Utility Group) recommendations. This is deemed an acceptable mitigative approach to the proposed development.

3.54 Potential conflict 4 identifies risk to damaging trees due to post-development landscaping- this is because of excessive landscaping and soil changes near retained trees. To minimise the risk of damage to the trees, landscaping work within the root protection areas will be kept to a minimum, tractor mounted rotavation or other heavy mechanical cultivation must not be used within the root protection areas of retained trees. The AIA suggests that all cultivation within the root protection areas will be carefully undertaken by hand or pedestrian controlled light machinery to avoid root damage. These countermeasures are deemed acceptable.

### 3.55 Trees as enhancement (off site):

Whilst the application details a loss of 12 small trees, the proposed landscaping strategy adequately mitigates for the loss of these trees through the re-planting of 33 new trees both on and adjacent to the site. Whilst there have been no tree species identified, a condition can be applied to ensure native trees are planted in appropriate locations. Following consultee comments from the pre-application stage, additional trees have strategically been incorporated into the off-site enhancements along the southern boundary of the site, to the northern edge of the footpath. These additional trees are a further opportunity to enhance the visual and ecological qualities of the surrounding park without compromising the existing open space.

### 3.56 Ecology:

The scheme will result in the loss of amenity grass of low ecological value and some trees within the development site to accommodate the new medical centre. Landscaping proposed as part of the development includes 6no. native standard trees, a rain garden as part of the drainage strategy, ornamental planting and amenity grass. A Biodiversity Net Gain Assessment and Metric 4.0 (Dendra Consulting Nov 2023) has been submitted to support the application. This indicates that a biodiversity net gain cannot be achieved on site (net loss of -76%) and therefore additional landscape mitigation is required off site to deliver a net gain. The LPA has agreed that net gain can be delivered on amenity space adjacent to the development site which currently comprises amenity grass and trees. Off-site landscaping includes 27no. native standard trees, 590m<sup>2</sup> of species rich grassland, 410m<sup>2</sup> of mixed native scrub and a 50 linear metres of new native hedgerow. This will result in an 18.84% net gain in biodiversity which meets Local Plan Policy and the NPPF and is considered acceptable.

3.57 A Landscape and Ecology Management & Monitoring Plan (LEMMP) will need to be submitted to demonstrate how the habitats will be managed both on and off site and to detail appropriate monitoring and reporting of the net gain habitats over a 30-year period. This will need to be conditioned as part of the application. The applicant will manage and monitor the habitats created on-site and will also monitor and report on the off-site net gain habitats, however, North Tyneside Council has agreed to take on the management of the off-site habitats adjacent to the medical centre for the 30-year period with a financial contribution agreed with the Local Authority to fund this, which will be secured via a S106 legal agreement.

3.58 The following conditions should be attached to the application:-

#### CONDITIONS:

##### 3.59 Bird & Bat Boxes

2no. integrated Swift bricks, such as the Manthorpe Swift brick (<https://www.nhbs.com/manthorpe-swift-brick>), or similar, shall be installed on the north-eastern or north-western aspects of the new building at a minimum of 4- 5 metres height. Details of the locations and specifications shall be submitted on a plan to the LPA within 4 weeks of development commencing on site and shall be installed in accordance with the approved details.

3.60 The provision of 2 integrated bat boxes as recommended in section 6.7.1 of the Ecological Impact Assessment (EclA) Report (Dendra Consulting October 2023) will be provided within the new building. Details of the locations and specifications of the integrated boxes shall be submitted on a plan to the LPA within 4 weeks of development commencing on site and shall be installed in accordance with the approved details

3.61 No vegetation removal or building works shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

### 3.62 Hedgehogs

All works shall be undertaken in accordance with the hedgehog working methods set out in section 6.5.1 of the Ecological Impact Assessment (EclA) Report (Dendra Consulting October 2023)

3.63 Hedgehog gaps (13cmx13cm) will be provided within any new fencing associated within the scheme. A Plan showing the number, location and specification of the hedgehog gaps shall be submitted to the LPA for approval prior to the installation of any fencing.

### 3.64 Lighting

External lighting will be low level, avoiding use of high intensity security lighting and will be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/23 “Bats & Artificial Lighting in the UK” <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

### 3.65 Landscape Plan (on-site):

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan for on-site landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be in accordance with the details of the BNG Assessment and Metric 4.0 (Dendra Consulting Nov 2023) and include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of 30 years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule

### 3.67 LEMMP (on-site):

## Landscape & Ecology Management & Monitoring Plan

Prior to the commencement of any development, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation on-site, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all habitats identified within the Net Gain Report/Biodiversity Metric (Dendra Consulting Nov 2023) and approved on-site Landscape Plans/Strategies. Management prescriptions shall relate directly to the targeted criteria required to meet the specific habitat condition assessments set out in the BNG Report
- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report and Metric 4.0 (Dendra Consulting Nov 2023). Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.
- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

### 3.68 Protection of retained trees/shrubs/hedges:

No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

### 3.69 Tree Protective Fencing:

Prior to the commencement of any site clearance works, the protective fencing shall be erected according to the locations marked within the Arboricultural Impact Assessment, MS & TPP document. The type, height and position of protective fencing to be erected around each tree or hedge within or adjacent to and overhang the site shall be in accordance with the fencing shown in the Arboricultural Impact Assessment, MS & TPP document.

3.70 Any alternative tree protection fencing to be used on site prior to and during construction shall be agreed in writing by the Local Planning Authority. Each tree group /hedgerow within the approved protective fencing shall be protected for the

full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

#### 3.71 Implementation of Tree Protection during development:

All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, landscaping, lighting and drainage, are to be carried out in complete accordance with the Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'.

#### 3.72 Hand Digging Near Trees:

All works involving excavation of soil, including foundations and the laying of services, within the RPA's of the trees to be retained on the site shall be dug by hand or suitable method such as an air spade and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority. Confirmation of the proposed working method is to be submitted for approval.

#### 3.73 Tree Pruning works:

All pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works, details of which are to be submitted for approval.

#### 3.74 Construction Method Statement:

The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

#### 3.75 Arboricultural supervision:

An arboricultural consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the Arboricultural Method Statement. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

#### 3.76 Legal Agreement Clauses (for off-site BNG):

#### 3.77 Landscape Plan (off- site)

Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan for off-site landscaping shall be submitted to and approved in

writing by the Local Planning Authority. The landscape scheme shall be in accordance with the details of the BNG Assessment and Metric 4.0 (Dendra Consulting Nov 2023) and include details and proposed timing of all new tree, shrub, wildflower planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of 30 years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

### 3.78 Landscape & Ecology Management & Monitoring Plan

Prior to the commencement of any development, a detailed 30 year 'Landscape and Ecological Management and Monitoring Plan' (LEMMP) for all landscaping/habitat creation on the off-site compensation land, shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include details of site preparation, long-term design objectives, management and monitoring objectives, management responsibilities, timescales and maintenance schedules for all newly created and enhanced habitats within the site. Thereafter, these areas shall be managed and maintained in full accordance with these agreed details unless first agreed in writing by the Local Planning Authority. The plan will include details of the following:-

- Details on the creation, enhancement and management of all habitats identified within the Net Gain Report/Biodiversity Metric (Dendra Consulting Nov 2023) and approved off-site Landscape Plans/Strategies. Management prescriptions shall relate directly to the targeted criteria required to meet the specific habitat condition assessments set out in the BNG Report
- Survey and monitoring details for all for all target habitats identified within the Net Gain Assessment Report and Metric 4.0 (Dendra Consulting Nov 2023). Monitoring Reports will be submitted to the LPA for review in years 3, 5 and 10 and 5 yearly thereafter, and will include a Net Gain Assessment update as part of the report to ensure the habitats are reaching the specified target condition. Any changes to habitat management as part of this review will require approval in writing from the LPA. The Plan will be reviewed every 5 years in partnership with the LPA.
- Details of any corrective action that will be undertaken if habitat delivery fails to achieve the requirements set out in the approved Biodiversity Net Gain Report/Biodiversity Metric.

3.79 North Tyneside Council will be responsible for the management and maintenance of habitats indicated on the off-site landscape plan for a period of 30 years. The developer (insert name) will be responsible for the monitoring and reporting of net gain habitats off-site as set out in the LEMMP and providing Net

Gain Assessment Reports to the LPA at the time intervals set specified in the Plan. The LEMMP will clearly set out the separate responsibilities for: 1) Management and; 2) Monitoring & Reporting

### 3.80 Financial Contribution

A financial contribution of £41, 240 towards the management of off-site net gain habitats shown on plan x for a period of 30 years will be paid to the LPA with the 1st instalment of £20,000 to be paid within 3 months of development works commencing on site and the 2nd instalment of £21,240 to be paid on completion of the scheme.

## 4.0 Design Officer

4.1 The application is located on existing open space. The provision of open space is an essential part of successful places where residents have easy access to areas for recreation and play. Open space can make a significant contribution to quality of life. New development should ensure that there is not a negative impact on the amount of amenity open space.

4.2 The proposed building would be two storeys, have a mono pitch roof and have a contemporary design and materials. A traditional pitch roof would sit more comfortably with the character of the surrounding area, however the roof design minimises the overall height of the building.

4.3 The building will be viewed from all sides and has been designed with active frontages. The elevation design and materials help to reduce the overall building mass. Internally, the building is designed to meet NHS standards.

4.4 There are a number of vents on each elevation. These are located on the ground and first floors and detract from the design quality of the scheme. The vents, as shown on the elevations, are unacceptable, however it has been agreed that their detailed design and location can be conditioned.

4.5 The application would require the removal of trees which contribute towards the character of the area. Mitigation in the form of new tree planting and shrubs is proposed.

4.6 A new car parking area is proposed to the northern part of the site. A mixture of surface materials should be used to provide an attractive area of hard landscaping. This should be conditioned.

### 4.7 Suggested Conditions:

ENC01 Means of Enclosure Details

MAT03 Materials Building Schedule

MAT04 Materials Surfaces Schedule

LAN005 Landscape Scheme Implementation Period

DES01: External Features

Detailed design of bin store

Detailed design and location of vents

Detailed design of cycle shelter

## 5.0 External Consultees



### 5.1 The Coal Authority

5.2 The Coal Authority's Planning & Development Team concurs with the recommendations of the Phase 1 Preliminary Contamination Risk Assessment & Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

5.3 As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

### 5.4 Northumbria Police

5.5 Northumbria Police have no objection to the development and welcome the improvement of health services in the North East. The development as the health centre does not have a pharmacy attached to the build this possibly reduce the potential crimes at the development.

With that in mind the personal safety of the medical staff and other staff members need to be paramount.

5.6 All the communal areas should have adequate CCTV coverage covering the corridors and waiting areas and the reception areas. We recommend that the easily accessible windows be to one of the following standards:

PAS 24:2022

LPS 1175: Issue 8:2018 Security Rating 1/A1

LPS 2081: Issue 1.1:2016 Security Rating A

STS 202: Issue 10:2021 Burglary Resistance 1

5.7 The windows should be to the standard for moderate use and we recommend that they also have the following standard:

BS 6375 Windows – 10,000 cycles (Classification extracted from BS EN 12400)

All ground floor and easily accessible glazing must incorporate one pane of laminated glass or glass tested to BS EN 356:2000 Glass in building. Security

glazing - resistance to manual attack to category P1A unless it is protected by a roller shutter or grille.

#### 5.8 External door sets:

We recommend external door sets shall be certified to one of the following minimum police preferred standards:

PAS 24:2022, or

STS 201: Issue 12:2020, or

LPS 1175: Issue 7.2:2014 Security Rating 2+, or

LPS 1175: Issue 8:2018 Security Rating B3+, or

STS 202: Issue 10:2021 Burglary Resistance 2, or

LPS 2081: Issue 1.1:2016 Security Rating B, or

STS 222: Issue 1:2021

Doorsets – 50,000 cycles (Classification extracted from BS EN 12400)

5.9 Alternatively, the accessible doors and windows can be secured using roller shutters to the following standard:

Grilles and shutters can provide additional protection to both internal and external doors and windows. The minimum standard for such products is certification to:

LPS 1175: Issue 7 Security Rating 1, or

LPS 1175: Issue 8 Security Rating A1, or

STS 202 Burglary Resistance 1

These recommendations are to encourage the development to be as much of a harder target for criminals and increase the risk compared to the potential rewards.

**Item No:** 2  
**Application No:** 23/00634/FUL  
**Date valid:** 16 May 2023  
**Target decision date:** 11 July 2023

**Author:** Rebecca Andison  
**☎:** 0191 643 6321  
**Ward:** Chirton

Application type: full planning application

**Location: The Redburn, Wallsend Road, North Shields, Tyne And Wear, NE29 7AF**

**Proposal: The Erection of a fuel filling station, convenience store, canopy, petrol pumps, with associated access and car parking (AMENDED PLANS AND ADDITIONAL INFORMATION)**

Applicant: Mr Ali Rezaei

Agent: AJ Riley Architects

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues for Members to consider in this case are:

- whether the principle of the proposal is acceptable;
- the impact upon neighbours living conditions;
- the impact of the proposal on the character and appearance of the surrounding area; and
- whether sufficient parking and access would be provided.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

#### 2.0 Description of the Site

2.1 This application relates to a detached public house sited to the east of the Wallsend Road (A193)/Norham Road roundabout.

2.2 The site is surrounded by highways on all sides. Waterville Road runs along the southern boundary, Brackley Grove is to the east and the A193 is to the northwest.

2.3 There are two existing vehicular access points into the site, one from Waterville Road and the other from the A193. Within the site are a number of partially completed structures.

2.4 The surrounding area is predominantly residential in character.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought to demolish the existing buildings and construct a fuel filling station and convenience store with an associated canopy, petrol pumps, access and car parking.

### 4.0 Relevant Planning History

17/01389/FUL - Variation of condition 1 (approved plans) of planning approval 17/00866/FUL to amend for additional screening to stone wall – Permitted 09.11.2017

17/00866/FUL - Change of use to form car wash to the north facing car park – Permitted 02.08.2017

15/00969/FUL - Allow the use of part of the car park on the Wallsend Road side of the pub for a car wash – Refused 13.04.2016

15/00388/FUL - Change of use to allow use of the car park on the Wallsend Road side of the pub for a car wash – Refused 07.05.2015

01/01587/FUL - Change of use of part of public house to private hire/taxi booking office. – Refused 26.04.2002

### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

### 6.0 Government Policy

6.1 National Planning Policy Framework (September 2023)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are:  
- whether the principle of the proposal is acceptable;

- the impact upon neighbours living conditions;
- the impact of the proposal on the character and appearance of the surrounding area; and
- whether sufficient parking and access would be provided.

7.2 Consultation responses and representations received as result of the publicity given to this application are set out in the appendix to this report.

## 8.0 Principle

8.1 Paragraph 7 of NPPF states that the purposed of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 The NPPF (para.81) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.4 Paragraph 87 of NPPF, states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan.

8.5 Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.6 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

8.7 Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

8.8 Policy DM3.4 of the Local Plan states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to

Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;

b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;

c. There is flexibility in the business model and operational requirements in terms of format; and

d. The potential sites are easily accessible and well connected to town centres.

Proposals for retail development outside a town centre will require an impact assessment where they would provide either:

e. 500m<sup>2</sup> gross of comparison retail floorspace, or more; or

f. 1,000m<sup>2</sup> gross of retail floorspace for supermarkets/superstores, or more.

The proposal would be supported when the necessary Impact Assessment has shown that:

g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

8.9 Policy DM3.6 states that small-scale out of centre facilities serving local retail and leisure needs of less than 500m<sup>2</sup> gross floorspace, or extensions to existing facilities, will be permitted if it can be shown that all of the following requirements are met:

a. The proposal is of an appropriate size and function to meet specific day-to-day needs of a neighbourhood population within convenient, safe walking distance (300m);

b. It will not have an adverse effect on the amenity of neighbouring uses;

c. Contribute to social inclusion and sustainable development;

d. Safeguard the retail character and function of existing centres and not detract from their vitality and viability.

8.10 Policy S7.10 states The Council and its partners will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhoods that they serve. Planning permission for the re-use or redevelopment of any land or buildings used for community infrastructure will be permitted where the community's ability to meet its day-to-day needs for services are not reduced.

8.11 The site contains a public house, which has been vacant since January 2023, and several partially built structures. The proposal is to construct a petrol filling station and convenience store. A convenience store is a town centre uses as defined by NPPF. As the site is in an out of centre location the impact on the borough's town centres should be considered.

8.12 The proposed building has a floor area of 340 sqm of which 240sqm would be retail floor space. Out of centre local facilities of this size are supported by Local Plan Policy DM3.6 where the criteria set out within the policy are met. The proposed retail unit is considered to be of an appropriate size to meet day-to-day needs of residents and, given its size and location in relation to North Shields town centre, it is not considered that it would harm the vitality or viability of existing centres. It is therefore considered that the proposal complies with parts a and d of Policy DM3.6. Parts b and c are discussed in the later sections of this report.

8.13 The proposal would result in the loss of an existing community facility. The applicant has advised that the public house ceased trading in January 2023 following many attempts to sustain the business. There have been more than 100no. objections to the application and while the loss of the building is raised as a concern due to its history and architecture, it is noted that there are no objections to the loss of a public house. The public house is not included on the Council's List of Assets of Community Value.

8.14 The proposal would bring a currently vacant and derelict site back into use, securing economic development and creating 5no. full time and 10no. part time jobs.

8.15 Having regard to the above, it is officer opinion that the principle of the proposed development is acceptable and in accordance with the NPPF and Local Plan Policies S1.4, DM3.4, DM3.6 and S7.10 subject to consideration of the following matters.

#### 9.0 Impact on Amenity

9.1 NPPF paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.3 Policy S1.2 of the Local Plan states that the wellbeing and health of communities will be maintained and improved by amongst other matters requiring development to create an age friendly, healthy and equitable living environment.

9.4 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.5 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.6 Policy DM6.1 (b and f) states that proposals should demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.7 The site is located within a predominantly residential area. There are residential properties immediately to the rear of the site on Brackley Grove and to the southeast and northeast on Waterville Road and Wallsend Road.

9.8 The proposed petrol filling station and shop would be open 24 hours per day and have the potential to impact on nearby residents as a result of noise from customers, vehicle movements and plant.

9.9 The Manager of Environmental Health has been consulted and provided comments. They note that the site is located adjacent to residential properties but is enclosed by a stone wall which will help to mitigate noise from the proposed parking bays. Conditions are recommended in respect of a noise scheme, external lighting, restricting cooking equipment, the means of ventilation, extraction and refrigeration and to control the times during which deliveries can be carried out.

9.10 Subject to these conditions, it is officer opinion that the impact of noise on existing residents is acceptable.

9.11 The proposed building is single storey with no windows facing the adjacent residential properties. The impact on residential amenity in terms of loss of light, outlook or and privacy is therefore considered to be acceptable.

9.12 A number of objectors have raised concern regarding the potential for the proposed development to generate crime and ant-social behaviour.

9.13 Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under Town and Country Planning legislation.

9.14 This duty is supported by paragraph 92 of the NPPF, which states that planning policies and decisions should aim to achieve healthy, safe and inclusive places where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime is therefore a material consideration



in planning decisions, although the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur.

9.15 Northumbria Police have been consulted and provided comments. They advise that petrol stations and convenience stores, like any other business, are exposed to a variety of crime risk and can attract crime. They state that there is an existing 24h petrol filling station just over 1km from the site which attracted just over 7% of all recorded crime in the area. This figure is comparable to another convenience stores within the area which does not operate 24/7. Northumbria Police recommend that extra security measures are implemented to help mitigate crime and ASB issues. They do not object to the application.

9.16 The submitted Design and Access Statement includes details of crime prevention measures that will be adopted. These include a security system to meet Northumbria Police's requirements, ram raid posts, internal and external security cameras and a dead lock switch on the main entrance door.

9.17 Taking into the comments provided by Northumbria Police and that crime prevention measures will be employed; it is officer opinion that the impact on crime and fear of crime is acceptable.

9.18 It is officer advice that the impact on existing and future residents, in terms of noise, light, outlook and privacy is acceptable, and that the proposed development accords with the NPPF and LP Policies DM5.19 and DM6.1.

#### 10.0 Impact on Character and Appearance

10.1 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

10.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.4 The Design Quality SPD applies to all planning applications that involve building works. Relevant sections of the Design Quality SPD include:

*4.1 "The successful integration of new development within the surrounding area will depend largely on the quality of its design and layout."*

4.2 *“The appearance and materials chosen for a scheme should create a place with a locally inspired or otherwise distinctive character. Identifying whether there are any architectural features or specific materials that give a place a distinctive sense of character should be a starting point for design.”*

4.3 *“The scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting.”*

10.5 Section 5.8 Out-of- centre Commercial Development states:

*“Proposals should provide an active frontage development with clear entrances into buildings.”*

*“Materials should be appropriate to their context, should be of good quality and be easily maintainable for future years. The use of contemporary materials and/or those associated with sustainability and energy efficiency are encouraged where these contribute to and are consistent with the overall design of the building.”*

10.6 The Northumberland and Newcastle Society have objection to the demolition of the building. They state that it has architectural significance and value to the local community, and that a more constructive approach should be found to its re-use.

10.7 The existing building is constructed from stone with pitched roof/gable features and bay windows. While it is an attractive building, it is not formally listed or included on the Local List. Overall, the site does not currently add to the streetscene due to its run-down appearance and the partially completed structures that have been built. It is therefore officer opinion that the demolition of the building would not be grounds on which to refuse planning permission.

10.8 The surrounding area contains a variety of building types, including 2-storey brick and rendered houses and 3-storey flats.

10.9 It is proposed to remove all the existing buildings/structures and construct a single storey building adjacent to the rear boundary of the site. The area in front of the building would contain a 6.1m high canopy and 4no. double sided petrol pumps. Parking spaces and a delivery are proposed on either side of the building. The existing stone boundary walls which enclose the site would be retained.

10.10 The proposed building is modern in design with a sloping roof and a largely glazed frontage. It would be constructed from red brick with grey composite roof cladding and grey aluminium framed windows.

10.11 It is officer opinion that the design of the proposed development is acceptable and relates well to the character of the surrounding area. It is officer

opinion that the development complies with the NPPF, Local Plan Policy DM6.1 and the Design Quality SPD.

### 11.0 Highways Impacts

11.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development and also in contributing to wider sustainability and health objectives. The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

11.2 Policy DM7.4 'New Development and Transport' states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:

- a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.
- b. All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).
- c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).
- d. New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.
- e. New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.
- f. On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12).

11.3 The Transport and Highways SPD sets out the Council's adopted parking standards.

11.4 The site is located on a busy highway junction adjacent to a roundabout. It is proposed to retain the site's two existing access points from the A193 and Waterville Road and provide 9no. parking spaces, including 1no. loading bay. A Transport Assessment (TA) and swept path analysis have been submitted in support of the application.

11.5 The TA states that the development is expected to receive two deliveries per week which will typically take place outside highway peak hours. During the busiest hours on the local highway network (weekday 17:00-18:00) the development would result in around 141no. two-way movements, equivalent to

just over 2no. vehicles either arriving or departing from the site per minute. An assessment of the impact on the operation of the surrounding highway network has been carried out. The modelling indicates that the traffic generated by the proposal would not have a material impact on the operation of the adjacent roundabout, which will continue to operate with significant spare capacity.

11.6 The Highway Network Manager has provided comments. They state that the Transport Assessment demonstrates that the traffic associated with the site would not cause capacity issues at the site access or within the wider network, and that the level of parking provided accords with the Transport and Highways SPD. They recommend that the application is approved with conditions. These include the provision of EV charging points, a service management strategy and cycle parking.

11.7 NPPF is clear that that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.8 In this case it is officer opinion that the development would not have an unacceptable impact on highway safety or a residual cumulative impact on the road network that would be severe.

11.9 Having regard to the above, and subject to the conditions requested by the Highway Network Manager, it is officer advice that the proposal complies with the advice in NPPF, policy DM7.4 and the Transport and Highways SPD.

## 12.0 Other issues

### 12.1 Contaminated Land

12.2 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

12.3 Policy DM5.18 'Contaminated and Unstable Land'; states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report.

12.4 The Contaminated Land Officer has provided comments. They recommend that conditions are imposed to address contamination issues and in respect of gas protection measures.

12.5 Subject to the conditions recommended by the Contaminated Land Officer, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

### 12.6 Local Financial Considerations

12.7 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will

or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

12.8 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms.

12.9 The proposal would result in the creation of jobs during the construction phase and once the development is operational. It is considered these factors are material in terms of making this development acceptable in planning terms.

### 13.0 Conclusion

13.1 Members should consider carefully the balance of issues before them and the need to take into account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

13.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

13.3 The proposal would bring a vacant site back into use, securing economic development and creating jobs in accordance with the NPPF and LP Policy S2.1. In officer opinion that the principle of development is acceptable. The impact on nearby residents, the streetscene and the highway network is also considered to be acceptable.

13.4 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval.

**RECOMMENDATION:     Application Permitted**

### **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.

- Application form
- Existing site layout and proposed site location plan Drawing No.101
- Proposed site Block Plan Drawing No.200 Rev.B
- Proposed site layout Drawing No.100 Rev.B
- Proposed elevations Drawing No.102 Rev.A
- Proposed floor plan Drawing No.101 Rev.A
- Proposed street scene Drawing No.201 Rev.A
- Swept path analysis using an oil tanker Drawing No.2953-002
- Design and Access Statement May 2023

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 \*

3. The scheme for access shall be laid out in accordance with the approved plans prior to the development being brought into use. This access shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

4. The scheme for parking shall be laid out in accordance with the approved plans prior to the development being brought into use. These parking areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

5. The scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans prior to the development being brought into use. This EV charging shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. The scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans prior to the development being brought into use. These refuse storage areas shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. The scheme for the provision of undercover, secure cycle provision shall be laid out in accordance with the approved plans prior to the development being brought into use. This cycle provision shall not be used for any other purpose and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. No development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of

water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. If the agreed measures are not operational, then no vehicles shall exit the development site onto the public highway.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

9. Prior to the installation of any external plant and equipment including ventilation and extraction systems a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme shall include mitigation measures, details of all noisy plant and equipment, including any tonal or impulsivity characteristics to the plant, and must be carried out in accordance to BS4142. It shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for both daytime and nighttime arising from the site to the nearest noise sensitive housing. Thereafter the noise mitigation scheme shall be implemented in accordance with the agreed details.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

10. Within one month of the plant and equipment being installed acoustic testing must be undertaken to verify compliance with condition 9 and a report of the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

11. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme to be submitted to and agreed by the Local Planning Authority in writing and the plant and machinery shall not be used until the approved soundproofing has been implemented.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

12. Noise No Tannoys Externally Audible                      NOI002    \*

13. The construction site subject of this approval shall not be operational and there shall be no construction, demolition activity, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.





22. Remediation Method Statement	CON00 5	*
23. Validation Report	CON00 6	*
24. Unexpected Hotspots	CON00 7	*
25. Gas Investigate no Development	GAS00 6	*

26. A petrol interceptor shall be installed within the development's drainage system in order to capture and retain any pollutants leaving the site.

Reason: In order to prevent pollution of the wider drainage network; having regard to Policy DM5.18 of the Local Plan.

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

No Doors Gates to Project Over Highways (I10)

Highway Inspection before dvlpt (I46)

Street Naming and numbering (I45)

Coal Mining Standing Advice (FUL,OUT) (I44)

The applicant is advised to install crime prevention measure in accordance with Secured By Design guidelines: <https://www.securedbydesign.com/>

The petrol filling station must meet the requirements of the Environmental Permitting Regulations 2010. This places obligations on the operators of service stations to ensure stage I and stage II vapour recovery controls are met and a requirement to obtain a permit from Environmental Health for the vapour recovery systems installed at the site. Please see: Process Guidance Note 1/14 Unloading of Petrol into Storage at Petrol Stations.



**Application reference: 23/00634/FUL**

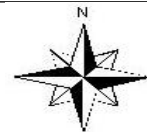
**Location: The Redburn, Wallsend Road, North Shields, Tyne And Wear**

**Proposal: The Erection of a fuel filling station, convenience store, canopy, petrol pumps, with associated access and car parking**

Not to scale

Date: 30.11.2023

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 AC0000820329



**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the erection of a fuel filling station, convenience store, canopy, petrol pumps, with associated access and car parking.

1.3 A Transport Assessment (TA) was submitted as part of the planning application and the traffic associated with the site will not cause capacity issues at the site access or wider network.

1.4 Parking will be provided in accordance with current standards, and the site has reasonable links with public transport. Conditional approval is recommended.

1.5 Recommendation - Conditional Approval

1.6 Conditions:

The scheme for access shall be laid out in accordance with the approved plans. This access shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

The Service Management Plan, including the proposed swept path for a petrol tanker shall be carried out in accordance with the approved details and plans and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

The scheme for parking shall be laid out in accordance with the approved plans. These parking areas shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

The scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans. This EV charging shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

The scheme for the provision of and storage of refuse shall be laid out in accordance with the approved plans and prior to the occupation. These refuse storage areas shall not be used for any other purpose and retained thereafter.  
Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

The scheme for the provision of undercover, secure cycle provision shall be laid out in accordance with the approved plans and prior to the occupation. This cycle provision shall not be used for any other purpose and retained thereafter. Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

No development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development. If the agreed measures are not operational, then no vehicles shall exit the development site onto the public highway.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

#### 1.7 Informatives:

The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Highway Authority. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that a licence must be obtained from the Local Highway Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that no gates may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised to contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk)

#### 1.8 Manager of Environmental Health (Pollution)

1.9 The premises are located in an area surrounded by residential in Brackley Grove.

1.10 I would suggest that applicant is informed of the necessity to meet the requirements of the Environmental Permitting Regulations 2010 for the petrol station. This places obligations on the operators of service stations to ensure stage I and stage II vapour recovery controls are met and a requirement to obtain a permit from Environmental Health for the vapour recovery systems installed at the site. I would suggest the applicant refers to Process Guidance Note 1/14 Unloading of Petrol into Storage at Petrol Stations.

1.11 A noise scheme will be necessary for any new external plant and equipment installed at the site to ensure the noise levels do not impact on the amenity of the nearby residential properties on Brackley Grove. The noise assessment for new external plant and equipment must be assessed in accordance to BS4142.

1.12 Noise from deliveries will need to be considered and I would recommend a restriction on the times for deliveries and collections.

1.13 I note that the application requests for 24 hour operations, the site is enclosed by an existing stone wall which will assist in mitigating noise from the car parking bays for customers attending at the site during the night period.

1.14 I would also recommend a condition to require a lighting assessment for the lighting scheme for the site.

1.15 If planning approval is to be given I would recommend the following conditions:

Noise condition: New External Plant and Equipment

Prior to the installation of new plant and equipment including ventilation and extraction systems to the development, a noise scheme must be submitted to

the planning authority agreed in writing giving mitigation measures and thereafter implemented and maintained. The noise scheme must provide details of all noisy plant and equipment including any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142. The noise scheme shall include the overall equivalent noise level and noise rating level for different worst case operational scenarios for both daytime and night time arising from the site to the nearest noise sensitive housing .

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintained in working order.

NO104 this will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

NOI02

Deliveries or collections to the site to be restricted to between 07:00 hours and 23:00 hours.

HOU04  
HOU05  
SIT03  
EPL01  
EPL02  
EPL03  
LIG01

Non standard condition: Cooking of foods

No equipment for the cooking of foods to be installed or used within the retail area at any time. Only small appliances for the reheating of foods shall be permitted for use in the retail area.

1.16 Manager of Environmental Health (Contaminated Land)

1.17 Possibility of landfill (within 250m of landfill buffer zone). Please apply conditions;

CON003  
CON004  
CON005  
CON006  
CON007  
GAS006

1.18 Local Lead Flood Authority

1.19 I would recommend that a condition is placed on the application requiring a petrol interceptor to be installed on the developments local drainage network. This is in order to capture and retain any pollutants leaving the site and impacting on the wider drainage network.

## 2.0 External Consultees

### 2.1 Coal Authority

2.2 The application site does not fall within the defined Development High Risk Area

and is located instead within the defined Development Low Risk Area. This means

that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

### 2.3 Northumberland and Newcastle Society

2.4 The Northumberland and Newcastle Society (N&N) objects to grant of planning approval for this scheme for the reasons referred to below.

2.5 The Redburn was built as the vicarage of St John's Church, Percy Main, which lies a short distance to the south on St John's Terrace, on what was the southern edge of the village. The church, built in 1862, is listed grade 2. The architect was the esteemed Anthony Salvin and it seems reasonable to assume that the vicarage was built about the same time by the same architect. It has many of the architectural features of the period and we note late 19th century maps show it set in a garden among trees. The pub takes its name from the Red Burn, a stream that ran in front of the vicarage and is now culverted.

2.6 It is believed that the vicarage was sold in the 1940s when it became a pub. There have been several planning applications which affect its character. Several unfinished alterations add to its derelict appearance but the original vicarage is still clearly intact.

2.7 As a generic principal the Society is opposed to the demolition of structurally viable buildings and specifically those that have architectural merit and or are valued by local communities. Whilst we note this building is not a listed heritage asset, nonetheless it has great significance to the community as is demonstrated by the extent of objections to the scheme. Given its historic significance and value to the local community, the Society believes there is a powerful case for The Redburn to be protected as a heritage asset within the local list, both as a remnant of Percy Main village and equally due to its individual, substantial architectural interest.

2.8 We would expect an exhaustive approach to finding a more constructive use for this site rather than to encourage its short term use as a filling station given the requirement to phase out internal combustion engine driven vehicles. There are surely already sufficient fuel stations locally available and to demolish a building of local importance in order to provide such a time limited capability is not justified.

2.9 The Society notes the strong local opposition to this application in the form of a petition. The site is on the edge of what is now a residential area where an increase in traffic is not desirable. The roundabout is already very busy and the proposal would add to congestion, with turning movements hindering free flow.



2.10 This site demands a more constructive approach to its reuse and we see no reason why an imaginative design incorporating the existing building cannot deliver capability and viability for the developer. Conversion into apartments would seem to be worth investigating as one possibility.

2.11 Additionally, it is evident the proposed scheme seeks to use the existing pub car park entry and exit points for vehicular access from the adjacent roundabout. The application form states that pedestrian and vehicle access are not altered, but we see this as questionable. There is at present no viable vehicle access to the pub from Wallsend Road to the north or Brackley Road at the rear. From a further practical perspective the Swept Path Analysis drawing for tankers also shows the difficulties they would have in manoeuvring.

2.12 In summary the Society is opposed to the current scheme and would strongly recommend a reappraisal of the proposals to retain the existing building and incorporate a residential element to this site. The pub and the church are almost the only visible remnants of the history of Percy Main and its colliery and for this reason the Society considers there is a strong case for finding an alternative use.

### 2.13 Northumbria Police

2.14 The proposed re-development of the Redburn site as a 24-hour petrol station/convenience store has attracted a degree of concern from residents worried that the site may impact on crime and ASB in the area. Such concerns are not without basis, but as with most planning matters need to be given due consideration as to the context and benefit of the case.

2.15 Criminological theory would suggest that petrol stations are crime attractors rather than crime generators. Patricia and Paul Brantingham (1993) were key figures in the development of crime pattern theory, which states that crime is significantly shaped by the intersection of people's routine activities, which themselves are shaped by the physical environments in which these activities take place. Crime pattern theory defines the types of problem spaces:

- A crime generator is a location that takes people with no criminal intention and converts them into intending criminals. An example of a crime generator could be a bar or pub, where the presence of alcohol makes people more likely to commit crimes, and the presence of drunk bystanders with cash on hand makes for easy targets.

- A crime attractor is a location that draws in individuals specifically intending to commit a crime. A crime attractor could be a shopping mall, where an intending thief knows he can steal something, or a busy venue, where distracted crowds make for easy pickpocketing.

2.16 Borrowing from the routine activities framework, these types of spaces see high crime rates due to the routine presence of particularly easy targets and a low police and security presence.

- The third type of location is a fear generator. This is a space that leads individuals to believe that they are in danger of being victimized, but in reality, there is little data to support the claim that the area is high in crime. A fear

generator could be any graffiti-covered alley that in reality poses no threat to a passer-by.

- Last, there are crime neutral spaces, which see little-to-no criminal activity, a crime neutral space could be just about any area that is low in crime.

2.17 Petrol stations and convenience stores, like any other business, are exposed to a variety of crime risks. Being either a crime generator or a crime attractor should not in of itself be a barrier to development, unless that the negative prospect is adjudged to outweigh any potential benefit, but it may require some place and design-based mitigation.

2.18 The site for redevelopment sits on the D1G3 police beat where in 2018 there were 499 crimes reported, in 2019 502 crimes were reported, in 2020 there were 457 crimes reported, in 2021 there were 497 and in 2022 there were 466 crimes reported.

2.19 In the case of this development, we have a direct comparator business just over a kilometre away, which is also situated on the fringe of the Meadow Well estate and already operates 24/7. That premises has attracted just over 7% of all recorded crime committed in the last five years. This is quite a high figure but roughly equivalent to another local convenience store that was created in the re-development of a licensed premises on the Meadow Well estate, and which doesn't operate 24/7.

2.20 In mitigation of potential ASB and crime issues we would recommend that the premises consider extra security measures most of which can be achieved later through Licensing conditions:

- Subject to identified need, the premises should have access to uniform guarding. The specific hours of deployment to be consistent with any ongoing risk assessment of local issues.
- It is a common feature of modern petrol stations to locate the point of sale/ counter furthest from the customer door, presumably because it generates greater impulse sales, and facilitates oversight of the forecourt, however in a locality where ASB and theft may be a re-occurring issue we would recommend that the internal layout be re-designed to establish a point of control closer to the customer entrance.
- The internal layout of the store should be organised in such a manner that any alcohol displays are in close proximity to, and visible from, the till area and that any spirits display is located behind the counter and spirits should not be available as a self-serve item.
- If alcohol is to be part of the retail offering, no alcohol should be displayed in close proximity to the entrance door.
- The premise should be equipped with a CCTV system that meets the standards agreed with Northumbria Police
- The premises should have a monitored alarm system which will include provision for personal attack.
- A time delay safe should be used to store cash, with a drop deposit facility limiting the amount in the tills.
- The street scene visualisation suggests that the retail provision might include a coffee station, it is suggested therefore that if the premises has wifi, this be kept

as a private network and not extended to customers. There is a correlation between sites that offer public access to wi-fi and ASB hot spots, particularly focussed on fast food restaurants which can encourage ASB gathering.

2.21 On balance, whilst there is some basis in local residents' concern, we don't think it is, in isolation, sufficient for us to object to the proposed development but we would urge the Applicant to consider our recommendations toward mitigation.

### 3.0 Representations

3.1 104no. objections have been received. These are summarised below:

- Affect setting of listed building.
- Adverse effect on wildlife.
- Affect character of conservation area.
- Loss of privacy.
- Loss of residential amenity.
- Inadequate drainage.
- Nuisance – disturbance.
- Nuisance - dust/dirt.
- Nuisance – fumes.
- Nuisance – noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Inadequate parking provision.
- Traffic congestion.
- Will result in visual intrusion.
- Impact on landscape.
- Not a planning issue.
- Not in accordance with development plan.
- Inappropriate design.
- Letter or petition of support.
- Inappropriate in special landscape area.
- Pollution of a watercourse.
- Loss of/damage to trees.
- Adverse effect on surrounding area.
- Loss of a listed building.
- The existing building is visually pleasing.
- Petrol fumes.
- Additional noise pollution.
- Impact of noise and lighting on the health of residents.
- Increased litter.
- 24h use will be detrimental to residents due to noise, lighting and fumes.
- Additional traffic.
- Highway safety issues due to location on an already busy roundabout.
- There is already a lot of traffic congestion queuing for the Tyne Tunnel.
- Impact on the safety of children crossing the roads.
- Traffic has already increased since new housing has been built nearby.
- Existing problems of speeding traffic.
- Impact on access to adjacent streets.
- Difficult access for fuel tankers could result in road blockages.
- Poor pedestrian crossing facilities on the roundabout.

- Too many accidents already occur.
- The site is situated at the convergence of 5 main roads and is already a bottleneck.
- A filling station will compound the existing problems.
- Lack of parking for the shop.
- No need for another petrol station.
- There are already numerous petrol stations in the area.
- Impact on local shops.
- Devaluation of property.
- Social disturbance.
- Impact of crime problems on future customers and staff.
- Additional temptation to criminals and impact on safety of homes.
- The building could be put to better use.
- Should be trying to reduce our carbon footprint, not increase it.
- Does not fit in with NTC plan to reduce carbon emissions by 2030.

3.2 A petition against the development containing 169no. signatures has been received.

### 3.3 Councillor Comments

#### 3.4 Cllr Rebecca O'Keefe

- Nuisance – disturbance.
- Nuisance - dust/dirt.
- Nuisance – fumes.
- Nuisance – noise.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Will result in visual intrusion.

3.5 I oppose this application due to the various factors.

1. Road safety - the roundabout and roads cannot at this time deal with the flow of traffic. We have been advocating as Cllr's and residents for speeding measures to be put in place, parking bays and speed reduction measures for years across Front Street , Wallsend Road and Waterville Road. I have also witnessed individuals being knocked down and car collisions at this very point.

2. Chirton Ward being demographically the most deprived in the borough, placing a 24hour station metres away from people sleeping in their homes and those who suffer from drug and alcohol Dependency is not in the public health interest of the ward or the wider community.

3. Anti social behaviour - I believe this will attract further ASB in the already struggling under funded ward.

3.6 The residents deserve more than a filling station which we have three in less than a mile of the Redburn Pub. We also have convenience stores in abundance across Chirton and Riverside wards.

#### 3.7 Cllr Hannah Johnson

3.8 With regards to the above planning application, I am emailing to request that this goes to the Planning Committee rather than be an officer decision. With the application already having a number of comments and us as Councillors having received a number of messages from residents, I believe it is only suitable for this to be sent to the committee so the residents' concerns can be heard.

3.9 Cllr Matthew Thirlaway

3.10 I am requesting that planning application 23/00634/FUL be determined by the Planning Committee.

3.11 I believe the planning application is so significant due to the detrimental impact on the traffic, the safety of pedestrians especially school children, and local residents.

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**Item No:** 3  
**Application No:** 23/01439/FUL  
**Date valid:** 26 October 2023  
**Target decision date:** 21 December 2023  
**Author:** Rebecca Andison  
**☎:** 0191 643 6321  
**Ward:** Wallsend

Application type: full planning application

**Location:** 116 Woodbine Avenue, Wallsend, Tyne And Wear, NE28 8HE

**Proposal:** Proposed change of use from dwelling apartment to 7 bed HMO including 1no rooflight to front and 1no. rooflight to rear

Applicant: Mr Taylor

Agent: Wardman Brown

**RECOMMENDATION:** Minded to grant legal agreement req.

## INFORMATION

### 1.0 Summary Of Key Issues & Conclusions

#### 1.0 Main Issues

1.1 The main issues for Members to consider in this case are:

- whether the principle of the proposal is acceptable;
- the impact upon neighbours living conditions and the standard of accommodation provided for future occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- the impact on the Northumbria Coast SPA/Ramsar site.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

#### 2.0 Description of the Site

2.1 The application relates to a first floor residential flat, located on Woodbine Avenue Wallsend. The flat contains 3no. bedrooms and is accessed via a main entrance from Laurel Street and an external staircase at the rear of the building.

2.2 The site is located on a residential street approx.75m to the north of Wallsend town centre.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought to change the use of the property from a residential dwelling (Use Class C3) to a 7-bed house of multiple occupation. Two rooflights are also proposed.

### 4.0 Relevant Planning History

102 Laurel Street

23/01371/FUL - Change of Use from 1no Apartments (use class C3) to 1no HMO's (use class C4) comprising of 8no. bedrooms, including loft conversion - Pending consideration

66 George Road

23/01410/FUL - Change of use from C3 Dwelling House to Sui Generis (HMO with 6+ bedrooms) - the current dwelling has 7 bedrooms and application seeks permission to change the use of the building to a 8 bedroom HMO  
Pending consideration

245 - 247 Station Road

23/01515/FUL - Proposed minor alterations to the rear Apartment 245. Proposed Change of Use of Apartment 247 to form an 8 Bed HMO including loft conversion and 4no Roof Windows  
Pending consideration

12 Coronation Street

23/01577/FUL - Proposed rear 2 storey extension. Loft conversion with 3no new roof windows and conversion into 2 HMOs – Pending consideration

### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

### 6.0 Government Policy

6.1 National Planning Policy Framework (September 2023)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are;  
- whether the principle of the proposal is acceptable;



- the impact upon neighbours living conditions and the standard of accommodation provided for future occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- the impact on the Northumbria Coast SPA/Ramsar site.

7.2 Consultation responses and representations received as result of the publicity given to this application are set out in the appendix to this report.

## 8.0 Principle of the Proposed Development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision makers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 Paragraph 60 of NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.4 Policy DM1.3 of the Local Plan states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

8.5 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.6 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable Greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.7 Policy DM4.5 states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough;
- and,

- b. Create a, or contribute to an existing, sustainable residential community; and
- c. Be accessible to a range of sustainable transport modes; and
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and
- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and, g. Demonstrate that they accord with the policies within this Local Plan.

8.8 Policy DM4.10 'Houses in Multiple Occupation' states that the Council will make full use of its powers, including removal of permitted development rights through Article 4 Directions where appropriate, to ensure that particular concentrations of small scale houses in multiple occupation, between three and six household units, do not harm the character and amenity of neighbourhoods and communities in North Tyneside. The conversion of change of use of a property to a small or large Housing in Multiple Occupation, where planning permission is required for such development, will be permitted where:

- a. They would provide good quality accommodation that would support the creation of a diverse mixed community;
- b. They would maintain the amenity of adjacent and nearby dwellings;
- c. The cumulative impact of the proposal, taking into account other such houses in the street or immediate locality, would not lead to Houses in Multiple Occupation becoming the dominant dwelling type; and,
- d. Adequate provision for parking, servicing, refuse and recycling and the management and maintenance of the property can be demonstrated through the submission of a management plan.

8.9 The application is for the conversion of a 3-bedroom flat to a house of multiple occupation with 7no. bedrooms. The application site is located on a residential street just outside the boundary of Wallsend town centre.

8.10 Policy DM4.10 sets out that the cumulative impact of proposals, taking into account other HMO's in the street or immediate locality, must be taken into account to ensure that they do not become the dominant form of housing within the area.

8.11 The Planning History section includes details of four other applications for HMO's within Wallsend which have been submitted to the Council. These are all located on different streets and are spread throughout the Wallsend area. The majority of properties on the street and within the surrounding area comprise flats or houses. Taking these factors into account it is officer opinion that the proposal complies with part c of Policy DM4.10 as it would not lead to Houses in Multiple Occupation becoming the dominant dwelling type.

8.12 Objections have been received on grounds that the proposal does not accord with the aims of the Wallsend Town Centre, which sets out the Council's ambition for Wallsend. One of the aims of the Masterplan is to improve the quality of the housing offer in Wallsend. Members are advised that full weight cannot be attached to the Masterplan as it is not a development plan document.

8.13 Comments have been provided by the Regeneration Team. They state that work is ongoing in the Wallsend area to deliver the objectives of the Masterplan including the improvement of empty properties to provide larger family homes. They note that a license will be required for the proposed HMO through which the Council can control the living standards. The Regeneration Team do not consider that this proposal, or the cumulative impact with other HMO applications being considered, would conflict with the Masterplan or undermine the Council's objectives and priorities for the area.

8.14 The principle of the proposed use is considered to be acceptable subject to consideration of the issues set out below.

#### 9.0 Impact on the amenity of existing and future occupiers

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.3 Paragraph 92 of NPPF states that planning policies and decisions should aim to achieve healthy, safe and inclusive places where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

9.4 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.5 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.6 Policy DM6.1 (b and f) states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

9.7 Paragraph 7.119 of the Local Plan recognises the problems that can arise from the use of a larger property as an HMO, stating that that HMO's can suffer from poor landlord management and sometimes are occupied by residents with

no vested interest or personal connection with the local area. This can begin to harm the character of local communities where over concentrations of such housing occur. The Coast, in particular Whitley Bay, is recognised as more likely to see clusters and over concentrations of such uses. These areas often have high volumes of large, and typically older, housing that can be readily subdivided to provide multiple household units.

9.8 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents and reduces energy use. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy. Habitable rooms are considered to be living areas, kitchen spaces and bedrooms.

*9.9 Impact on existing residents -*

9.10 The site is located on a residential street and adjoins flats on either side, and a ground floor flat at No.118.

9.11 The proposed use is more intensive than the previous use and could result in additional disturbance to neighbouring occupiers as a result of the comings and goings of residents. This is a concern which has been raised by objectors.

9.12 The Manager of Environmental Health has provided comments and raises no objections to the proposal. She recommends that a condition is imposed required that sound insulation is installed to protect the occupiers of the ground floor flat from additional noise disturbance.

9.13 Members may be aware that planning permission was recently refused to change the use of 98 Richardson Street (23/01233/FUL) from a residential dwelling to short-term letting rooms. In this case it was considered that the proposal would harm the amenity of neighbouring residents due to additional noise disturbance and the fear of crime.

9.14 The application for No.98 was retrospective and there was clear evidence from neighbouring occupiers that the property was generating a significant degree of disturbance and anti-social behaviour. The use currently proposed differs from that at 98 Richardson Street as rooms within an HMO are typically occupied on a longer-term basis which does not result in the same degree of disturbance.

9.15 While the resident's concerns regarding noise and disturbance are noted it is officer opinion that the additional noise generated by the proposed HMO would not be significant enough to justify refusal of the application on these grounds.

9.16 Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under Town and Country Planning legislation.

9.17 This duty is supported by paragraph 92 of the NPPF, which states that planning policies and decisions should aim to achieve healthy, safe and inclusive places where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime is therefore a material consideration in planning decisions, although the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur.

9.18 Northumbria Police have provided comments. They raise concerns regarding the standard of accommodation provided. This is discussed in the following section of this report. They also state that in their experience HMOs generate a disproportionate level of crime/anti-social behaviour and that research has shown that in-dwelling non-domestic violence disproportionately occurs in HMO's. Crime figures for the area are provided. Northumbria Police object to the application stating that they are concerned that in the absence of usable space vulnerable residents will spend more time on the streets in a high crime area.

9.19 The concerns raised by Northumbria Police are noted. However, it is not for the LPA to control the nature of occupiers in the property. While crime and disorder, and the fear of crime are material planning considerations, case law makes it clear that the weight given to these factors is often limited unless there is evidence that it would occur and where the use, by its very nature, would provide a reasonable basis for concern. It is officer opinion that in this case there is not sufficient evidence to demonstrate that the proposed use would result in an increase in crime or anti-social behaviour.

9.20 On balance, and having regard to the above, it is officer opinion that the impact on the amenity of surrounding occupiers is acceptable.

*9.21 Standard of accommodation for future occupiers –*

9.22 There are no specific planning policies relating to accommodation standards within HMO's. The responsibility for reviewing the standard of accommodation rests with the Council's Licensing Department. Guidance produced by the Licensing Department sets out that HMO properties with communal lounges should have minimum bedroom sizes of 6.51sqm, and that properties with 6-9 occupiers should be provided with 2 bathrooms. The proposal complies with this guidance. A communal lounge/dining room and a kitchen would be provided on the first floor and there is space within the rear yard for bin and cycle storage.

9.23 It is therefore considered that the proposed accommodation would provide acceptable living standards for future occupiers.

9.24 Having regard to the above, it is officer opinion that the development is acceptable in terms of the impact on existing occupiers and the standard of accommodation provided for future occupiers and accords with Policies S1.4, DM4.10, DM6.1, DM6.2 and DM5.19.

10.0 Design and Impact on the Streetscene

10.1 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.

Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

10.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.4 The only external alteration proposed is the installation of 2no. rooflights.

10.5 It is therefore officer opinion that the impact on the character of the area is acceptable and in accordance with the NPPF and Local Plan policies DM6.1 and DM6.2.

#### 11.0 Car Parking and Access

11.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

11.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

11.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.4 Local Plan Policy DM7.4 New Development and Transport states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

11.5 The Council's adopted parking standards are set out in the Transport and Highways SPD.

11.6 The site currently has no existing off-street parking and none is proposed.

11.7 Several objections have been submitted on highways grounds and these are noted.

11.8 However, the site is located close to Wallsend town centre town centre and has excellent links to public transport and local services. Whilst the objections are noted, NPPF states that development should only be refused if there would be an unacceptable impact on highway safety. This application would have an impact on parking, but it is officer opinion that this would not be at a level that would be considered unacceptable in terms of highway safety. The Highway Network Manager has provided comments and raises no objections on grounds of parking or highway safety.

11.9 Having regard to the above, it is officer advice that the proposal complies with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD.

#### 12.0 Impact on the Northumbria Coast SPA/Ramsar site

12.1 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12.2 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.3 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

12.4 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

12.5 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

12.6 The SPD states:

"The Coastal Mitigation contribution will apply to purpose built HMO's, including proposals for large HMO's (i.e. 6 or more people sharing) that are unclassified by the Use Classes Order and are 'sui-generis'. The coastal mitigation contribution will also apply to the extension of existing HMO's where they are considered by the Council to provide additional levels of occupancy. The coastal mitigation contribution will apply to the change of use from C3 to C4 where occupancy levels increase."

12.7 The development has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance. To mitigate this impact the applicant has agreed to pay a contribution of £906 towards coastal mitigation.

12.8 The impact on the Northumbria Coast SPA and Ramsar site is therefore considered to be acceptable.

### 13.0 Other Issues

13.1 An objection has been received which refers to a restrictive covenant stating that the property can only be used as a single-family residence.

13.2 Members are advised that the presence of a restrictive covenant is not a consideration material to the grant of planning permission. Covenants are controlled under a separate regime to planning, and while in some cases a planning permission may not be capable of being implemented without the removal of the covenant, it would not be grounds on which to refuse planning permission.

### 13.3 Local Financial Considerations

13.4 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will



or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

13.5 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms.

13.6 It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

#### 14.0 Conclusion

14.1 Members should consider carefully the balance of issues before them and the need to take into account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

14.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

14.3 This is a housing application and therefore should be considered in the presumption in favour of sustainable development. It follows therefore that providing the site is sustainable and it is officer advice that it is, that unless the impact of the development significantly and demonstrably outweighs the benefits that planning permission should be granted.

14.4 It is officer opinion that the proposal would not result in an over proliferation of HMO accommodation in the area and is acceptable in terms of principle. It is also officer opinion that the development is acceptable in terms of the impact on the amenity of existing occupiers, the level of amenity provided for future residents, the impact on the streetscene, the Northumbria Coast SPA and the highway network.

14.5 It is recommended that planning permission is granted subject to a Unilateral Undertaking to secure a contribution towards Coastal Mitigation.

**RECOMMENDATION:     Minded to grant legal agreement req.**

***It is recommended that:***

***the Committee indicates that it is minded to grant the application; and***

***the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission following expiry of 21 days from the date Ownership Certificate B was signed and subject to: the conditions set out in the planning officers report and any subsequent addendum(s);***



Reason: To safeguard the amenities of the area; having regard to Policy DM6.1 of the North Tyneside Local Plan.

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

No Doors Gates to Project Over Highways (I10)

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

This consent is not an approval for Mandatory Licence for House of Multiple Occupation under The Housing Act 2004. Any and all obligations under The Housing Act 2004 should be dealt with by the applicant under separate application to North Tyneside Council, Environmental Health Department, Public Protection, Quadrant East, Cobalt Business Park, North Tyneside, NE27 0BY



**Application reference: 23/01439/FUL**

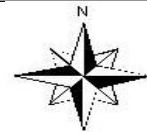
**Location: 116 Woodbine Avenue, Wallsend, Tyne And Wear, NE28 8HE**

**Proposal: Proposed change of use from dwelling apartment to 7 bed HMO including 1no rooflight to front and 1no. rooflight to rear**

Not to scale

Date: 30.11.2023

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 AC0000820329



**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a change of use from dwelling apartment to 7-bed HMO including, with 1 roof light to the front and 1 roof light to rear. The site is in Wallsend town centre with very good links to public transport, refuse will be stored on site and cycle parking is proposed. Approval is recommended.

1.3 Recommendation - Approval

1.4 Informatives:

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that no part of the gates or doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

1.5 Manager of Environmental Health (Pollution)

1.6 I would recommend a condition to protect the ground floor residential flat from the increased potential airborne sound and impact noise arising from HMO use as follows:

1.7 Prior to occupational use of the HMO, the separating staircase and floor between ground floor flat and first floor requires to be upgraded to comply with Table 0.1a of the performance standards for change of use as set out in building regulations approved document E "Resistance to passage of sound". Sound insulation for floor must be designed to meet the minimum sound insulation weighting standard of 43 decibels and maximum impact sound insulation standard of 64 decibels. The staircase must be protected against impact noise to demonstrate no exceedance of the 64-decibel value.

A validation report providing details of testing and construction must be provided to demonstrate compliance with Table 0.1a of Approved document E in writing to the planning department and on approval in writing must be maintained to this standard.

1.8 Advisory Comments in respect of Licence for House of Multiple Occupation under The Housing Act 2004 only:

1.9 The applicant and property manager will be required to make application for Licence for House of Multiple Occupation under The Housing Act 2004. Part 2. It is at this point only that the council can make a decision on such a licence. In principle the property looks to be suitable or close being suitable with adjustments for an HMO licence in the future. A full assessment has not been made and these comments are non-binding and intended to inform the planning process only. Any adjustment needed would be communicated to the owner at the time of licence application.

#### 1.10 Manager of Environmental Health (Contaminated Land)

1.11 No objection.

#### 1.12 Regeneration

1.13 Project 7 Housing Development (New Build & Refurbishment) of the Wallsend Masterplan highlights the key points to consider in developing and refurbishing housing in the Wallsend Masterplan area (which includes Woodbine Avenue).

1.14 The Masterplan identifies that: "There is a high proportion of 1 and 2 bed properties, especially private rented flats, these have a high turnover, and many are empty for long periods affecting community cohesion. A more sustainable community could be created through providing larger, family homes either through new development or conversion of flats."

1.15 The Masterplan also identifies that: "There is a high proportion of private rented accommodation and a relatively low proportion of council housing. There was significant dissatisfaction from people in Wallsend about the quality of accommodation expressed in the SHMA household survey 2021. There is an opportunity to work with the private landlords to improve the quality of the housing stock using measures such as a landlords' forum and a licensing system."

1.16 The regeneration team is coordinating and working with colleagues to develop individual projects to deliver the Masterplan. In terms of existing stock the council's private rented team has previously secured funding to buy empty homes in nearby Charlotte Street to then refurbish them providing larger family accommodation for rent. The team is looking to do similar work in other streets in the Masterplan area where there are opportunities to buy and refurbish more flats and houses.

1.17 In terms of this application the Masterplan identifies the scope for improving the quality of the housing stock using measures such as a landlords' forum or a licensing system. For this proposal I understand that an HMO licence will be

required in line with the Council's Guidance for HMOs which states in Section A that " A licence is required where there are 5 or more persons from 2 or more households living together in a property."

1.18 In this case, given the safeguards that are in place through the licensing system, I do not consider that the proposal to create an HMO at 116 Woodbine Avenue conflicts with the overall aims of the Council as set out in the Wallsend Town Centre Masterplan. The Council has taken opportunities to maintain and create sustainable communities through initiatives such as the Charlotte Steet project and is investigating opportunities in other streets in the Masterplan area.

1.19 Furthermore, as this HMO will require a licence this provides the Council with the power to control the living standards and amenities of the HMO such as the maximum number of households and occupiers and minimum room sizes.

1.20 Moreover, we are aware that there are other applications currently pending consideration with the Council as Local Planning Authority and as Licensing Authority. Whilst we recognise that such uses can be emotive within the local community, in this case we do not believe that the impact of these cumulatively will lead to an intensification or clustering of such HMO uses that would impact upon the character of either individual streets or the Wallsend Town Centre area as a whole which would undermine the Council objectives and policy priorities for the area. The Council is also considering the potential to improve housing conditions by developing a landlord/property accreditation scheme, accredited properties would need to meet defined standards of amenity and management and landlords could advertise accordingly when marketing the properties.

## 2.0 External Consultees

### 2.1 Northumbria Police

#### 2.2 Comments & Observations

2.3 The proposal represents the loss of a family home to develop a 7 unit HMO with a potential 8 person capacity. Northumbria Police have concerns regarding the suitability of 116 Woodbine Avenue Wallsend for conversion to a HMO of this scale. As a conversion of a first floor flat this looks overly ambitious.

2.3 By virtue of Schedule 3 paragraph 2.2 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) where there are five or more occupiers of an HMO, every unit of living accommodation must contain a wash hand basin with appropriate splash back. No such provision is shown in the plans for bedrooms.

2.4 On Drawing L023099-003 the allotted space of communal facilities looks incorrect. Both the communal Dining Lounge space and the kitchen are shown as each being 21.35sq.m. It is not clear whether the area refers to both rooms combined, but it is clear that the Kitchen is only marginally above the minimum size allowed in regulations (7.0 sqm)

2.5 The apportioning of space for communal facilities for up to 8 people looks inadequate and may need reviewing.

2.6 The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. Regulation 8 and Schedule 3 (3) requires :

- that there be a refrigerator (minimum capacity 0.15 cubic metres (150 litres)) with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers) for every three persons using the facilities.
- A sink be provided for every six persons sharing the kitchen.
- that there be a fixed worktop of minimum dimensions of available worktop space 50 cm x 200 cm provided for food preparation in every six persons sharing the kitchen.

2.7 With the additional facilities provide to accommodate 7 or 8 people the kitchen appears to be too small. For up to 6 persons the kitchen or kitchen area should have a usable floor area (measured wall to wall, including space occupied by units/cabinets) of at least 7.0m<sup>2</sup>. For each occupant in excess of 6 an additional 1.0m<sup>2</sup> per person is required up to a maximum of 13.0m<sup>2</sup>

2.8 Northumbria Police recognise that HMO's serve a purpose in the housing market, but our experience has shown that they also generate a disproportionate level of crime and disorder concerns.

2.9 The Police Foundation report (see Safe as Houses Crime and changing tenure patterns Andy Higgins and Roger Jarman August 2015) found that it was reasonable to suggest that there is a direct relationship, between tenure type or housing conditions and violence, linked to the particular stresses and insecurities of living in low-quality, crowded accommodation, with shared facilities and little or no choice of co-habitees. That isn't to suggest that the proposed development would automatically represent low quality design but given the inherent aspiration to achieve maximise possible occupancy a 7 bed HMO entails bringing together that number of strangers into a shared space. The dynamics of living cheek by jowl with people that one may or not get on with generates stresses and insecurities of their own.

2.10 Further research has shown that in-dwelling non-domestic violence disproportionately occurs in HMO's (note: A 2015 study used a list of all 47 registered HMOs and all 117 suspected HMOs to examine the distribution of 94 nondomestic violent offenses occurring in all 4,401 dwellings in a Berkshire town close to London over calendar year 2013. Eighty-four percent of those indwelling violent offenses occurred in the licensed or suspected HMOs, which constituted 0.4% of all dwellings. The combined HMO rate of 48 violent crimes per 100 dwellings was 137 times higher than the 15 crimes in 4,237 non-HMO dwellings. (non-HMO rate of 0.35 crimes per 100 dwellings). Admittedly that study also showed that unlicensed HMOS were significantly worse than Licensed HMOs but we believe it captures the potential for conflict that can occur and the unique difference that HMO's represent compared to standard apartments. (see Targeting Nondomestic Violence Inside Houses of Multi-Occupancy Simon Bowden, Geoffrey C. Barnes First Published March 19, 2015)



2.11 Experience has shown that residents of HMO's designed to minimum space standards tend to spend more time away from the property, and in areas across Northumbria we have seen this can lead to more ASB in a locality.

2.12 HMO properties typically offer short term accommodation for residents with no vested interest or even personal connection with the local area, this transience offers very little to place building and sense of community.

2.13 The property is located on our D3J1 police beat, where in 2021 there were 1,011 recorded crimes and 2,742 calls for service. 384 (39%) of the recorded crimes were Violence Against the Person (VAP), 173 (17%) were Criminal Damage, and 139 (14%) were related to Public Disorder. 317 calls for service (incidents) related to ASB.

2.14 In 2022 there were 983 recorded crimes and 2,625 calls for service. 397 (40%) of the recorded crimes were Violence Against the Person (VAP), 147 (15%) were Criminal Damage, and 111 (11%) were related to Public Disorder. 249 calls for service (incidents) related to ASB.

2.15 So far in the first ten months of 2023 there have been 874 crimes and 2,429 incidents reported to the police. 351 (40%) of the crimes were Violence Against the Person, 118 (13%) Criminal Damage and 78 (9%) Public Disorder. 241 calls for service (incidents) related to ASB.

2.16 In preparation for this response the Neighbourhood Policing Team were consulted and their response was that Laurel Street is a high crime area with a transient population and that the intended development may not be well received.

2.17 Risk Assessment is a dynamic process and can, in part, be subjective. In assessing the risk for this development I have scored it against the 5X5 Risk Matrix shown below. This matrix combines the likelihood of an event occurring against the possible consequences of such an event.

2.18 In assessing the likelihood of crime occurring at this development I have taken into account the use of these premises and the pattern of offending in the immediate area and therefore assess the overall likelihood of crime risk as Possible to Likely .

2.19 Assessing Consequences however, can be a more subjective exercise, and taking into account that Catastrophic or Major consequences, such as loss of life or loss of the loss of an entire building are Unlikely or Rare; and then taking into account prior patterns of offending I assess that such acts might have only Minor to Moderate 2.20 Consequences. Accordingly, I assess the overall risk to, or from, this proposed development to be High.

2.20 The Applicant offers no information as to either the segment of the housing market being targeted by this development, nor any detail or assurances regarding how they will manage any problems that might occur. We note that the Applicant appears to be based in County Durham.

2.21 We would question whether the proposals for this property satisfy the criteria set out in The North Tyneside Local Plan (S4.10. a and b.) which states that “The conversion of change of use of a property to a small or large Housing in Multiple Occupation, where planning permission is required for such development, will be permitted where:

- a. They would provide good quality accommodation that would support the creation of a diverse mixed community;
- b. They would maintain the amenity of adjacent and nearby dwellings;

2.22 The LPA recognises in its own Local Plan (Para 7.114) that HMO’s help to “meet housing need and makes an important contribution towards a diverse and sustainable mixed community, but that the quality is often poor, both internally and externally, and can have a negative impact upon the overall character of a community”.

2.23 Conclusion: Northumbria Police have concerns that the maximum residential capacity is overly ambitious and the division of internal space inappropriate. From a crime and disorder perspective this can potentially add to tensions between tenants. Accordingly, we object to the proposal in its current form. Reason:

1. Contrary to Para 97 (f) of the National Planning Policy Framework - Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

2. Contrary to The North Tyneside Local Plan (S4.10. a and b.).

### 2.24 Newcastle Airport

2.25 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

## 3.0 Ward Councillor Comments

### 3.1 Cllr Louise Marshall

3.2 I would like this application heard at Planning Committee as there is significant resident concern and interest about the proposed change of use, with over 40 objections.

3.3 I also believe this application does not meet one of the principal objectives in the Wallsend Masterplan which is to:

“Improve the quality of the housing offer in Wallsend; in particular making the area a focus of the Mayor and Cabinet’s plans for 5,000 affordable homes and tackling some of the poor quality privately rented housing in the masterplan area;”

### 3.4 It is also in conflict with the aims of Project 7:

“There is a high proportion of 1 and 2 bed properties, especially private rented flats, these have a high turnover, and many are empty for long periods affecting community cohesion. A more sustainable community could be created through providing larger, family homes either through new development or conversion of flats.”

3.5 There have also been objections from the police with respect to HMOs increasing incidents of antisocial behaviour through noise and other issues. This will then place extra burden on the council and police to resolve these issues. Both community protection and the police are already overstretched and do not need to manage this additional burden.

### 3.6 Additional Comments

- Inappropriate design
- Loss of residential amenity
- None compliance with approved policy
- Not in accordance with development plan
- Nuisance - noise
- Out of keeping with surroundings
- Precedent will be set
- This application will only add to the poor quality rented housing in the area.
- It is also out of keeping with the surrounding buildings, being mostly houses and flats.
- It has the potential to add to noise nuisance, especially for those who live underneath or adjacent.

### 3.7 Mary Glendon MP

3.8 I fully support my constituents in their objections to the application for a H.M.O on Woodbine Avenue in Wallsend. I hope the planning committee listen and take note of the objections raised by residents to the application when making their final decision.

### 4.0 Representations

4.1 56no. objections have been received. These are summarised below.

- Inadequate drainage.
- Impact on landscape.
- Inadequate parking provision.
- Nuisance – disturbance, dust/dirt, fumes, noise.
- Loss of residential amenity.
- Loss of visual amenity.
- Pollution of watercourse.
- Inappropriate design.
- Loss of privacy.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Inadequate parking provision.
- Precedent will be set.

- Letter of petition or support.
- Affect character of conservation area.
- Not in accordance with development plan.
- Pavement damage due to parked cars.
- Impact of 7no. additional cars.
- Population is increasing while amenities and services are being run down.
- There has been a lot of noise and rubbish from the builders.
- Inadequate rooms sizes.
- Impact of noise on adjoining residents.
- Floor sound insulation should be installed.
- Impact of overcrowding.
- The property was designed to house one family.
- Fire risk.
- Additional parking pressure.
- Impact on access for emergency services and wheelchair users.
- Impact on refuse storage.
- Additional pressure on drainage and sewage systems.
- Impact on quiet family street.
- Loss of property value.
- Small rooms sizes could lead to friction and increased noise levels/anti-social behaviour.
- Impact of noise on the vulnerable residents.
- May set a precedent for further conversions.
- Current issues with parking and vandalism.
- Potential increase in anti-social behaviour.
- Impact on resident's wellbeing and mental health.
- Potential rodent infestation.
- Overdevelopment of the area.
- Impact on plumbing and drainage.
- Upset and disruption to a close knit community.
- Force residents out of their homes.
- Work has started without permission.
- Impact of noise and disruption from building work.
- The previous use of the property as bed sits resulted in problems and illegal activity.
- Goes against the ambition for Wallsend set out in the Masterplan to improve the housing offer.
- Inhumane living environment.
- Loss of a family home.
- Lack of public consultation.
- No benefits for the community.
- There has been increased crime in the lats few months.
- No information regarding the type of HMO.
- Incorrect ownership certificate was signed.
- Will benefit only the applicant.
- Errors and discrepancies within the application.
- Overlooking an impact on privacy.
- Conflicts with property lease.
- Consultation should have been carried out before work commenced.
- Should be used as a private family dwelling in line with the rest of the street.



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**Item No:** 4  
**Application No:** 23/01410/FUL  
**Date valid:** 19 October 2023  
**Target decision date:** 14 December 2023  
**Author:** Rebecca Andison  
**☎:** 0191 643 6321  
**Ward:** Wallsend

Application type: full planning application

**Location: 66 George Road, Wallsend, Tyne And Wear, NE28 6BU**

**Proposal: Change of use from C3 Dwelling House to Sui Generis (HMO with 6+ bedrooms) - the current dwelling has 7 bedrooms and application seeks permission to change the use of the building to a 8 bedroom HMO**

Applicant: Mr Max Armstrong

Agent: DPP Planning

**RECOMMENDATION:** Minded to grant legal agreement req.

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues for Members to consider in this case are:

- whether the principle of the proposal is acceptable;
- the impact upon neighbours living conditions and the standard of accommodation provided for future occupiers;
- whether sufficient parking and access would be provided; and
- the impact on the Northumbria Coast SPA/Ramsar site.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

#### 2.0 Description of the Site

2.1 The application relates to a 2-storey residential dwelling, located on George Road, Wallsend. The loft space of the property has been converted and the dwelling contains 7no. bedrooms.

2.2 The site is located on a residential street adjacent to the boundary with Newcastle City Council.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought to change the use of the property from a residential dwelling (Use Class C3) to an 8-bed house of multiple occupation. No external alterations are proposed.

### 4.0 Relevant Planning History

04/01117/FUL - Change of use from dwelling house to residential care home for children (Retrospective) – Refused 02.07.2004

102 Laurel Street

23/01371/FUL - Change of Use from 1no Apartments (use class C3) to 1no HMO's (use class C4) comprising of 8no. bedrooms, including loft conversion - Pending consideration

116 Woodbine Avenue

23/01439/FUL - Proposed change of use from dwelling apartment to 7 bed HMO including 1no rooflight to front and 1no. rooflight to rear – Pending consideration

245 - 247 Station Road

23/01515/FUL - Proposed minor alterations to the rear Apartment 245. Proposed Change of Use of Apartment 247 to form an 8 Bed HMO including loft conversion and 4no Roof Windows  
Pending consideration

### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

### 6.0 Government Policy

6.1 National Planning Policy Framework (September 2023)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are;

- whether the principle of the proposal is acceptable;
- the impact upon neighbours living conditions and the standard of accommodation provided for future occupiers;
- whether sufficient parking and access would be provided; and
- the impact on the Northumbria Coast SPA/Ramsar site.



7.2 Consultation responses and representations received as result of the publicity given to this application are set out in the appendix to this report.

### 8.0 Principle of the Proposed Development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision makers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 Paragraph 60 of NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.4 Policy DM1.3 of the Local Plan states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

8.5 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.6 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable Greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.7 Policy DM4.5 states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough;
- and,
- b. Create a, or contribute to an existing, sustainable residential community; and
- c. Be accessible to a range of sustainable transport modes; and
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and

f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and, g. Demonstrate that they accord with the policies within this Local Plan.

8.8 Policy DM4.10 'Houses in Multiple Occupation' states that the Council will make full use of its powers, including removal of permitted development rights through Article 4 Directions where appropriate, to ensure that particular concentrations of small scale houses in multiple occupation, between three and six household units, do not harm the character and amenity of neighbourhoods and communities in North Tyneside. The conversion of change of use of a property to a small or large Housing in Multiple Occupation, where planning permission is required for such development, will be permitted where:

- a. They would provide good quality accommodation that would support the creation of a diverse mixed community;
- b. They would maintain the amenity of adjacent and nearby dwellings;
- c. The cumulative impact of the proposal, taking into account other such houses in the street or immediate locality, would not lead to Houses in Multiple Occupation becoming the dominant dwelling type; and,
- d. Adequate provision for parking, servicing, refuse and recycling and the management and maintenance of the property can be demonstrated through the submission of a management plan.

8.9 The application is for the conversion of a 7-bedroom dwelling to a house of multiple occupation with 8no. bedrooms.

8.10 Policy DM4.10 sets out that the cumulative impact of proposals, taking into account other HMO's in the street or immediate locality, must be taken into account to ensure that they do not become the dominant form of housing within the area.

8.11 The Planning History section includes details of four other applications for HMO's within Wallsend which have been submitted to the Council. These are all located on different streets and are spread throughout the Wallsend area. The majority of properties on the street and within the surrounding area comprise flats or houses. Taking these factors into account it is officer opinion that the proposal complies with part c of Policy DM4.10 as it would not lead to Houses in Multiple Occupation becoming the dominant dwelling type.

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8.12 Objections have been received on grounds that the proposal does not accord with the aims of the Wallsend Town Centre Masterplan, which sets out the Council's ambition for Wallsend. One of the aims of the Masterplan is to improve the quality of the housing offer in Wallsend. Members are advised that full weight cannot be attached to the Masterplan as it is not a development plan document.

8.13 Comments have been provided by the Regeneration Team. They state that work is ongoing in the Wallsend area to deliver the objectives of the Masterplan including the improvement of empty properties to provide larger family homes. They note that a license will be required for the proposed HMO through which the Council can control the living standards. The Regeneration Team do not consider that this proposal, or the cumulative impact with other HMO applications being considered, would conflict with the Masterplan or undermine the Council's objectives and priorities for the area.

8.14 The principle of the proposed use is considered to be acceptable subject to consideration of the issues set out below.

#### 9.0 Impact on the amenity of existing and future occupiers

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.3 Paragraph 92 of NPPF states that planning policies and decisions should aim to achieve healthy, safe and inclusive places where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

9.4 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.5 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.6 Policy DM6.1 (b and f) states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

9.7 Paragraph 7.119 of the Local Plan recognises the problems that can arise from the use of a larger property as an HMO, stating that that HMO's can suffer from poor landlord management and sometimes are occupied by residents with no vested interest or personal connection with the local area. This can begin to harm the character of local communities where over concentrations of such housing occur. The Coast, in particular Whitley Bay, is recognised as more likely to see clusters and over concentrations of such uses. These areas often have high volumes of large, and typically older, housing that can be readily subdivided to provide multiple household units.

9.8 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents and reduces energy use. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy. Habitable rooms are considered to be living areas, kitchen spaces and bedrooms.

*9.9 Impact on existing residents -*

9.10 The site is located on a residential street where the majority of the properties contain single dwellings or flats.

9.11 The proposed use has the potential to result in additional disturbance to neighbouring occupiers as a result of the comings and goings of residents. This is a concern which has been raised by objectors.

9.12 The applicant has submitted information regarding the management of the proposed HMO which is summarised below:

- All the rooms will be single occupancy to give a maximum occupancy of 8 people.
- Management of the HMO would be undertaken by a housing management company who carry out inspections on a monthly basis.
- Three warning letters will be issued in the event of ASB. If behaviour persists the tenant will be asked to leave.
- All tenants will be inducted into the property and required to follow a set of rules.
- Waste collection information will be displayed within the property and communicated to the tenants.

9.13 The Manager of Environmental Health has provided comments and raises no objections to the proposal.

9.14 Members may be aware that planning permission was recently refused to change the use of 98 Richardson Street (23/01233/FUL) from a residential dwelling to short-term letting rooms. In this case it was considered that the proposal would harm the amenity of neighbouring residents due to additional noise disturbance and the fear of crime.

9.15 The application for No.98 was retrospective and there was clear evidence from neighbouring occupiers that the property was generating a significant degree of disturbance and anti-social behaviour. The use currently proposed differs from that at 98 Richardson Street as rooms within an HMO are typically occupied on a longer-term basis which does not result in the same degree of disturbance.

9.16 While the residents' concerns regarding noise and disturbance are noted it is officer opinion that the additional noise generated by the proposed 8-bedroom HMO would not be significantly greater than that generated by a 7-bedroom dwelling, which could be occupied by the same number of residents.

9.17 Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under Town and Country Planning legislation.

9.18 This duty is supported by paragraph 92 of the NPPF, which states that planning policies and decisions should aim to achieve healthy, safe and inclusive places where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime is therefore a material consideration in planning decisions, although the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur.

9.19 Northumbria Police have provided comments. They raise concerns regarding the standard of accommodation provided. This is discussed in the following section of this report. They also state that in their experience HMOs generate a disproportionate level of crime/anti-social behaviour and that research has shown that in-dwelling non-domestic violence disproportionately occurs in HMO's. Crime figures for the area are provided. Northumbria Police object to the application stating that they are concerned that in the absence of usable space vulnerable residents will spend more time on the streets in a high crime area.

9.20 The concerns raised by Northumbria Police are noted. However, it is not for the LPA to control the nature of occupiers in the property. While crime and disorder, and the fear of crime are material planning considerations, case law makes it clear that the weight given to these factors is often limited unless there is evidence that it would occur and where the use, by its very nature, would provide a reasonable basis for concern. It is officer opinion that in this case there is not sufficient evidence to demonstrate that the proposed use would result in an increase in crime or anti-social behaviour.

9.21 On balance, and having regard to the above, it is officer opinion that the impact on the amenity of surrounding occupiers is acceptable.

9.22 *Standard of accommodation for future occupiers –*

9.23 There are no specific planning policies relating to accommodation standards within HMO's. The responsibility for reviewing the standard of accommodation rests with the Council's Licensing Department. Guidance produced by the Licensing Department sets out that HMO properties with communal lounges should have minimum bedroom sizes of 6.51sqm, and that properties with 6-9 occupiers should be provided with 2 bathrooms. The proposal complies with this guidance. A communal lounge/dining room and a kitchen would be provided on the first floor and there is space within the rear yard for bin and cycle storage.

9.24 It is therefore considered that the proposed accommodation would provide acceptable living standards for future occupiers.

9.25 Having regard to the above, it is officer opinion that the development is acceptable in terms of the impact on existing occupiers and the standard of accommodation provided for future occupiers and accords with Policies S1.4, DM4.10, DM6.1, DM6.2 and DM5.19.

### 10.0 Car Parking and Access

10.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

10.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

10.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.4 Local Plan Policy DM7.4 New Development and Transport states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

10.5 The Council's adopted parking standards are set out in the Transport and Highways SPD.

10.6 The site includes a driveway with space to park 2no cars.

10.7 Several objections have been submitted on highways grounds and these are noted.

10.8 However, the site is located within walking distance of shops and services within Wallsend town centre and has good links to public transport. Whilst the objections are noted, NPPF states that development should only be refused if there would be an unacceptable impact on highway safety. This application would have an impact on parking, but it is officer opinion that this

would not be at a level that would be considered unacceptable in terms of highway safety. The Highway Network Manager has provided comments and raises no objections on grounds of parking or highway safety.

10.9 Having regard to the above, it is officer advice that the proposal complies with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD.

#### 11.0 Impact on the Northumbria Coast SPA/Ramsar site

11.1 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

11.2 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

11.3 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

11.4 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed

where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

11.5 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

11.6 The SPD states:

“The Coastal Mitigation contribution will apply to purpose built HMO’s, including proposals for large HMO’s (i.e. 6 or more people sharing) that are unclassified by the Use Classes Order and are ‘sui-generis’. The coastal mitigation contribution will also apply to the extension of existing HMO’s where they are considered by the Council to provide additional levels of occupancy. The coastal mitigation contribution will apply to the change of use from C3 to C4 where occupancy levels increase.”

11.7 The development has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance. To mitigate this impact the applicant has agreed to pay a contribution of £1,057 towards coastal mitigation.

11.8 The impact on the Northumbria Coast SPA and Ramsar site is therefore considered to be acceptable.

## 12.0 Local Financial Considerations

12.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

12.2 Whether or not ‘a local financial consideration’ is material to a particular decision will depend on whether it could help make the development acceptable in planning terms.

12.3 It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

## 13.0 Conclusion



13.1 Members should consider carefully the balance of issues before them and the need to take into account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

13.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

13.3 This is a housing application and therefore should be considered in the presumption in favour of sustainable development. It follows therefore that providing the site is sustainable and it is officer advice that it is, that unless the impact of the development significantly and demonstrably outweighs the benefits that planning permission should be granted.

13.4 It is officer opinion that the proposal would not result in an over proliferation of HMO accommodation in the area and is acceptable in terms of principle. It is also officer opinion that the development is acceptable in terms of the impact on the amenity of existing occupiers, the level of amenity provided for future residents, the impact on the streetscene, the Northumbria Coast SPA and the highway network.

13.5 It is recommended that planning permission is granted subject to a Unilateral Undertaking to secure a contribution towards Coastal Mitigation.

**RECOMMENDATION:** Minded to grant legal agreement req.

***It is recommended that:***

***the Committee indicates that it is minded to grant the application; and***

***the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:***

***the conditions set out in the planning officers report and any subsequent addendum(s);***

***the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development;***

***and,***

***completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions for the following:***

***-Coastal mitigation £1,057***

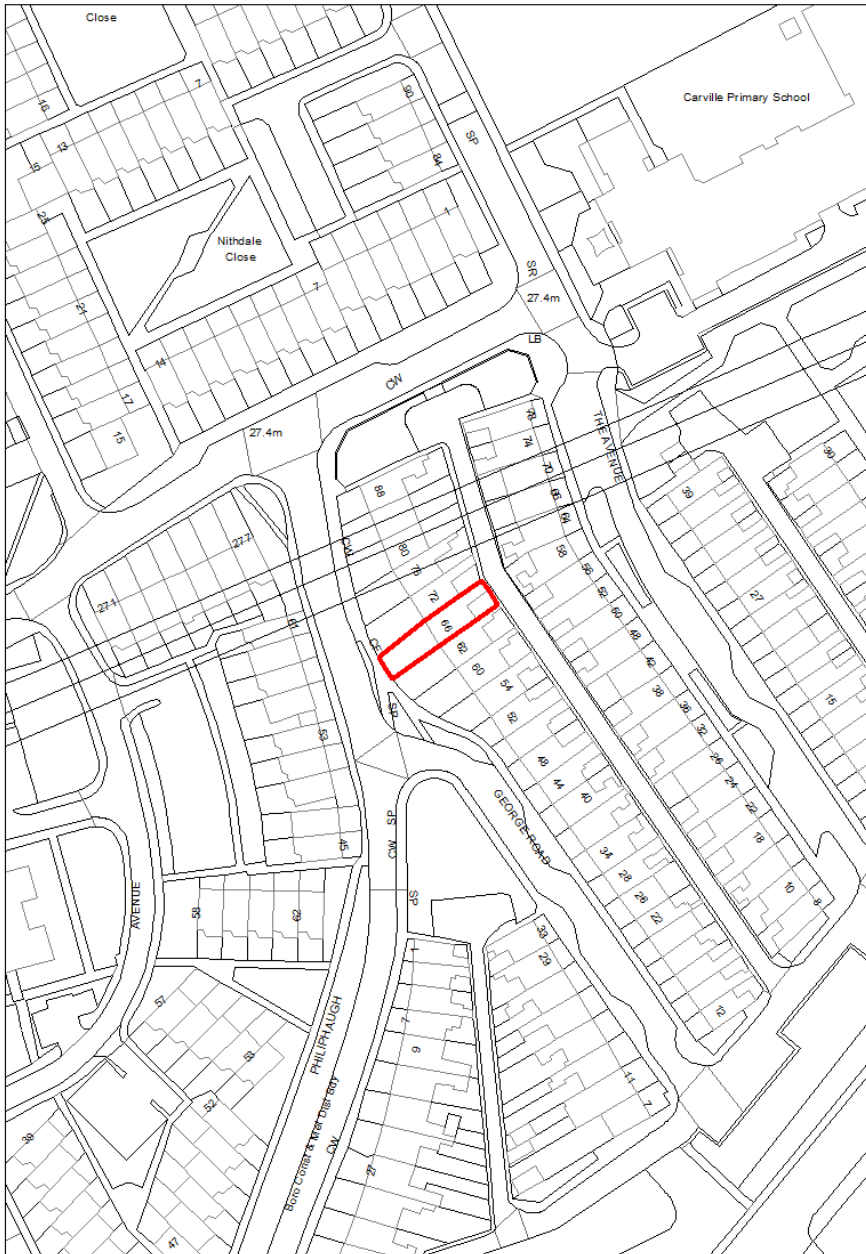
**Conditions/Reasons**



Contact ERH Erect Scaffolding on Rd (I12)

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information

This consent is not an approval for Mandatory Licence for House of Multiple Occupation under The Housing Act 2004. Any and all obligations under The Housing Act 2004 should be dealt with by the applicant under separate application to North Tyneside Council, Environmental Health Department, Public Protection, Quadrant East, Cobalt Business Park, North Tyneside, NE27 0BY



**Application reference: 23/01410/FUL**

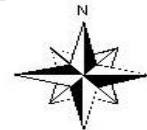
**Location: 66 George Road, Wallsend, Tyne And Wear, NE28 6BU**

**Proposal: Change of use from C3 Dwelling House to Sui Generis (HMO with 6+ bedrooms) - the current dwelling has 7 bedrooms and application seeks permission to change the use of the building to a 8 bedroom HMO**

Not to scale

Date: 30.11.2023

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 AC0000820329



**Consultations/representations**

0001.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a change of use from dwelling house to HMO with 6+ bedrooms - the current dwelling has 7 bedrooms and application seeks permission to change the use of the building to a 8 bedroom HMO. The site is close to Wallsend town centre with very good links to public transport, refuse will be stored on site and cycle parking is proposed. Approval is recommended.

1.3 Recommendation - Approval

1.4 Informatives:

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that no part of the gates or doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

1.5 Manager of Environmental Health (Pollution)

1.6 I have no objection in principle to the application for change of use from C3 Dwelling House to Sui Generis (HMO with 6+ bedrooms) - the current dwelling has 7 bedrooms and application seeks permission to change the use of the building to a 8 bedroom HMO. I would recommend conditions for controlling construction hours for any construction works required (HOU04).

1.7 Advisory Comments in respect of Licence for House of Multiple Occupation under The Housing Act 2004 only:

1.8 The applicant and property manager will be required to make application for Licence for House of Multiple Occupation under The Housing Act 2004. Part 2. It

is at this point only that the council can make a decision on such a licence. In principle the property looks to be suitable or close being suitable with adjustments for an HMO licence.

1.9 A full assessment has not been made and these comments are non-binding and intended to inform the planning process only. Any adjustment needed would be communicated to the owner at the time of licence application.

#### 1.10 Manager of Environmental Health (Contaminated land)

1.11 No objection.

#### 1.12 Regeneration

1.13 Project 7 Housing Development (New Build & Refurbishment) of the Wallsend Masterplan highlights the key points to consider in developing and refurbishing housing in the Wallsend Masterplan area (which includes 66 George Road).

1.14 The Masterplan identifies that: "There is a high proportion of 1 and 2 bed properties, especially private rented flats, these have a high turnover, and many are empty for long periods affecting community cohesion. A more sustainable community could be created through providing larger, family homes either through new development or conversion of flats."

1.15 The Masterplan also identifies that: "There is a high proportion of private rented accommodation and a relatively low proportion of council housing. There was significant dissatisfaction from people in Wallsend about the quality of accommodation expressed in the SHMA household survey 2021. There is an opportunity to work with the private landlords to improve the quality of the housing stock using measures such as a landlords' forum and a licensing system."

1.16 The regeneration team is coordinating and working with colleagues to develop individual projects to deliver the Masterplan. In terms of existing stock the council's private rented team has previously secured funding to buy empty homes in Charlotte Street to then refurbish them providing larger family accommodation for rent. The team is looking to do similar work in other streets in the Masterplan area where there are opportunities to buy and refurbish more flats and houses.

1.17 In terms of this application the Masterplan identifies the scope for improving the quality of the housing stock using measures such as a landlords' forum or a licensing system. For this proposal I understand that an HMO licence will be required in line with the Council's Guidance for HMOs which states in Section A that " A licence is required where there are 5 or more persons from 2 or more households living together in a property."

1.18 In this case, given the safeguards that are in place through the licensing system, I do not consider that the proposal to create an HMO at 66 George Road conflicts with the overall aims of the Council as set out in the Wallsend Town Centre Masterplan. The Council has taken opportunities to maintain and create sustainable communities through initiatives such as the Charlotte Steet project and is investigating opportunities in other streets in the Masterplan area.

1.19 Furthermore, as this HMO will require a licence this provides the Council with the power to control the living standards and amenities of the HMO such as the maximum number of households and occupiers and minimum room sizes.

1.20 Moreover, we are aware that there are other applications currently pending consideration with the Council as Local Planning Authority and as Licensing Authority. Whilst we recognise that such uses can be emotive within the local community, in this case we do not believe that the impact of these cumulatively will lead to an intensification or clustering of such HMO uses that would impact upon the character of either individual streets or the Wallsend Town Centre area as a whole which would undermine the Council objectives and policy priorities for the area. The Council is also considering the potential to improve housing conditions by developing a landlord/property accreditation scheme, accredited properties would need to meet defined standards of amenity and management and landlords could advertise accordingly when marketing the properties.

## 2.0 External Consultees

### 2.1 Northumbria Police

2.2 The above planning matter was noted on the weekly list and we would like to take this opportunity to comment.

2.3 It is part of the Designing Out Crime process to consult with the local Neighbourhood Policing Team regarding proposed development and on doing so they did express concerns because George Road is in a high crime area and is currently experiencing problems from another premises in the immediate locality.

2.4 That being said 66 George Road is a large property and the apportioning of internal space is adequate for the proposed development.

2.5 It is a matter of record that Northumbria Police have expressed concerns about occupancy levels in HMO's and have been critical of poor applications that do not contain sufficient detail. In general, the Applicant provides most of the detail, save for being somewhat vague about the intended occupancy levels. Five of the bedrooms appear to offer space for double occupancy, but an HMO housing 13 people with up to 5 couples, living independent lives is likely to create more tension than eight single people and then increased pressure is placed on communal space and the interaction between tenants.

2.6 Northumbria Police recognise that HMO's serve a purpose in the housing market, but our experience has shown that they also generate a disproportionate level of crime and disorder concerns.

2.7 The Police Foundation report (see Safe as Houses Crime and changing tenure patterns Andy Higgins and Roger Jarman August 2015) found that it was reasonable to suggest that there is a direct relationship, between tenure type or housing conditions and violence, linked to the particular stresses and insecurities of living in low-quality, crowded accommodation, with shared facilities and little or no choice of co-habitees. That isn't to suggest that the proposed development would automatically represent low quality design but given the inherent aspiration to achieve maximise possible occupancy a four and an eight bed HMO entails

bringing together potentially 12 strangers into shared space. The dynamics of living cheek by jowl with people that one may or not get on with generates stresses and insecurities of their own.

2.8 Further research has shown that in-dwelling non-domestic violence disproportionately occurs in HMO's (note: A 2015 study used a list of all 47 registered HMOs and all 117 suspected HMOs to examine the distribution of 94 nondomestic violent offenses occurring in all 4,401 dwellings in a Berkshire town close to London over calendar year 2013. Eighty-four percent of those indwelling violent offenses occurred in the licensed or suspected HMOs, which constituted 0.4% of all dwellings. The combined HMO rate of 48 violent crimes per 100 dwellings was 137 times higher than the 15 crimes in 4,237 non-HMO dwellings. (non-HMO rate of 0.35 crimes per 100 dwellings). Admittedly that study also showed that unlicensed HMOS were significantly worse than Licensed HMOs, but we believe it captures the potential for conflict that can occur and the unique difference that HMO's represent compared to standard apartments. (see Targeting Nondomestic Violence Inside Houses of Multi-Occupancy Simon Bowden, Geoffrey C. Barnes First Published March 19, 2015)

2.9 The property is located on our D3J2 police beat, where in 2021 there were 784 recorded crimes and 2,125 calls for service. 291 (37%) of the recorded crimes were Violence Against the Person (VAP), 118 (15%) were Criminal Damage, and 148 (19%) were related to Public Disorder.

2.10 In 2022 there were 819 recorded crimes and 2,053 calls for service. 289 (35%) of the recorded crimes were Violence Against the Person (VAP), 119 (15%) were Criminal Damage, and 114 (14%) were related to Public Disorder

2.11 So far in the first ten months of 2023 there have been 769 crimes and 2,036 incidents reported to the police. 256 (33%) of the crimes were Violence Against the Person, 104 (14%) Criminal Damage and 83 (11%) Public Disorder.

2.12 Northumbria Police would welcome some clarification regarding maximum occupancy levels.

### 2.13 Newcastle Airport

2.14 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

## 3.0 Ward Councillor Comments

### 3.1 Cllr Louise Marshall

3.2 I would like this application heard at Planning Committee as there is significant resident concern and interest about the proposed change of use, with many objections.

3.3 I also believe this application does not meet one of the principal objectives in the Wallsend Masterplan which is to:



“Improve the quality of the housing offer in Wallsend; in particular making the area a focus of the Mayor and Cabinet’s plans for 5,000 affordable homes and tackling some of the poor quality privately rented housing in the masterplan area;”

3.4 It is also in conflict with the aims of Project 7:

“There is a high proportion of 1 and 2 bed properties, especially private rented flats, these have a high turnover, and many are empty for long periods affecting community cohesion. A more sustainable community could be created through providing larger, family homes either through new development or conversion of flats.”

3.5 There have also been objections from the police with respect to HMOs increasing incidents of antisocial behaviour through noise and other issues. This will then place extra burden on the council and police to resolve these issues. Both community protection and the police are already overstretched and do not need to manage this additional burden.

3.6 I understand this property has already been the subject of many police visits in its previous use and there has been significant disturbance and antisocial behaviour in the community.

#### 4.0 Representations

4.1 16 no. objections have been received. These are summarised below.

- Inadequate parking provision.
- Inappropriate design.
- Loss of privacy.
- Loss of residential amenity.
- Nuisance – disturbance.
- Nuisance – noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Precedent will be set.
- An inappropriate scheme for 8 individuals without knowing who they are and what are their needs.
- George Road is a quiet residential area.
- A similar application for the same property resulted in problems of noise, abuse and damage.
- Inadequate parking for 8 cars.
- Increased accidents risk.
- Additional crime, vandalism and anti-social behaviour.
- It has been a nuisance in its current existence as a 7 bedroom HMO.
- Allowing the expansion of the HMO from 7 to 8 bedrooms will make the current situation in our street worse.
- Concerns regarding who will occupy the property.
- Impact on children living on the street and visiting the nearby school, park and football club.
- Existing parking problems.

- Insufficient waste storage capacity.
- Increased fire risk.
- The street has enough ongoing problems including anti-social behaviour.
- It will set a precedent and make it easier for other investors to do the same.
- Existing AirBnb's have increased the noise and parking levels negatively.
- Not to the benefit of the potential residents of the property or the surrounding residents.
- Inadequate kitchen size.
- Increased risk of leaks and damp to neighbouring properties from the additional bathrooms.
- Would not be suitable under the Wallsend Masterplan.
- The introduction of bicycle stands raises concerns about the security of bicycles and potential increased thefts.

**Item No:** 5  
**Application No:** 23/01371/FUL  
**Date valid:** 10 October 2023  
**Target decision date:** 5 December 2023  
**Author:** Rebecca Andison  
**☎:** 0191 643 6321  
**Ward:** Wallsend

Application type: full planning application

**Location:** 102 Laurel Street, Wallsend, Tyne And Wear, NE28 6PQ

**Proposal:** Change of Use from 1no Apartments (use class C3) to 1no HMO's (use class C4) comprising of 8no. bedrooms, including loft conversion (AMENDED DESCRIPTION AND PLANS)

Applicant: Mr Evans

Agent: Wardman Brown

**RECOMMENDATION:** Minded to grant legal agreement req.

## INFORMATION

### 1.0 Summary Of Key Issues & Conclusions

#### 1.0 Main Issues

1.1 The main issues for Members to consider in this case are:

- whether the principle of the proposal is acceptable;
- the impact upon neighbours living conditions and the standard of accommodation provided for future occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- the impact on the Northumbria Coast SPA/Ramsar site.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

#### 2.0 Description of the Site

2.1 The application relates to a first floor residential flat, located on Laurel Street Wallsend. The flat contains 3no. bedrooms and is accessed via a main entrance from Laurel Street and an external staircase at the rear of the building.

2.2 The site is located on a residential street just outside Wallsend town centre.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought to change the use of the property from a residential dwelling (Use Class C3) to an 8-bed house of multiple occupation.

3.2 It is proposed to convert the loft space and install 4no. roof lights. A replacement external staircase is also proposed at the rear of the building.

### 4.0 Relevant Planning History

116 Woodbine Avenue

23/01439/FUL - Proposed change of use from dwelling apartment to 7 bed HMO including 1no rooflight to front and 1no. rooflight to rear – Pending consideration

66 George Road

23/01410/FUL - Change of use from C3 Dwelling House to Sui Generis (HMO with 6+ bedrooms) - the current dwelling has 7 bedrooms and application seeks permission to change the use of the building to a 8 bedroom HMO  
Pending consideration

245 - 247 Station Road

23/01515/FUL - Proposed minor alterations to the rear Apartment 245. Proposed Change of Use of Apartment 247 to form an 8 Bed HMO including loft conversion and 4no Roof Windows  
Pending consideration

12 Coronation Street

23/01577/FUL - Proposed rear 2 storey extension. Loft conversion with 3no new roof windows and conversion into 2 HMOs – Pending consideration

### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

### 6.0 Government Policy

6.1 National Planning Policy Framework (September 2023)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are;  
- whether the principle of the proposal is acceptable;

- the impact upon neighbours living conditions and the standard of accommodation provided for future occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- the impact on the Northumbria Coast SPA/Ramsar site.

7.2 Consultation responses and representations received as result of the publicity given to this application are set out in the appendix to this report.

## 8.0 Principle of the Proposed Development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision makers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 Paragraph 60 of NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.4 Policy DM1.3 of the Local Plan states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

8.5 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.6 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable Greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.7 Policy DM4.5 states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough;
- and,

- b. Create a, or contribute to an existing, sustainable residential community; and
- c. Be accessible to a range of sustainable transport modes; and
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and
- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and, g. Demonstrate that they accord with the policies within this Local Plan.

8.8 Policy DM4.10 'Houses in Multiple Occupation' states that the Council will make full use of its powers, including removal of permitted development rights through Article 4 Directions where appropriate, to ensure that particular concentrations of small scale houses in multiple occupation, between three and six household units, do not harm the character and amenity of neighbourhoods and communities in North Tyneside. The conversion of change of use of a property to a small or large Housing in Multiple Occupation, where planning permission is required for such development, will be permitted where:

- a. They would provide good quality accommodation that would support the creation of a diverse mixed community;
- b. They would maintain the amenity of adjacent and nearby dwellings;
- c. The cumulative impact of the proposal, taking into account other such houses in the street or immediate locality, would not lead to Houses in Multiple Occupation becoming the dominant dwelling type; and,
- d. Adequate provision for parking, servicing, refuse and recycling and the management and maintenance of the property can be demonstrated through the submission of a management plan.

8.9 The application is for the conversion of a 3-bedroom flat to a house of multiple occupation with 8no. bedrooms. The application site is located on a residential street just outside the boundary of Wallsend town centre.

8.10 Policy DM4.10 sets out that the cumulative impact of proposals, taking into account other HMO's in the street or immediate locality, must be taken into account to ensure that they do not become the dominant form of housing within the area.

8.11 The Planning History section includes details of four other applications for HMO's within Wallsend which have been submitted to the Council. These are all located on different streets and are spread throughout the Wallsend area. The majority of properties on the street and within the surrounding area comprise flats or houses.

Taking these factors into account it is officer opinion that the proposal complies with part c of Policy DM4.10 as it would not lead to Houses in Multiple Occupation becoming the dominant dwelling type.

8.12 Cllr. Marshall has objected to the application on grounds that the proposal does not accord with the aims of the Wallsend Town Centre Masterplan, which sets out the Council's ambition for Wallsend. One of the aims of the Masterplan is to improve the quality of the housing offer in Wallsend. Members are advised

that full weight cannot be attached to the Masterplan as it is not a development plan document.

8.13 Comments have been provided by the Regeneration Team. They state that work is ongoing in the Wallsend area to deliver the objectives of the Masterplan including the improvement of empty properties to provide larger family homes. They note that a license will be required for the proposed HMO through which the Council can control the living standards. The Regeneration Team do not consider that this proposal, or the cumulative impact with other HMO applications being considered, would conflict with the Masterplan or undermine the Council's objectives and priorities for the area.

8.14 The principle of the proposed use is considered to be acceptable subject to consideration of the issues set out below.

#### 9.0 Impact on the amenity of existing and future occupiers

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.3 Paragraph 92 of NPPF states that planning policies and decisions should aim to achieve healthy, safe and inclusive places where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

9.4 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.5 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.6 Policy DM6.1 (b and f) states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

9.7 Paragraph 7.119 of the Local Plan recognises the problems that can arise from the use of a larger property as an HMO, stating that that HMO's can suffer from poor landlord management and sometimes are occupied by residents with no vested interest or personal connection with the local area. This can begin to harm the character of local communities where over concentrations of such housing occur. The Coast, in particular Whitley Bay, is recognised as more likely to see clusters and over concentrations of such uses. These areas often have high volumes of large, and typically older, housing that can be readily subdivided to provide multiple household units.

9.8 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents and reduces energy use. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy. Habitable rooms are considered to be living areas, kitchen spaces and bedrooms.

*9.9 Impact on existing residents -*

9.10 The site is located on a residential street and adjoins flats on either side. The ground floor of the host property currently contains a 2-bedroom flat. It was originally proposed to convert this flat into a 4-bedroom HMO under the current application. However, development consisting of a change of use from a use falling within Class C3 (dwellinghouses) to a use within Class C4 (houses in multiple occupation occupied by 3-6 people) does not require planning permission. This element of the proposal has therefore been omitted from the application.

9.11 While the site is located on a residential street its lies immediately to the south of High Street East where there are a variety of commercial and residential uses. There are no other HMO's within the immediate area.

9.12 The proposed use is more intensive than the previous use and could result in some additional disturbance to neighbouring occupiers as a result of the comings and goings of residents.

9.13 The Manager of Environmental Health has provided comments and raises no objections to the proposal. They recommend that a condition is imposed required that sound insulation is installed to protect the occupiers of the ground floor property from additional noise disturbance.

9.14 Members may be aware that planning permission was recently refused to change the use of 98 Richardson Street (23/01233/FUL) from a residential dwelling to short-term letting rooms. In this case it was considered that the proposal would harm the amenity of neighbouring residents due to additional noise disturbance and the fear of crime.

9.15 The application for No.98 was retrospective and there was clear evidence from neighbouring occupiers that the property was generating a significant degree of disturbance and anti-social behaviour. The use currently proposed differs from that at 98 Richardson Street as rooms within an HMO are typically



occupied on a longer-term basis which does not result in the same degree of disturbance.

9.16 It is officer opinion that the additional noise generated by the proposed 8-bedroom HMO would not be sufficient grounds for refusal of the application.

9.17 Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under Town and Country Planning legislation.

9.18 This duty is supported by paragraph 92 of the NPPF, which states that planning policies and decisions should aim to achieve healthy, safe and inclusive places where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime is therefore a material consideration in planning decisions, although the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur.

9.19 Northumbria Police have provided comments. They raise concerns regarding the standard of accommodation provided. This is discussed in the following section of this report. They also state that in their experience HMOs generate a disproportionate level of crime/anti-social behaviour and that research has shown that in-dwelling non-domestic violence disproportionately occurs in HMO's. Crime figures for the area are provided. Northumbria Police object to the application stating that they are concerned that in the absence of usable space vulnerable residents will spend more time on the streets in a high crime area.

9.20 The concerns raised by Northumbria Police are noted. However, it is not for the LPA to control the nature of occupiers in the property. While crime and disorder, and the fear of crime are material planning considerations, case law makes it clear that the weight given to these factors is often limited unless there is evidence that it would occur and where the use, by its very nature, would provide a reasonable basis for concern. It is officer opinion that in this case there is not sufficient evidence to demonstrate that the proposed use would result in an increase in crime or anti-social behaviour.

9.21 On balance, and having regard to the above, it is officer opinion that the impact on the amenity of surrounding occupiers is acceptable.

*9.22 Standard of accommodation for future occupiers –*

9.23 There are no specific planning policies relating to accommodation standards within HMO's. The responsibility for reviewing the standard of accommodation rests with the Council's Licensing Department. Guidance produced by the Licensing Department sets out that HMO properties with communal lounges should have minimum bedroom sizes of 6.51sqm, and that properties with 6-9

occupiers should be provided with 2 bathrooms. The proposal complies with this guidance. A communal lounge/dining room and a kitchen would be provided on the first floor and there is space within the rear yard for bin and cycle storage.

9.24 It is considered that the proposed accommodation would provide acceptable living standards for future occupiers.

9.25 Having regard to the above, it is officer opinion that the development is acceptable in terms of the impact on existing occupiers and the standard of accommodation provided for future occupiers and accords with Policies S1.4, DM4.10, DM6.1, DM6.2 and DM5.19.

#### 10.0 Design and Impact on the Streetscene

10.1 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

10.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.4 It is proposed to remove the existing rear staircase and install a replacement staircase which be located adjacent to the rear offshoot. Given that there are existing metal fire escapes on the street it is not considered that the proposed staircase would appear out of keeping or result in any harm to the streetscene. 4no. roof lights are also proposed, and these are considered to be acceptable.

10.5 It is officer opinion that the impact on the character of the area is acceptable and in accordance with the NPPF and Local Plan policies DM6.1 and DM6.2.

#### 11.0 Car Parking and Access

11.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

11.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

11.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

11.4 Local Plan Policy DM7.4 New Development and Transport states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

11.5 The Council's adopted parking standards are set out in the Transport and Highways SPD.

11.6 The site currently has no existing off-street parking and none is proposed.

11.7 The Highway Network Manager has been consulted and provided comments. He states that the site is located just outside Wallsend town centre with excellent links to public transport and local services and notes that cycle and refuse storage would be provided within the rear yard. He recommends conditional approval of the application.

11.8 NPPF states that development should only be refused if there would be an unacceptable impact on highway safety. This application would have an impact on parking, but it is officer opinion that this would not be at a level that would be considered unacceptable in terms of highway safety.

11.9 Having regard to the above, it is officer advice that the proposal complies with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD.

#### 12.0 Impact on the Northumbria Coast SPA/Ramsar site

12.1 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12.2 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.3 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the

BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,

e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,

f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

12.4 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

12.5 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

12.6 The SPD states:

"The Coastal Mitigation contribution will apply to purpose built HMO's, including proposals for large HMO's (i.e. 6 or more people sharing) that are unclassified by the Use Classes Order and are 'sui-generis'. The coastal mitigation contribution will also apply to the extension of existing HMO's where they are considered by the Council to provide additional levels of occupancy. The coastal mitigation contribution will apply to the change of use from C3 to C4 where occupancy levels increase."

12.7 The development has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance. To mitigate this impact the applicant has agreed to pay a contribution of £1,057 towards coastal mitigation.

12.7 The impact on the Northumbria Coast SPA and Ramsar site is therefore considered to be acceptable.

### 13.0 Local Financial Considerations

13.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

13.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms.

13.3 It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

### 14.0 Conclusion

14.1 Members should consider carefully the balance of issues before them and the need to take into account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

14.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

14.3 This is a housing application and therefore should be considered in the presumption in favour of sustainable development. It follows therefore that providing the site is sustainable and it is officer advice that it is, that unless the impact of the development significantly and demonstrably outweighs the benefits that planning permission should be granted.

14.4 It is officer opinion that the proposal would not result in an over proliferation of HMO accommodation in the area and is acceptable in terms of principle. It is also officer opinion that the development is acceptable in terms of the impact on the amenity of existing occupiers, the level of amenity provided for future residents, the impact on the streetscene, the Northumbria Coast SPA and the highway network.

14.5 It is recommended that planning permission is granted subject to a Unilateral Undertaking to secure a contribution towards Coastal Mitigation.

**RECOMMENDATION:     Minded to grant legal agreement req.**

***It is recommended that:  
the Committee indicates that it is minded to grant the application; and***



Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

6. There shall be no more than 8no. people residing at the property at any time.

Reason: To safeguard the amenities of the area; having regard to Policy DM6.1 of the North Tyneside Local Plan

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

This consent is not an approval for Mandatory Licence for House of Multiple Occupation under The Housing Act 2004. Any and all obligations under The Housing Act 2004 should be dealt with by the applicant under separate application to North Tyneside Council, Environmental Health Department, Public Protection, Quadrant East, Cobalt Business Park, North Tyneside, NE27 0BY

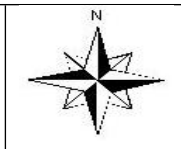
The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.



**Application reference: 23/01371/FUL**  
**Location: 102 Laurel Street, Wallsend, Tyne And Wear, NE28 6PQ**  
**Proposal: Change of Use from 1no Apartments (use class C3) to 1no HMO's (use class C4) comprising of 8no. bedrooms, including loft conversion**

Not to scale  
 Date: 30.11.2023

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 AC0000820329





**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a change of use from 1 apartment to 1 HMO comprising of 8 bedrooms, including loft conversion. The site is on the fringe of Wallsend town centre with very good links to public transport, however end users will not be entitled to parking permits in this area and the onus will be on the developer to convey this information to those end users. Refuse will be stored on site and cycle parking is proposed. Approval is recommended.

1.3 Recommendation - Approval

1.4 Informatives:

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that no part of the gates or doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised that end users will not be eligible for any parking permits in this area and the onus will be on the developer to convey this information to these users. Contact [Parking.control@northtyneside.gov.uk](mailto:Parking.control@northtyneside.gov.uk) for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

1.5 Manager of Environmental Health (Pollution)

1.6 I would recommend a condition to protect the ground floor residential flat from the increased potential airborne sound and impact noise arising from HMO use as follows:

1.7 Prior to occupational use of the HMO, the separating staircase and floor between ground floor flat and first floor requires to be upgraded to comply with Table 0.1a of the performance standards for change of use as set out in building regulations approved document E Resistance to passage of sound". Sound insulation for floor must be designed to meet the minimum sound insulation weighting standard of 43 decibels and maximum impact sound insulation standard of 64 decibels. The staircase must be protected against impact noise to demonstrate no exceedance of the 64-decibel value.

A validation report providing details of testing and construction must be provided to demonstrate compliance with Table 0.1a of Approved document E in writing to the planning department and on approval in writing must be maintained to this standard.

1.8 Advisory Comments in respect of Licence for House of Multiple Occupation under The Housing Act 2004 only:

1.9 The applicant and property manager will be required to make application for Licence for House of Multiple Occupation under The Housing Act 2004. Part 2. It is at this point only that the council can make a decision on such a licence. In principle the property looks to be suitable or close being suitable with adjustments for an HMO licence in the future. A full assessment has not been made and these comments are non-binding and intended to inform the planning process only. Any adjustment needed would be communicated to the owner at the time of licence application.

#### 1.10 Manager of Environmental Health (Contaminated Land)

1.11 As there is no alteration to the building footprint, I have no objection.

#### 1.12 Regeneration

1.13 Project 7 Housing Development (New Build & Refurbishment) of the Wallsend Masterplan highlights the key points to consider in developing and refurbishing housing in the Wallsend Masterplan area (which includes Laurel Street).

1.14 The Masterplan identifies that: "There is a high proportion of 1 and 2 bed properties, especially private rented flats, these have a high turnover, and many are empty for long periods affecting community cohesion. A more sustainable community could be created through providing larger, family homes either through new development or conversion of flats."

1.15 The Masterplan also identifies that: "There is a high proportion of private rented accommodation and a relatively low proportion of council housing. There was significant dissatisfaction from people in Wallsend about the quality of accommodation expressed in the SHMA household survey 2021. There is an opportunity to work with the private landlords to improve the quality of the housing stock using measures such as a landlords' forum and a licensing system."

1.16 The regeneration team is coordinating and working with colleagues to develop individual projects to deliver the Masterplan. In terms of existing stock the council's private rented team has previously secured funding to buy empty

homes in nearby Charlotte Street to then refurbish them providing larger family accommodation for rent. The team is looking to do similar work in other streets in the Masterplan area where there are opportunities to buy and refurbish more flats and houses.

1.17 In terms of this application the Masterplan identifies the scope for improving the quality of the housing stock using measures such as a landlords' forum or a licensing system. For this proposal I understand that an HMO licence will be required in line with the Council's Guidance for HMOs which states in Section A that " A licence is required where there are 5 or more persons from 2 or more households living together in a property."

1.18 In this case, given the safeguards that are in place through the licensing system, I do not consider that the proposal to create an HMO at 102 Laurel Street conflicts with the overall aims of the Council as set out in the Wallsend Town Centre Masterplan. The Council has taken opportunities to maintain and create sustainable communities through initiatives such as the Charlotte Steet project and is investigating opportunities in other streets in the Masterplan area.

1.19 Furthermore, as this HMO will require a licence this provides the Council with the power to control the living standards and amenities of the HMO such as the maximum number of households and occupiers and minimum room sizes.

1.20 Moreover, we are aware that there are other applications currently pending consideration with the Council as Local Planning Authority and as Licensing Authority. Whilst we recognise that such uses can be emotive within the local community, in this case we do not believe that the impact of these cumulatively will lead to an intensification or clustering of such HMO uses that would impact upon the character of either individual streets or the Wallsend Town Centre area as a whole which would undermine the Council objectives and policy priorities for the area. The Council is also considering the potential to improve housing conditions by developing a landlord/property accreditation scheme, accredited properties would need to meet defined standards of amenity and management and landlords could advertise accordingly when marketing the properties.

## 2.0 External Consultees

### 2.1 Northumbria Police

2.2 Can we seek further clarification regarding the description and intention of this planning application, because it was originally intended to change the use of two apartments (100 and 102 Laurel Street) – the description being "Change of Use from 2no Apartments (use class C3) to 2no HMO's (use class C4) comprising of 4no. bedrooms within 100 Laurel Street and 8no. bedrooms within 102 Laurel Street including loft conversion", but the new description relates just to the upper floors (102 Laurel Street). Has the applicant abandoned plans for the ground floor being a HMO or is it being addressed through planning in another way.

2.3 We acknowledge that these amendments address the first point in our first comment of 16th October, but we note that the provision of wash basins in each room is still not clear.

2.4 Overall, we still consider the proposal to be overly ambitious, and if anything by addressing the lack of an extra shower on the Loft Floor level it merely emphasises the very narrow margins being operated under to achieve the maximum possible bedrooms. In flat 102, only two of the eight bedrooms exceed the minimum space standard, the remaining six only just achieve 6.51sq.m, whilst the ground floor flat has only one bedroom out of four that provides a space larger than 6.51 sqm.

2.5 Our position remains unchanged, and we would ask that our points 2 to 7 of our original comment are submitted along with this.

#### 2.6 Points 2- 7 of Northumbria Police's original comments

2.7 Both flats being converted as HMO's provide a single kitchen/living room. For Flat 100 that space is 22sqm for four residents, but in Flat 102 the kitchen/living space for twice as many residents is only 4 sqm larger.

2.8 Northumbria Police recognise that HMO's serve a purpose in the housing market, but our experience has shown that they also generate a disproportionate level of crime and disorder concerns.

2.9 The Police Foundation report (see Safe as Houses? Crime and changing tenure patterns Andy Higgins and Roger Jarman August 2015) found that it was reasonable to suggest that there is a direct relationship, between tenure type or housing conditions and violence, linked to the particular stresses and insecurities of living in low-quality, crowded accommodation, with shared facilities and little or no choice of co-habitees. That isn't to suggest that the proposed development would automatically represent low quality design, but given the inherent aspiration to achieve maximise possible occupancy a four and an eight bed HMO entails bringing together potentially 12 strangers into shared space. The dynamics of living cheek by jowl with people that one may or not get on with generates stresses and insecurities of their own.

2.10 Further research has shown that in-dwelling non-domestic violence disproportionately occurs in HMO's (note: A 2015 study used a list of all 47 registered HMOs and all 117 suspected HMOs to examine the distribution of 94 nondomestic violent offenses occurring in all 4,401 dwellings in a Berkshire town close to London over calendar year 2013. Eighty-four percent of those indwelling violent offenses occurred in the licensed or suspected HMOs, which constituted 0.4% of all dwellings. The combined HMO rate of 48 violent crimes per 100 dwellings was 137 times higher than the 15 crimes in 4,237 non-HMO dwellings. (non-HMO rate of 0.35 crimes per 100 dwellings). Admittedly that study also showed that unlicensed HMOS were significantly worse than Licensed HMOs but we believe it captures the potential for conflict that can occur and the unique difference that HMO's represent compared to standard apartments. (see Targeting Nondomestic Violence Inside Houses of Multi-Occupancy Simon Bowden, Geoffrey C. Barnes First Published March 19, 2015)

2.11 The property is located on our D3J1 police beat, where in 2021 there were 1,011 recorded crimes and 2,742 calls for service. 384 (39%) of the recorded crimes

were Violence Against the Person (VAP), 173 (17%) were Criminal Damage, and 139 (14%) were related to Public Disorder.

2.12 In 2022 there were 983 recorded crimes and 2,625 calls for service. 397 (40%) of the recorded crimes were Violence Against the Person (VAP), 147 (15%) were Criminal Damage, and 111 (11%) were related to Public Disorder

2.13 So far in the first nine months of 2023 there have been 785 crimes and 2,202 incidents reported to the police. 310 (39%) of the crimes were Violence Against the Person, 102 (13%) Criminal Damage and 71 (9%) Public Disorder.

2.14 In preparation for this response the Neighbourhood Policing Team were consulted and their response was that Laurel Street is a high crime area with a transient population and that the intended development may not be well received.

2.15 Risk Assessment is a dynamic process and can, in part, be subjective. In assessing the risk for this development, I have scored it against the 5X5 Risk Matrix shown below. This matrix combines the likelihood of an event occurring against the possible consequences of such an event.

2.16 In assessing the likelihood of crime occurring at this development I have taken into account the use of these premises and the pattern of offending in the immediate area and therefore assess the overall likelihood of crime risk as Possible to Likely .

2.17 Assessing Consequences however, can be a more subjective exercise, and taking into account that Catastrophic or Major consequences, such as loss of life or loss of the loss of an entire building are Unlikely or Rare; and then taking into account prior patterns of offending I assess that such acts might have only Minor to Moderate Consequences. Accordingly I assess the overall risk to, or from, this proposed development to be High.

2.18 Reference is made in the Planning Statement that tenants are to be provided by Mears Group. We not been provided with any specifics in this respect, but we can foresee that the tenants may well be vulnerable people with few ties to the area. Lack of sufficient internal communal space is therefore a concern.

2.19 Whilst on paper the minimum space standards seem to have just been met in nine of the twelve bedrooms, the rooms created are unlikely to offer a high standard of quality accommodation, the only access to natural light in the loft is via skylights, which might be acceptable within a family home, but these are the full time residences of independent adults and the only alternative internal space is a multi use communal room (Kitchen/Diner/ Lounge) that doesn't offer enough lounge space to seat eight people.

2.20 Conclusion: Northumbria Police have concerns that the division of internal space is overly ambitious and achieved at the expense of usable communal space; We are also concerned that in the absence of usable space vulnerable residents will spend more time on the streets in a high crime area. Accordingly we object to the proposal in its current form.

## 2.21 Newcastle Airport

2.22 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

## 3.0 Councillor Comments

### 3.1 Cllr. Louise Marshall

3.2 This is one of three HMO application for Wallsend, and I believe these applications will cause increased antisocial behaviour, as outlined in the police report.

3.3 I also believe this application does not meet one of the principal objectives in the Wallsend Masterplan which is to:

“Improve the quality of the housing offer in Wallsend; in particular making the area a focus of the Mayor and Cabinet’s plans for 5,000 affordable homes and tackling some of the poor quality privately rented housing in the masterplan area;”

3.4 It is also in conflict with the aims of Project 7:

“There is a high proportion of 1 and 2 bed properties, especially private rented flats, these have a high turnover, and many are empty for long periods affecting community cohesion. A more sustainable community could be created through providing larger, family homes either through new development or conversion of flats.”

3.5 There have been objections from the police with respect to HMOs increasing incidents of antisocial behaviour through noise and other issues. This will then place extra burden on the council and police to resolve these issues. Both community protection and the police are already overstretched and do not need to manage this additional burden.

3.6 In discussions you mentioned that in considering this and other planning applications, the fear of crime can be a material consideration and through case law this has broadened to include public concern. I feel sure that council data will show an abundance of ASB and other serious issues already occurring in this area. I have spoken with many residents in the area (both in person and via email) who have voiced their concerns about crime and antisocial behaviour in this area. Given the negative report from the police, there cannot be any doubt that ASB and serious crime is likely to increase in this area if this application is approved.



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**Item No:** 6  
**Application No:** 23/01515/FUL  
**Date valid:** 6 November 2023  
**Target decision date:** 1 January 2024  
**Author:** Rebecca Andison  
**☎:** 0191 643 6321  
**Ward:** Wallsend

Application type: full planning application

**Location: 245 - 247 Station Road, Wallsend, Tyne And Wear, NE28 8SA**

**Proposal: Proposed minor alterations to the rear Apartment 245. Proposed Change of Use of Apartment 247 to form an 8 Bed HMO including loft conversion and 4no Roof Windows**

Applicant: Mr Andrew Taylor

Agent: WardmanBrown

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues for Members to consider in this case are:

- whether the principle of the proposal is acceptable;
- the impact upon neighbours living conditions and the standard of accommodation provided for future occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- the impact on the Northumbria Coast SPA/Ramsar site.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

#### 2.0 Description of the Site

2.1 The application relates to a 2-storey property, located on Station Road, Wallsend. The property contains and 2-bedroom residential flat on the ground floor (No.245) and a 3-bedroom flat on the first floor (No.247).

2.2 The site is located on a predominantly residential section of Station Road, approximately 0.25km from the boundary of Wallsend town centre.

### 3.0 Description of the Proposed Development

3.1 Planning permission carry out is sought to carry out minor alterations to the ground floor flat (No.245) and to change the use of the first floor flat (No.247) to form an 8-bedroom HMO including a loft conversion with 4no. rooflights.

3.2 It is proposed to remove 2no. existing windows and a door from the rear offshoot and install an additional first floor rear window.

### 4.0 Relevant Planning History

102 Laurel Street

23/01371/FUL - Change of Use from 1no Apartments (use class C3) to 1no HMO's (use class C4) comprising of 8no. bedrooms, including loft conversion - Pending consideration

116 Woodbine Avenue

23/01439/FUL - Proposed change of use from dwelling apartment to 7 bed HMO including 1no rooflight to front and 1no. rooflight to rear – Pending consideration

66 George Road

23/01410/FUL - Change of use from C3 Dwelling House to Sui Generis (HMO with 6+ bedrooms) - the current dwelling has 7 bedrooms and application seeks permission to change the use of the building to a 8 bedroom HMO – Pending consideration

12 Coronation Street

23/01577/FUL - Proposed rear 2 storey extension. Loft conversion with 3no new roof windows and conversion into 2 HMOs – Pending consideration

### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

### 6.0 Government Policy

6.1 National Planning Policy Framework (September 2023)

6.2 Planning Practice Guidance (As amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are;

- whether the principle of the proposal is acceptable;
- the impact upon neighbours living conditions and the standard of accommodation provided for future occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- the impact on the Northumbria Coast SPA/Ramsar site.

7.2 Consultation responses and representations received as result of the publicity given to this application are set out in the appendix to this report.

## 8.0 Principle of the Proposed Development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision makers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 Paragraph 60 of NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.4 Policy DM1.3 of the Local Plan states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

8.5 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

8.6 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable Greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.7 Policy DM4.5 states that proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough; and,
- b. Create a, or contribute to an existing, sustainable residential community; and
- c. Be accessible to a range of sustainable transport modes; and
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and
- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and, g. Demonstrate that they accord with the policies within this Local Plan.

8.8 Policy DM4.10 'Houses in Multiple Occupation' states that the Council will make full use of its powers, including removal of permitted development rights through Article 4 Directions where appropriate, to ensure that particular concentrations of small scale houses in multiple occupation, between three and six household units, do not harm the character and amenity of neighbourhoods and communities in North Tyneside. The conversion of change of use of a property to a small or large Housing in Multiple Occupation, where planning permission is required for such development, will be permitted where:

- a. They would provide good quality accommodation that would support the creation of a diverse mixed community;
- b. They would maintain the amenity of adjacent and nearby dwellings;
- c. The cumulative impact of the proposal, taking into account other such houses in the street or immediate locality, would not lead to Houses in Multiple Occupation becoming the dominant dwelling type; and,
- d. Adequate provision for parking, servicing, refuse and recycling and the management and maintenance of the property can be demonstrated through the submission of a management plan.

8.9 The application is for the conversion of a 3-bedroom flat to a house of multiple occupation with 8no. bedrooms. The application site is located on a mainly residential section of Station Road close to the boundary of Wallsend town centre.

8.10 Policy DM4.10 sets out that the cumulative impact of proposals, taking into account other HMO's in the street or immediate locality, must be taken into account to ensure that they do not become the dominant form of housing within the area.

8.12 The Planning History section includes details of four other applications for HMO's within Wallsend which have been submitted to the Council and one which has been permitted. These are all located on different streets and are spread throughout the Wallsend area. The majority of properties on the street and within the surrounding area comprise flats or houses. Taking these factors into account it is officer opinion that the proposal complies with part c of Policy DM4.10 as it would not lead to Houses in Multiple Occupation becoming the dominant dwelling type.

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8.12 Objections have been received on grounds that the proposal does not accord with the aims of the Wallsend Town Centre Masterplan, which sets out the Council's ambition for Wallsend. One of the aims of the Masterplan is to improve the quality of the housing offer in Wallsend. Members are advised that full weight cannot be attached to the Masterplan as it is not a development plan document.

8.13 Comments have been provided by the Regeneration Team. They state that work is ongoing in the Wallsend area to deliver the objectives of the Masterplan including the improvement of empty properties to provide larger family homes. They note that a license will be required for the proposed HMO through which the Council can control the living standards. The Regeneration Team do not consider that this proposal, or the cumulative impact with other HMO applications being considered, would conflict with the Masterplan or undermine the Council's objectives and priorities for the area.

8.14 The principle of the proposed use is considered to be acceptable subject to consideration of the issues set out below.

#### 9.0 Impact on the amenity of existing and future occupiers

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.3 Paragraph 92 of NPPF states that planning policies and decisions should aim to achieve healthy, safe and inclusive places where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

9.4 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.5 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.6 Policy DM6.1 (b and f) states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents.

9.7 Paragraph 7.119 of the Local Plan recognises the problems that can arise from the use of a larger property as an HMO, stating that that HMO's can suffer from poor landlord management and sometimes are occupied by residents with no vested interest or personal connection with the local area. This can begin to harm the character of local communities where over concentrations of such housing occur. The Coast, in particular Whitley Bay, is recognised as more likely to see clusters and over concentrations of such uses. These areas often have high volumes of large, and typically older, housing that can be readily subdivided to provide multiple household units.

9.8 The Design Quality SPD states that the quality of accommodation provided in residential development contributes significantly to the quality of life of residents and reduces energy use. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy. Habitable rooms are considered to be living areas, kitchen spaces and bedrooms.

*9.9 Impact on existing residents -*

9.10 The site is located on a residential street and adjoins a residential dwelling to the north and 2no. flats to the south.

9.11 The proposed use is more intensive than the previous use and could result in some additional disturbance to neighbouring occupiers as a result of the comings and goings of residents. This is a concern which has been raised by objectors.

9.12 The Manager of Environmental Health has provided comments and raises no objections to the proposal. They recommend that a condition is imposed required that sound insulation is installed to protect the occupiers of the ground floor property from additional noise disturbance.

9.13 Members may be aware that planning permission was recently refused to change the use of 98 Richardson Street (23/01233/FUL) from a residential

dwelling to short-term letting rooms. In this case it was considered that the proposal would harm the amenity of neighbouring residents due to additional noise disturbance and the fear of crime.

9.14 The application for No.98 was retrospective and there was clear evidence from neighbouring occupiers that the property was generating a significant degree of disturbance and anti-social behaviour. The use currently proposed differs from that at 98 Richardson Street as rooms within an HMO are typically occupied on a longer-term basis which does not result in the same degree of disturbance.

9.15 While the resident's concerns regarding noise and disturbance are noted it is officer opinion that the additional noise generated by the proposed HMO would not be significant enough to justify refusal of the application on these grounds.

9.16 Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under Town and Country Planning legislation.

9.17 This duty is supported by paragraph 92 of the NPPF, which states that planning policies and decisions should aim to achieve healthy, safe and inclusive places where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime is therefore a material consideration in planning decisions, although the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur.

9.18 Northumbria Police have provided comments. They raise concerns regarding the standard of accommodation provided. This is discussed in the following section of this report. They also state that in their experience HMOs generate a disproportionate level of crime/anti-social behaviour and that research has shown that in-dwelling non-domestic violence disproportionately occurs in HMO's. Crime figures for the area are provided. Northumbria Police object to the application stating that they are concerned that in the absence of usable space vulnerable residents will spend more time on the streets in a high crime area.

9.19 The concerns raised by Northumbria Police are noted. However, it is not for the LPA to control the nature of occupiers in the property. While crime and disorder, and the fear of crime are material planning considerations, case law makes it clear that the weight given to these factors is often limited unless there is evidence that it would occur and where the use, by its very nature, would provide a reasonable basis for concern. It is officer opinion that in this case there is not sufficient evidence to demonstrate that the proposed use would result in an increase in crime or anti-social behaviour.

9.20 On balance, and having regard to the above, it is officer opinion that the impact on the amenity of surrounding occupiers is acceptable.

### *9.21 Standard of accommodation for future occupiers –*

9.22 There are no specific planning policies relating to accommodation standards within HMO's. The responsibility for reviewing the standard of accommodation rests with the Council's Licensing Department. Guidance produced by the Licensing Department sets out that HMO properties with communal lounges should have minimum bedroom sizes of 6.51sqm, and that properties with 6-9 occupiers should be provided with 2 bathrooms. The proposal complies with this guidance. A communal lounge/dining room and a kitchen would be provided on the first floor and there is space within the rear yard for bin and cycle storage.

9.23 It is considered that the proposed accommodation would provide acceptable living standards for future occupiers.

9.24 Having regard to the above, it is officer opinion that the development is acceptable in terms of the impact on existing occupiers and the standard of accommodation provided for future occupiers and accords with Policies S1.4, DM4.10, DM6.1, DM6.2 and DM5.19.

### 10.0 Design and Impact on the Streetscene

10.1 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

10.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.3 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.4 It is proposed to install 4no. rooflights and carry out minor alterations to the rear windows and door. The proposed external alterations would not have any significant impact on the appearance of the property or the streetscene.

10.5 It is officer opinion that the impact on the character of the area is acceptable and in accordance with the NPPF and Local Plan policies DM6.1 and DM6.2.

### 11.0 Car Parking and Access

11.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

11.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be



supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

11.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

11.4 Local Plan Policy DM7.4 New Development and Transport states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

11.5 The Council's adopted parking standards are set out in the Transport and Highways SPD.

11.6 The site currently has no existing off-street parking and none is proposed.

11.7 Several objections have been submitted on highways grounds and these are noted.

11.8 However, the site is located close to Wallsend town centre and has excellent links to public transport and local services. Whilst the objections are noted, NPPF states that development should only be refused if there would be an unacceptable impact on highway safety. This application would have an impact on parking, but it is officer opinion that this would not be at a level that would be considered unacceptable in terms of highway safety. The Highway Network Manager has provided comments and raises no objections on grounds of parking or highway safety.

11.9 Having regard to the above, it is officer advice that the proposal complies with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD

#### 12.0 Impact on the Northumbria Coast SPA/Ramsar site

12.1 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12.2 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.3 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links;
- and,

- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

12.4 Local Plan Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

12.5 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

12.6 The SPD states:

“The Coastal Mitigation contribution will apply to purpose built HMO's, including proposals for large HMO's (i.e. 6 or more people sharing) that are unclassified by the Use Classes Order and are 'sui-generis'. The coastal mitigation contribution will also apply to the extension of existing HMO's where they are considered by the Council to provide additional levels of occupancy. The coastal mitigation contribution will apply to the change of use from C3 to C4 where occupancy levels increase.”

12.7 The development has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance. To mitigate this impact the applicant has agreed to pay a contribution of £1,057 towards coastal mitigation.

12.7 The impact on the Northumbria Coast SPA and Ramsar site is therefore considered to be acceptable.

### 13.0 Local Financial Considerations

13.1 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

13.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms.

13.3 It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

### 14.0 Conclusion

14.1 This is a housing application and therefore should be considered in the presumption in favour of sustainable development. It follows therefore that providing the site is sustainable and it is officer advice that it is, that unless the impact of the development significantly and demonstrably outweighs the benefits that planning permission should be granted.

14.2 It is officer opinion that the proposal would not result in an over proliferation of HMO accommodation in the area and is acceptable in terms of principle. It is also officer opinion that the development is acceptable in terms of the impact on the amenity of existing occupiers, the level of amenity provided for future residents, the impact on the streetscene, the Northumbria Coast SPA and the highway network.

14.3 It is recommended that planning permission is granted subject to a Unilateral Undertaking to secure a contribution towards Coastal Mitigation.

**RECOMMENDATION:     Application Permitted**

***It is recommended that:  
the Committee indicates that it is minded to grant the application; and***



Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

6. There shall be no more than 8no. people residing at the property at any time.

Reason: To safeguard the amenities of the area; having regard to Policy DM6.1 of the North Tyneside Local Plan.

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

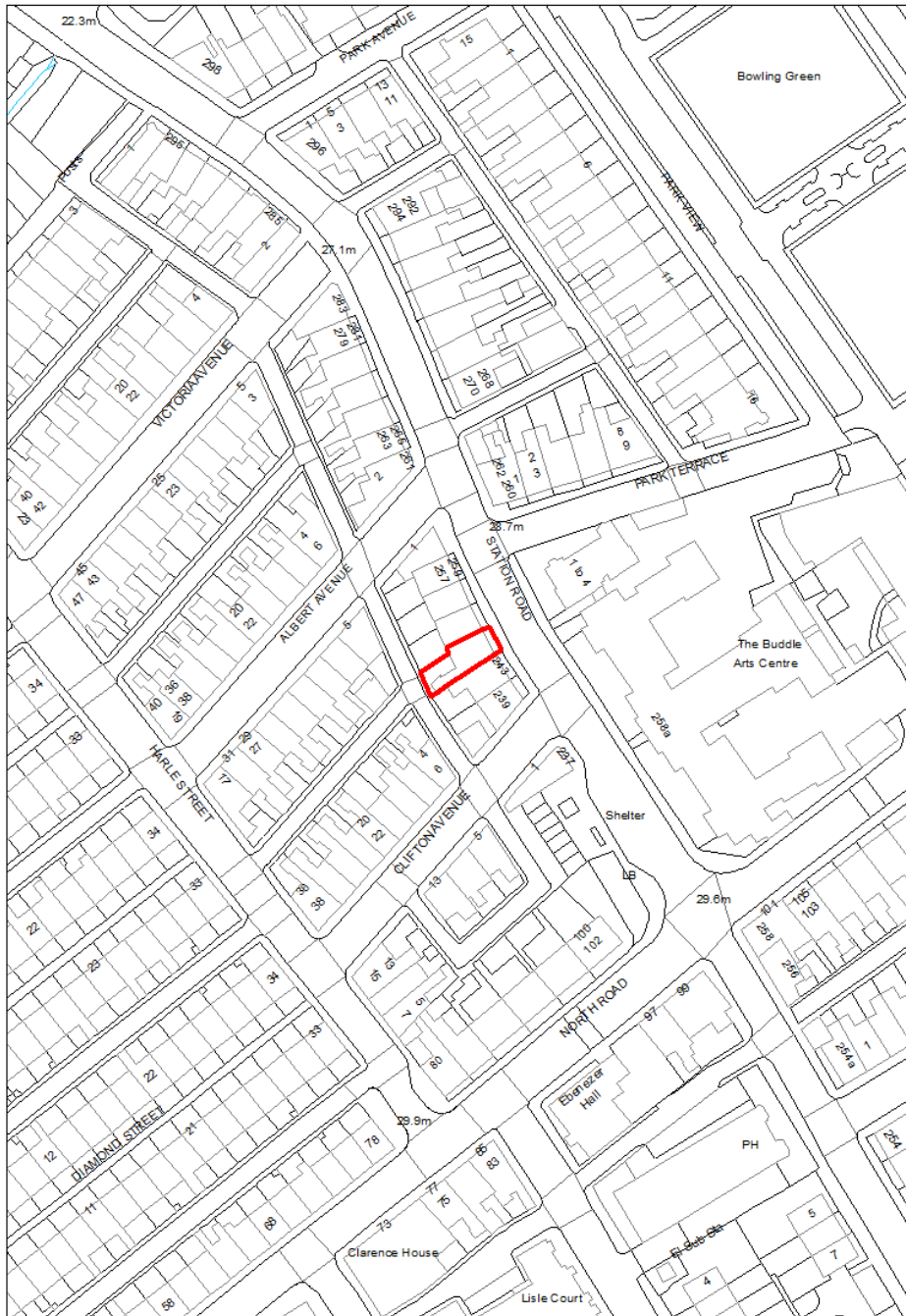
Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

No Doors Gates to Project Over Highways (I10)

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

This consent is not an approval for Mandatory Licence for House of Multiple Occupation under The Housing Act 2004. Any and all obligations under The Housing Act 2004 should be dealt with by the applicant under separate application to North Tyneside Council, Environmental Health Department, Public Protection, Quadrant East, Cobalt Business Park, North Tyneside, NE27 0BY



**Application reference: 23/01515/FUL**

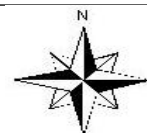
**Location: 245 - 247 Station Road, Wallsend, Tyne And Wear, NE28 8SA**

**Proposal: Proposed minor alterations to the rear Apartment 245. Proposed Change of Use of Apartment 247 to form an 8 Bed HMO including loft conversion and 4no Roof Windows**

Not to scale

Date: 30.11.2023

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 AC0000820329



**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for proposed minor alterations to the rear apartment of 245, and proposed change of use of apartment 247 to form an 8 bed HMO, including loft conversion and 4 roof windows. The site is on the edge of Wallsend town centre with good links to public transport, refuse will be stored on site and cycle parking is proposed. Approval is recommended.

1.3 Recommendation - Approval

1.4 Informatives:

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that no part of the gates or doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

1.5 Manager of Environmental Health (Pollution)

1.6 I would recommend a condition to protect the ground floor residential flat from the increased potential airborne sound and impact noise arising from HMO use as follows:

1.7 Prior to occupational use of the HMO, the separating staircase and floor between ground floor flat and first floor requires to be upgraded to comply with Table 0.1a of the performance standards for change of use as set out in building regulations approved document E Resistance to passage of sound". Sound insulation for floor must be designed to meet the minimum sound insulation weighting standard of 43 decibels and maximum impact sound

insulation standard of 64 decibels. The staircase must be protected against impact noise to demonstrate no exceedance of the 64-decibel value. A validation report providing details of testing and construction must be provided to demonstrate compliance with Table 0.1a of Approved document E in writing to the planning department and on approval in writing must be maintained to this standard.

1.8 Advisory comments in respect of Licence for House of Multiple Occupation under The Housing Act 2004 only: The applicant and property manager will be required to make application for Licence for House of Multiple Occupation under The Housing Act 2004. Part 2. It is at this point only that the council can make a decision on such a licence. In principle the property looks to be suitable or close being suitable with adjustments for an HMO licence of this nature in the future. A full assessment has not been made and these comments are non-binding and intended to inform the planning process only. Any adjustment needed would be communicated to the owner at the time of licence application.

1.9 This consent is not an approval for Mandatory Licence for House of Multiple Occupation under The Housing Act 2004. Any and all obligations under The Housing Act 2004 should be dealt with by the applicant under separate application to North Tyneside Council, Environmental Health Department, Public Protection, Quadrant East, Cobalt Business Park, North Tyneside, NE27 0BY

#### 1.10 Manager of Environmental Health (Contaminated land)

1.11 As there is no alteration to the building footprint I have no objection.

#### 1.12 Regeneration Team

1.13 Project 7 Housing Development (New Build & Refurbishment) of the Wallsend Masterplan highlights the key points to consider in developing and refurbishing housing in the Wallsend Masterplan area (which includes 245-247 Station Road).

1.14 The Masterplan identifies that: "There is a high proportion of 1 and 2 bed properties, especially private rented flats, these have a high turnover, and many are empty for long periods affecting community cohesion. A more sustainable community could be created through providing larger, family homes either through new development or conversion of flats."

1.15 The Masterplan also identifies that: "There is a high proportion of private rented accommodation and a relatively low proportion of council housing. There was significant dissatisfaction from people in Wallsend about the quality of accommodation expressed in the SHMA household survey 2021. There is an opportunity to work with the private landlords to improve the quality of the housing stock using measures such as a landlords' forum and a licensing system."

1.16 The regeneration team is coordinating and working with colleagues to develop individual projects to deliver the Masterplan. In terms of existing stock the council's private rented team has previously secured funding to buy empty homes in nearby Charlotte Street to then refurbish them providing larger family accommodation for rent. The team is looking to do similar work in other streets in



the Masterplan area where there are opportunities to buy and refurbish more flats and houses.

1.17 In terms of this application the Masterplan identifies the scope for improving the quality of the housing stock using measures such as a landlords' forum or a licensing system. For this proposal I understand that an HMO licence will be required in line with the Council's Guidance for HMOs which states in Section A that " A licence is required where there are 5 or more persons from 2 or more households living together in a property."

1.18 In this case, given the safeguards that are in place through the licensing system, I do not consider that the proposal to create an HMO at 245-247 Station Road conflicts with the overall aims of the Council as set out in the Wallsend Town Centre Masterplan. The Council has taken opportunities to maintain and create sustainable communities through initiatives such as the Charlotte Steet project and is investigating opportunities in other streets in the Masterplan area.

1.19 Furthermore, as this HMO will require a licence this provides the Council with the power to control the living standards and amenities of the HMO such as the maximum number of households and occupiers and minimum room sizes.

1.20 Moreover, we are aware that there are other applications currently pending consideration with the Council as Local Planning Authority and as Licensing Authority. Whilst we recognise that such uses can be emotive within the local community, in this case we do not believe that the impact of these cumulatively will lead to an intensification or clustering of such HMO uses that would impact upon the character of either individual streets or the Wallsend Town Centre area as a whole which would undermine the Council objectives and policy priorities for the area. The Council is also considering the potential to improve housing conditions by developing a landlord/property accreditation scheme, accredited properties would need to meet defined standards of amenity and management and landlords could advertise accordingly when marketing the

## 2.0 External Consultees

### 2.1 Northumbria Police

2.2 The above planning matter was noted on the weekly list and we would like to take this opportunity to comment.

2.3 It is part of the Designing Out Crime process to consult with the local Neighbourhood Policing Team regarding proposed development and on doing so they did express concerns because Station Road is in a high crime area.

2.4 The property is located on our D3J2 police beat, where in 2021 there were 784 recorded crimes and 2,125 calls for service. 291 (37%) of the recorded crimes were Violence Against the Person (VAP), 118 (15%) were Criminal Damage, and 148 (19%) were related to Public Disorder.

2.5 In 2022 there were 819 recorded crimes and 2,053 calls for service. 289 (35%) of the recorded crimes were Violence Against the Person (VAP), 119 (15%) were Criminal Damage, and 114 (14%) were related to Public Disorder

2.6 So far in the first ten months of 2023 there have been 769 crimes and 2,036 incidents reported to the police. 256 (33%) of the crimes were Violence Against the Person, 104 (14%) Criminal Damage and 83 (11%) Public Disorder.

2.7 Northumbria Police recognise that HMO's serve a legitimate purpose in the housing market, but our experience has shown that they also generate a disproportionate level of crime and disorder concerns.

2.8 It is a matter of record that Northumbria Police have expressed concerns about occupancy levels in HMO's particularly when they achieve maximum occupancy at the expense of quality living space. The ground floor two bed flat (245) is changed very little, but the upstairs flat (247) goes from a three bed to an eight bed HMO, by re-arranging the landing to incorporate a shower and separate WC at the expense of reducing the floor space of bedrooms 1 and 2, changing the bathroom to a 4th bedroom, and then adding four more bedrooms and a bathroom into the roof space. Whilst all of the bedrooms achieve the minimum size requirements the spatial apportioning isn't achieved without a degree of compromise with the creation of a new landing/corridor which both the shower and WC have doors that open outwards into the space.

2.9 The Police Foundation report (see *Safe as Houses? Crime and changing tenure patterns* Andy Higgins and Roger Jarman August 2015) found that it was reasonable to suggest that there is a direct relationship, between tenure type or housing conditions and violence, linked to the particular stresses and insecurities of living in low-quality, crowded accommodation, with shared facilities and little or no choice of co-habitees. That isn't to suggest that the proposed development would automatically represent low quality design but given the inherent aspiration to achieve maximum possible occupancy a four and an eight bed HMO entails bringing together potentially 12 strangers into shared space. The dynamics of living cheek by jowl with people that one may or not get on with generates stresses and insecurities of their own.

2.10 Further research has shown that in-dwelling non-domestic violence disproportionately occurs in HMO's (note: A 2015 study used a list of all 47 registered HMOs and all 117 suspected HMOs to examine the distribution of 94 nondomestic violent offenses occurring in all 4,401 dwellings in a Berkshire town close to London over calendar year 2013. Eighty-four percent of those indwelling violent offenses occurred in the licensed or suspected HMOs, which constituted 0.4% of all dwellings. The combined HMO rate of 48 violent crimes per 100 dwellings was 137 times higher than the 15 crimes in 4,237 non-HMO dwellings. (non-HMO rate of 0.35 crimes per 100 dwellings). Admittedly that study also showed that unlicensed HMOs were significantly worse than Licensed HMOs but we believe it captures the potential for conflict that can occur and the unique difference that HMO's represent compared to standard apartments. (see *Targeting Nondomestic Violence Inside Houses of Multi-Occupancy* Simon Bowden, Geoffrey C. Barnes First Published March 19, 2015)

2.11 Northumbria Police note that between 2019 and 2022 there had only been one planning application for a large HMO in the Wallsend area, and since the 10th October there have been five. We would urge the planning authority to be

particularly conscious of the impact that HMO's can have on residential amenity . We also have concerns that the division of internal space is overly ambitious and are concerned that in the absence of usable space vulnerable residents will spend more time on the streets in a high crime area. Accordingly we object to the proposal in its current form.

### 3.0 Ward Councillor Comments

#### 3.1 Cllr Louise Marshall

3.2 I wish to have the following planning application heard by planning committee, please: 23/01515/FUL

3.3 This is now one of four HMO applications for Wallsend and I believe these applications will cause increased antisocial behaviour, as outlined in the police report.

3.4 I also believe this application does not meet one of the principal objectives in the Wallsend Masterplan which is to:

“Improve the quality of the housing offer in Wallsend; in particular making the area a focus of the Mayor and Cabinet’s plans for 5,000 affordable homes and tackling some of the poor quality privately rented housing in the masterplan area;”

3.5 It is also in conflict with the aims of Project 7:

“There is a high proportion of 1 and 2 bed properties, especially private rented flats, these have a high turnover, and many are empty for long periods affecting community cohesion. A more sustainable community could be created through providing larger, family homes either through new development or conversion of flats.”

3.6 There have been objections from the police with respect to HMOs increasing incidents of antisocial behaviour through noise and other issues. This will then place extra burden on the council and police to resolve these issues. Both community protection and the police are already overstretched and do not need to manage this additional burden.

3.7 In previous discussions you mentioned that in considering this and other planning applications, the fear of crime can be a material consideration and through case law this has broadened to include public concern. I feel sure that council data will show an abundance of ASB and other serious issues already occurring in this area. I have spoken with many residents in the area (both in person and via email) who have voiced their concerns about crime and antisocial behaviour. Given the negative report from the police, there cannot be any doubt that ASB and serious crime is likely to increase in this area if this application is approved.

3.8 I am happy to contact residents in the area to gather firm data on their opinions and concerns.

### 4.0 Representations

14no. objections have been received. These are summarised below.

- Loss of residential amenity.
- Nuisance – disturbance.
- Nuisance – noise.
- Nuisance – dust/dirt.
- Precedent will be set.
- Out of keeping with surroundings.
- Inadequate parking provision.
- Inadequate drainage.
- Poor traffic/pedestrian safety .
- Poor/unsuitable vehicular access.
- The area is already densely populated.
- Anti-social behaviour from existing HMO's.
- There has been a rise in antisocial behaviour, vandalism, burglary, drug use, and violence.
- It is presumed that its purpose is to be a low-cost accommodation for tenants unable to obtain other forms of social/private forms of accommodation.
- Will undermine the Council's regeneration of the area.
- Impact on the local economy should businesses relocate to safer areas.
- Impact on safety of children walking to nearby schools and parks.
- Impact on property prices.
- Increased nuisance and noise.
- Increase parking difficulties.
- Most likely to be used as a hostel.
- Increased fire risk.
- Additional contamination of the sanitation system.

## North Tyneside Council Report to Planning Committee Date: 12 12 2023

### ITEM

Title: Land to the south of  
the former Deuchars, 5  
Backworth Lane,  
Backworth  
Tree Preservation Order

**Report from Directorate:** Environment, Housing and Leisure

**Report Author:** John Sparkes, Director of Regeneration and  
Economic Development

**Wards affected:** Whitley Bay

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### 1.1 Purpose:

To consider the above Tree Preservation Order for six trees taking into account any representations received in respect of the Order.

### 1.2 Recommendation(s)

Members are requested to consider the representations to Land to the south of the former Deuchars, 5 Backworth Lane, Backworth Tree Preservation Order 2023 and confirm the Order.

### 1.3 Information

1.3.1 The Council were notified of the intention to remove 5 sycamore trees to the rear of the former Deuchars, 5 Backworth Lane, Backworth by a section 211 notice of the Town and Country Planning Act 1990 (23/00769/TREECA). One of the sycamore trees is actually a willow tree. The works were assessed, and the Council decided to make a Tree Preservation Order (TPO) (Appendix 1) for the four sycamore and one willow tree in question, but also included an adjacent sycamore that was considered worthy of protection. The Order was served in July 2023.

1.3.2 Seven objections have been received following the Council's decision to serve a TPO on the trees from the nearby residents. A copy of the representations is included as Appendix 3a to 3p to this report.

1.3.3 The objections state that the five trees subject to the original application should be removed due to the trees causing damage to the boundary wall, their lack of visual amenity, their impact on a reduction in light levels and other issues caused as a result of the trees.

#### 1.3.4 The Council Response

The Council has responded, in consultation with the landscape architect (who has provided a full response in Appendix 4) and the main issues regarding the value of the trees to the local area and the issues of subsidence are addressed below:

- a) The condition of the boundary wall;
- b) Public visual amenity;
- c) Light issues;
- d) Poor satellite, TV signal and mobile phone signal;
- e) Damp, falling leaves, sap and issues associated to trees;

- f) Objections raise concerns about removal of trees and unauthorised pruning work to trees in neighbouring properties;
- g) The objections raise concerns about mental health issues;
- h) Concluding comments.

**a) The condition of the boundary wall**

- 1.3.5 In June 2021 Kingston Properties, a property management company for the former Deuchar Building, contacted the council regarding the trees located on land belonging to Backworth Hall. The trees located along a northern boundary wall of the Hall, overhang the residents car parking area of the converted Deuchars property. Kingston Properties requested informal advice on proposed pruning and felling works to trees along the boundary wall with Backworth Hall for the following reasons:
- Loss of light to 2 cottages at the rear of the development.
  - Damage to cars and car park area, due to the debris falling from a height.
  - Damage to a stone built boundary wall, which is starting to have various issues, due to the tree roots destabilising the structure of the wall.
- 1.3.6 Following a site visit it was noted that the trees were located at a distance that provided sufficient clearance over the car park and that access to the car park was unobstructed. No arboricultural reason was provided to justify works to the trees and Kingston Properties were informed that regular maintenance of the trees to remove deadwood does not require consent from the local authority. This would prevent debris falling on to cars in the car park. Whilst the trees may have some impact on light levels to the neighbouring properties there would need to be clear evidence that the trees are a severe restriction to light levels within the properties and any future works to the trees to enable additional light into those properties would need to be justified. Any issues relating to light levels could be addressed by appropriate pruning works.
- 1.3.7 With regard to the boundary wall, Kingston Properties were advised to obtain a report from a structural engineer or experience builder for their opinion on how to stabilise the wall whilst retaining the trees. This report would be considered with any application for tree works.
- 1.3.8 In February 2022, a structural report was received from Kingston Property Services requesting our advice on the content of the report prior to an application being submitted. Kingston Properties survey of the wall concluded that the trees are causing structural damage to the wall south of the former Deuchars PH, and the recommendation was that certain trees should be removed.
- 1.3.9 The structural report was assessed by the Council and the following advice provided: ‘the works to the wall would require an increased buttress on the north face of the southern boundary wall to add structural stability. This would help alleviate the issue of the ground level to the south being around 800mm higher than the car park level and the lean of the wall. It may also be appropriate that works to remove a tree(s) growing directly adjacent to the wall as part of the works. However, it would be useful if within any future proposals to undertake works to the wall there would be consideration to retain some of the trees identified in para 3.1 where possible. Could the strengthening works to the wall allow for the retention of the trees?’
- 1.3.10 If the intention is as part of the works to reduce the land on the southern face of the boundary wall by 500mm how far away from this wall would a reduction in the land level be necessary? Could root pruning be incorporated into these works and if significant root intrusion was present in the wall a potential re-evaluation of retaining trees be considered?’

1.3.11 To date, no response to these comments has been received from Kingston Properties and on 12<sup>th</sup> June 2023 an application was received with a report providing supporting evidence for the removal of trees (23/00769/TREECA). However, the supporting report is the same report submitted in February 2022 with no additional information or response to address the council's earlier comments. Due to the lack of response and information, it was felt that the trees were under actual threat of removal without any clear justifiable reason and a TPO was made in respect of the trees.

**b) Public/visual amenity**

1.3.12 TPOs are administered by Local Planning Authorities (LPA) and are made to protect trees that bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat. If a tree in a conservation area is not covered by a TPO, the Town and Country Planning Act requires that written notification, or a section 211 notice, is given to the LPA, describing what works are to be carried out to trees, at least six weeks before the work starts. This gives the LPA an opportunity to consider protecting the tree with a TPO. A TPO is made in effect of amenity and does not distinct between different types of tree species or its size.

1.3.13 A section 211 notice was received informing the LPA that, based on the findings of the structural engineers report, it was the intention to remove 5no sycamore trees (which in fact is four sycamores and a willow), located on land belonging to Backworth Hall and prune 1no sycamore tree located within the grounds of the Deuchars property.

1.3.14 A site visit was carried out and an evaluation of the trees was made, and it was found that the trees were healthy and as part of a collective group, contributing to the amenity of the conservation area. The amenity of the trees was evaluated by using the TEMPO assessment (Tree Evaluation Method for Evaluating Preservation Orders). This assessment is carried out by the local planning authority and is a widely recognised and respected method of assessing the tree as an important landscape feature offering significant amenity to the general public.

1.3.15 The TEMPO evaluation method takes into account factors such as a tree's visibility to the public, its condition, age and remaining life-expectancy, its function within the landscape (such as screening development or industry), its wildlife or historic value and ultimately its importance to the local environment. Public access to a tree or trees is not a relevant factor for consideration. Whilst this method is more recognised and widely used by local authorities, it must be remembered however that the TEMPO is only used as guidance and to act as supporting evidence to show how the conclusion to TPO or to not TPO is reached. Nevertheless, these factors are taken into consideration to decide whether a TPO is made although as a result of the surveyors judgement rather than a formal method of assessment.

1.3.16 Furthermore, the tree(s) usually need to be under an immediate or foreseeable threat to warrant protection, and in this case, the trees were considered under threat of removal. If a score of 11 and above is achieved in the assessment, then the tree is considered worthy of a TPO. In this case the trees were evaluated with a score of 16, which 'definitely merits' a TPO and therefore the decision was made to protect the trees.

1.3.17 The trees are in reasonable health, early maturity, approximately 14 to 15 m high. The sycamore tree located within the grounds Of Deuchars is large, very mature and clearly visible at the top of the driveway between Deuchars and the neighbouring industrial unit. The sycamore and willow trees behind the wall and on land belonging to Backworth Hall are partially visible from Backworth Lane between a gap between Deuchars and the

neighbouring stone cottages to the east of Deuchars. These trees can be seen from short distance views as an individual specimens from the large public space to the front of the cottages. These trees form a larger tree collective and their loss, both from short and long-distance views would be considered a visual change on a permanent basis.

- 1.3.18 The trees, with the exception of the tree located within the grounds of Deuchars, have fairly narrow canopies but add maturity to the built environment. They are part of a larger collective of trees in the adjacent woodland of Backworth Hall, which is subject to a TPO.

**c) Light issues**

- 1.3.19 Trees will cast a shadow or reduce natural light to an area of a garden or property on a seasonal basis. However, there is no "right to light" and protected trees would not be removed for light purposes unless it is demonstrated that a severe restriction has resulted. Remedial tree works such as crown thinning can relieve the situation, but shade is not sufficient reason to allow the removal of the tree. Where requests are made to prune trees to increase light levels, each instance will be assessed on its merits.

**d) Poor satellite, TV signal and mobile phone signal**

- 1.3.20 There is no legal right to a television reception. The satellite or TV provider may be able to suggest an alternative solution to the problems with television and satellite signal which can often be alleviated by the relocation of the aerial or satellite dish as well as the use of a signal booster. The felling of trees is not an arboricultural reason to resolve obstructed mobile phone or other telecommunications signals.

**e) Damp, falling leaves, sap and issues associated with trees**

- 1.3.21 Leaf fall is a natural and seasonal inconvenience and whilst troublesome it is not legally a nuisance and not sufficient to allow the removal of the tree.
- 1.3.22 Honeydew is caused by greenfly (aphids) feeding on the tree, which excrete a sugary sap. Often the honeydew is colonised by a mould which causes it to go black. Unfortunately, there is little that can be done to remove the aphids which cause the problem; and pruning the tree will generally only offer temporary relief. Whilst the sap from sycamore trees can be troublesome on cars and property, it can usually be washed off with warm soapy water.
- 1.3.23 Bird droppings can also be seen as a nuisance. However, they are naturally occurring in urban environments and it would not therefore be considered a realistic option to prune or remove a tree for this reason. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife laws).
- 1.3.24 There are risks associated with trees, for example, unexplained falling branches, dead wood within the trees canopy and the fallout of debris from the trees is no more than should be expected by similar trees of normal vigour. This is a natural phenomenon that should be expected when living in an environment with established trees. As trees grow, it is natural for them to drop branches. This can be addressed through simple management and regular inspections as part of a sensible risk management approach and which can reduce the likelihood of problems in the future. Responsibility for the trees lies with the owner of the land on which the trees are growing. There is a duty for the landowner to take reasonable care to ensure that their trees do not pose a threat to people or property even if the tree is protected by a tree preservation order. As it is difficult to predict the safety of a tree, it is the owner's responsibility to have their trees checked regularly by a competent person and professional arboricultural advice should be sought to ensure trees are maintained in a safe condition. A tree surgeon to undertake an assessment of the trees who will be able to determine if there is any risk and how the risk, if present, can be



mitigated. Branch failure does not always render a tree dangerous and often are isolated events.

1.3.25 The TPO will ensure any works undertaken are carried out in accordance with good arboricultural practices and does not prevent future works from being undertaken, but approval from the local authority would need to be sought beforehand.

**f) Objections raise concerns about removal of trees and unauthorised pruning work to trees in neighbouring properties**

1.3.26 This refers to trees within Backworth Hall. Matters of this nature are beyond the scope of this report and have no bearing on the Tree Preservation Order issued at this location.

**g) The objections raise concerns about mental health issues**

1.3.27 The trees themselves, together with other trees in the locality, offer greater benefits and mounting evidence now realises improved health by improved air quality and reduced carbon emissions. Whilst there is great sympathy for the mental health of the occupier of the property, the benefits these trees in the conservation area offer to the wider population outweigh the inconvenience they may cause to an individual. Also, well maintained trees will help alleviate the perception of threat by falling branches or over dominance.

**h) Concluding comments**

1.3.28 The trees are in fair condition, reasonably healthy with no major defects. They are an important element of the local landscape and part of a wider tree group within a wildlife corridor as defined by the Local Plan. Therefore, the trees not only provide amenity value but also are important for biodiversity.

1.3.29 The Order has been properly made in the interests of securing the contribution these trees make to the public amenity value in the area. The concerns of the homeowners have been fully considered and balanced against the contribution the trees make to the to the local environment.

1.3.30 Whilst it is acknowledged the reasons for objecting to the TPO, in particular concerns about its visibility, individual impact and wider impact require due consideration, it is not felt that they outweigh the contribution these trees make to the area.

1.3.31 Due to the size of these trees, the age of the trees (and potential historical value), their health and current condition, their biodiversity value and on the understanding that the trees are at risk of being felled, it is considered expedient in the interests of amenity to confirm the Tree Preservation Order.

1.3.32 It is important to reiterate that, if the Order is confirmed, this would not preclude future maintenance works to the trees. Should any works need to be carried out to the trees for safety reasons, or for any other reason, an application can be made to the local planning authority to carry out works to the protected trees.

**Additional Guidance**

1.3.33 North Tyneside Council is firmly committed to providing a clean, green, healthy, attractive and sustainable environment, a key feature of the 'Our North Tyneside Plan'.

1.3.34 Trees play an important role in the local environment providing multiple benefits but they need to be appropriately managed, especially in an urban environment.

1.3.35 Confirming the TPO will not prevent any necessary tree work from being carried out but will ensure the regulation of any tree work to prevent unnecessary or damaging work

from taking place that would have a detrimental impact on the amenity value, health and long term retention of the trees. If the owners/occupiers were concerned about the condition of the trees and require pruning works to be carried out, an application to the Council can be submitted as required by the TPO.

1.3.36 Protecting the trees with a TPO would be in accordance with the Councils adopted Local Plan policy DM5.9 Trees, Woodland and hedgerows, which states;

*'DM5.9 Trees, Woodland and Hedgerows: Where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the borough and:  
a) Protect and manage existing woodlands, trees, hedgerows and landscape features'*

1.3.37 The recently updated National Planning Policy Framework (2023) emphasises the importance of street trees to the character and quality of urban environments, which can also help to mitigate and adapt to climate change. From this recognition of the importance of street trees to an urban area the NPPF seeks to ensure that all new streets are tree-lined and that existing trees are retained wherever possible.

1.3.38 The National Planning Practice Guidance (NPPG) advises that a local authority should confirm a TPO if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area' (Town and Country Planning Act, 1990).

1.3.39 'Amenity' is not defined in law, but the local authority should be able to show that protection would bring about a reasonable degree of public benefit in the present or future. The NPPG identifies certain criteria to consider when assessing the amenity value of a tree(s) that include the visibility of the tree to the public, its contribution to the landscape, the characteristics of the tree, its future potential and whether the tree has a cultural or historical value.

1.3.40 In accordance with the Town and Country Planning Act 1990 (as amended) the Authority considers it necessary to issue a Tree Preservation Order to maintain and safeguard the contribution made by the trees to the landscape and visual amenity of the area. The Tree Preservation Order was served on the owners and other relevant parties on 25<sup>th</sup> July 2023 A copy of the TPO schedule (Appendix 1) and a map of the TPO (Appendix 2) is included in the Appendices.

1.3.41 The Order must be confirmed by 25 January 2023 otherwise the Order will lapse and there will be nothing to prevent the removal of the trees.

#### **1.4 Decision options:**

1. To confirm the Tree Preservation Order with no modifications.
2. To confirm the Tree Preservation Order with modifications.
3. To not confirm the Tree Preservation Order.

#### **1.5 Reasons for recommended option:**

Option 1 is recommended. A Tree Preservation Order does not prevent the felling of trees, but it gives the Council control in order to protect trees which contribute to the general amenity of the surrounding area.

#### **1.6 Appendices:**

Appendix 1 – Schedule of Land to the south of the former Deuchars, 5 Backworth Lane, Backworth Tree Preservation Order 2023

Appendix 2 – Map of Land to the south of the former Deuchars, 5 Backworth Lane,  
Backworth Tree Preservation Order 2023  
Appendix 3a to 3p – Objections from neighbouring residents  
Appendix 4 – Response from the Council Landscape Architect to the objection of the  
TPO

**1.7 Contact officers:**

Peter Slegg (Tel: 643 6308)

**1.8 Background information:**

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author:

1. Town and Country Planning Act 1990.
2. Planning Practice Guidance (As amended)
3. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

**Report author** Peter Slegg

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**Town and Country Planning Act 1990**  
**The Council of the Borough of North Tyneside (Land to the south of the former Deuchars, 5 Backworth Lane, Backworth) Tree Preservation Order 2023**

The Council of the Borough of North Tyneside in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 hereby make the following Order—

**Citation**

1. This Order may be cited as the (Land to the south of the former Deuchars, 5 Backworth Lane, Backworth) Tree Preservation Order 2023.

**Interpretation**

2. (1) In this Order “the authority” means the Council of the Borough of North Tyneside

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4.—In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for

preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 25<sup>th</sup> day of July 2023

The Common Seal of the  
Council of the Borough of North Tyneside  
was affixed to this order in the presence of:



Authorised Signatory

ANDREW ENGUE  
LAWYER

## TREE PRESERVATION ORDER 2023

### LAND TO THE SOUTH OF THE FORMER DEUCHARS 5 BACKWORTH LANE BACKWORTH

#### SCHEDULE

The map referred to is at a scale of 1:500 and is based on an enlargement of the O.S. edition of sheet numbered NZ2972 and NZ3072. The area covered by the Order is on land to the south of the former Deuchars PH, Backworth Lane, Backworth, NE27 0AP. The area is wholly within the Metropolitan Borough of North Tyneside in the County of Tyne and Wear.

#### SPECIFICATION OF TREES

<b>TREES SPECIFIED INDIVIDUALLY</b> (encircled in black on the map)		
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Sycamore ( <i>Acer sp.</i> )	Located approximately 12.0m in a south westerly direction from the south west corner of the former Deuchars PH building.
T2	Sycamore ( <i>Acer sp.</i> )	Located approximately 15.0m in a south easterly direction from the south west corner of the former Deuchars PH building (on adjacent land).
T3	Sycamore ( <i>Acer sp.</i> )	Located approximately 16.0m in a south easterly direction from the south west corner of the former Deuchars PH building (on adjacent land).
T4	Sycamore ( <i>Acer sp.</i> )	Located approximately 17.0m in a south easterly direction from the south west corner of the former Deuchars PH building (on adjacent land).
T5	Sycamore ( <i>Acer sp.</i> )	Located approximately 16.0m in a south westerly direction from the south east corner of the former Deuchars PH building (on adjacent land).
T6	Goat Willow ( <i>Salix sp</i> )	Located approximately 15.0m in a southerly direction from the south east corner of the former Deuchars PH building (on adjacent land).

**TREES SPECIFIED BY REFERENCE TO AN AREA**

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

None

**GROUPS OF TREES**

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

None

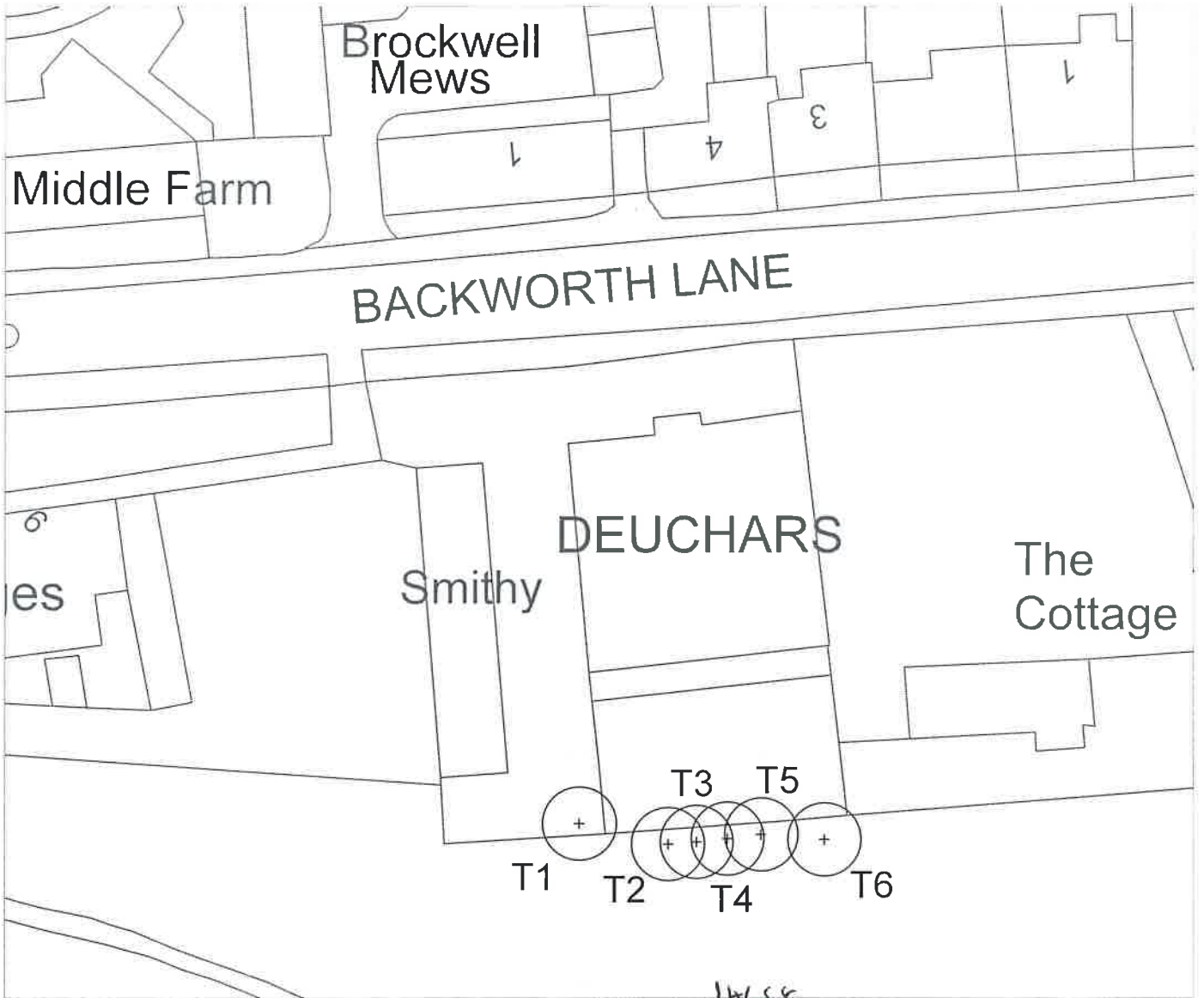
**WOODLANDS**

(within a continuous black line on the map)

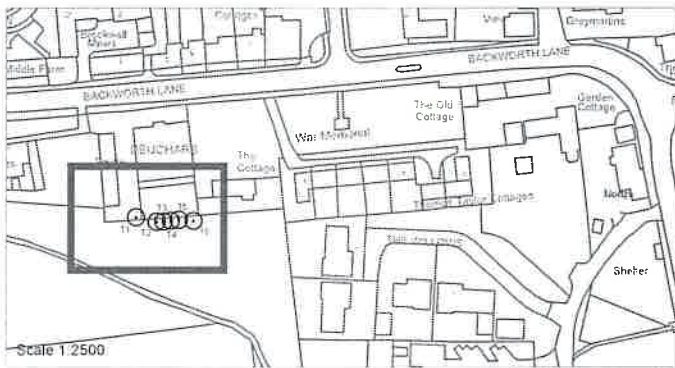
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None






14658



Dated this day  
25 JULY 2023 (date)

The Common Seal of the Council of the Borough of North Tyneside was affixed to this Order in the presence of:

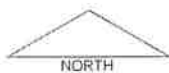


*[Signature]*  
 ANJELIA TATE  
 (Authorised Signatory)

JOHN SPARKES  
 DIRECTOR OF REGENERATION AND ECONOMIC DEVELOPMENT

QUADRANT EAST  
 THE SILVERLINK  
 COBALT BUSINESS PARK  
 NORTH TYNESIDE  
 NE27 0BY

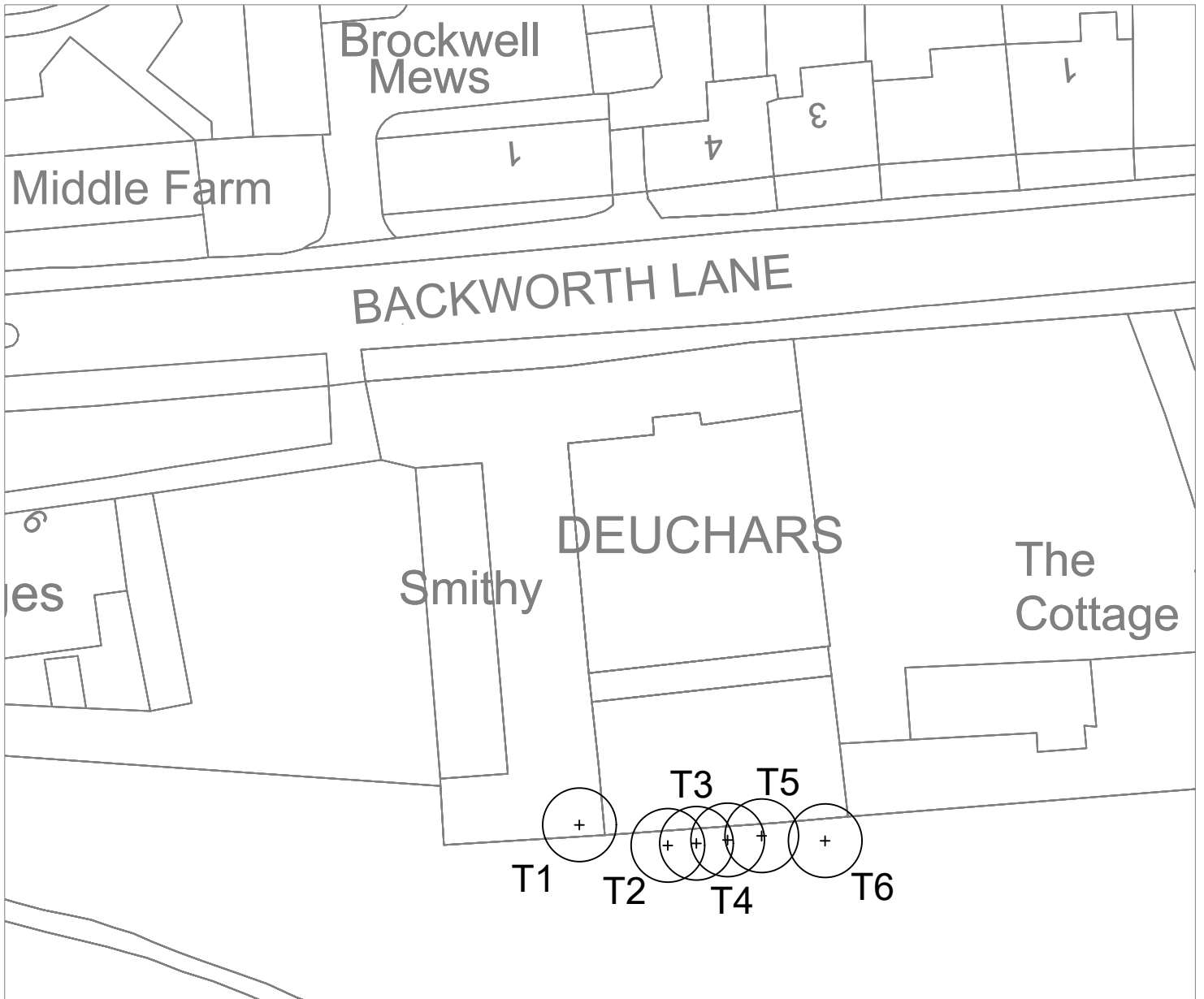
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 Ordnance Survey Licence Number AC0900270329  
 SCALE 1:500



**NORTH TYNESIDE COUNCIL  
 TREE PRESERVATION ORDER 2023**

LAND TO THE SOUTH OF THE FORMER  
 DEUCHARS, 5 BACKWORTH LANE,  
 BACKWORTH





Dated this day :  
 .....(date)

The Common Seal of the Council of  
 the Borough of North Tyneside was  
 affixed to this Order in the presence of :

.....  
 (Authorised Signatory)

JOHN SPARKES  
 DIRECTOR OF REGENERATION AND ECONOMIC  
 DEVELOPMENT

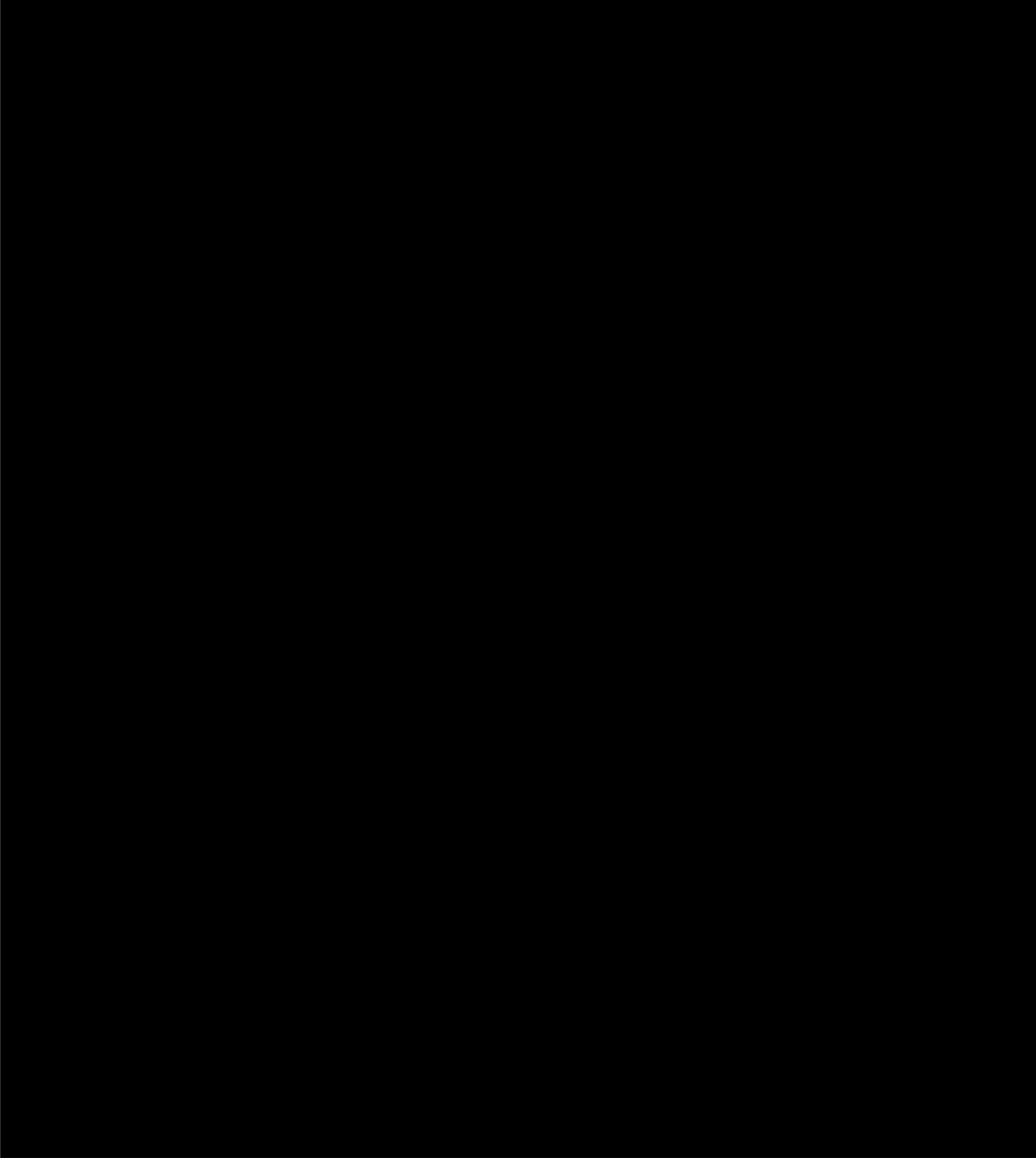
QUADRANT EAST  
 THE SILVERLINK  
 COBALT BUSINESS PARK  
 NORTH TYNESIDE  
 NE27 0BY

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**NORTH TYNESIDE COUNCIL**  
**TREE PRESERVATION ORDER 2023**

LAND TO THE SOUTH OF THE FORMER  
 DEUCHARS, 5 BACKWORTH LANE,  
 BACKWORTH

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**From:** [REDACTED]  
**Sent:** Monday, July 31, 2023 9:32 AM  
**To:** Democratic Support <[DemocraticSupport@northtyneside.gov.uk](mailto:DemocraticSupport@northtyneside.gov.uk)>  
**Subject:** Objection - Tree Preservation Order

\*EXTRNL\*  
FOA Dave Parkin / Stephen Ballantyne

I would like to formally submit an objection to the Tree Preservation Order - land to the south of Former Deuchars, 5 Backworth Lane (T1, T2, T3, T4, T5 and T6).

These 6 trees pose a significant risk to the boundary wall which they are in very close proximity to, cracks in the wall are already appearing due to the roots, if this wall were to fall, it would potentially damage 6 parked cars.

Secondly, these 6 trees prevent any sunlight reaching the Former Deuchars, 5 Backworth Lane properties, creating a very dull, and damp environment.

You state that these tree currently make a "*significant contribution to the visual amenity of the area*", however due to their location they can only actually be seen by the residents of the Former Deuchars, 5 Backworth Lane, they cant be seen by the public, and also can't be seen by the Golf Club, due to their location.

I am really struggling to see how retaining the trees can possibly be beneficial, when you consider the risk/damage to the wall, and the reduced quality of light for the residents of the Former Deuchars, 5 Backworth Lane?

Regards

A solid black rectangular redaction box covering the signature area.

**From:** [REDACTED]  
**Sent:** Tuesday, August 1, 2023 1:25 PM  
**To:** Dave Parkin <Dave.Parkin@northtyneside.gov.uk>  
**Subject:** The Deuchars, 5 Backworth Lane

\*EXTRNL\*

Hi David, I'm writing to you in regards to tree preservation order at the "land to the south of Former Deuchars, 5 Backworth Lane (T1, T2, T3, T4,T5 and T6)". I am the owner of one of the flats in The Deuchars building and would like to submit a formal objection to this order as I do not believe it is in the public interest, and actively harms the residents of the building. Below is some of the objection that [REDACTED] has previously raised with you, I would agree with all of this and it sums up our issue with this order succinctly:

-----  
"I would like to formally submit an objection to the Tree Preservation Order - land to the south of Former Deuchars, 5 Backworth Lane (T1, T2, T3, T4,T5 and T6).

These 6 trees pose a significant risk to the boundary wall which they are in very close proximity to, cracks in the wall are already appearing due to the roots, if this wall were to fall, it would potentially damage 6 parked cars.

Secondly, these 6 trees prevent any sunlight reaching the Former Deuchars, 5 Backworth Lane properties, creating a very dull, and damp environment.

You state that these tree currently make a *"significant contribution to the visual amenity of the area"*, however due to their location they can only actually be seen by the residents of the Former Deuchars, 5 Backworth Lane, they cant be seen by the public, and also can't be seen by the Golf Club, due to their location.

I am really struggling to see how retaining the trees can possibly be beneficial, when you consider the risk/damage to the wall, and the reduced quality of light for the residents of the Former Deuchars, 5 Backworth Lane?"

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Many thanks,

[REDACTED]



**From:** [REDACTED]  
**Sent:** Tuesday, August 1, 2023 6:34 PM  
**To:** Dave Parkin <Dave.Parkin@northtyneside.gov.uk>  
**Subject:** Tree Preservation Order at The Former Deuchars

\*EXTRNL\*

Dear Sir

I write to formally submit an absolute objection to the TPO on the trees stated in your letter of 25th July 2023.

My reasons for this are as follows:

The trees have no visual amenity whatsoever to either the public or the golf course because of their location

The wall is already leaning somewhat and further cracks have now developed too, thus causing danger to the residents cars (6 in total) parked in the allocated bays. My own car is now covered with debris from the said trees and will cause damage to the paintwork. I have recently suffered from a mobility problem and therefore, have been unable to wash my car.

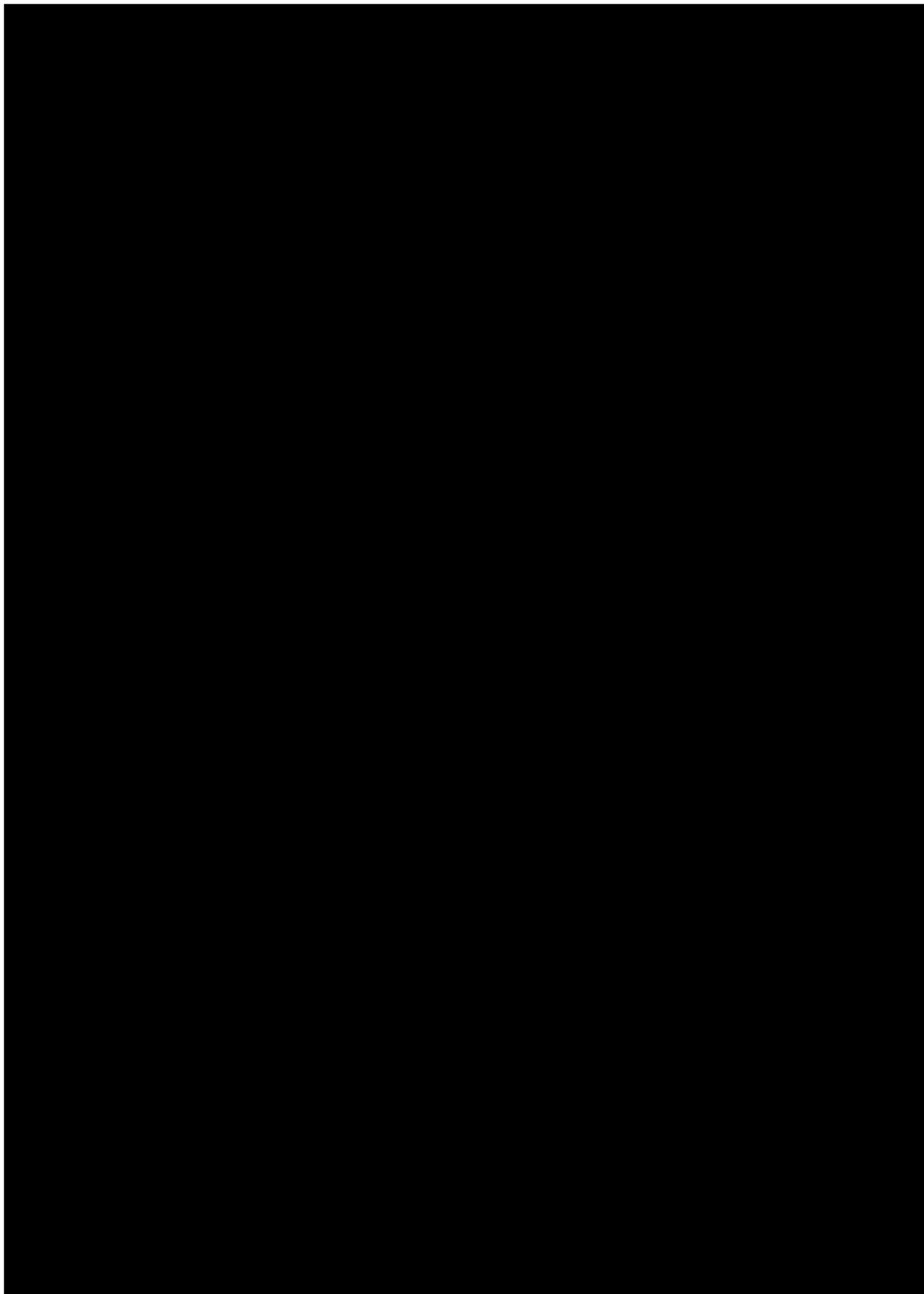
The other problem the trees cause are a very poor signal for broadband and mobile networks. This is particularly bad, not only for business for residents working from home BUT especially for my neighbour who is a hospital consultant "ON CALL"

Finally, I dread to think of the liability claim that would be put in, should the wall fall onto the parked cars. Surely common sense should dictate the obvious solution to avoid absolute chaos?

Yours faithfully

[REDACTED]  
The Deuchars  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** Monday, August 7, 2023 2:44 PM  
**To:** Dave Parkin <Dave.Parkin@northtyneside.gov.uk>  
**Cc:** [REDACTED]

**Subject:** Fwd: Tree damage

\*EXTRNL\*

Hello Dave, Stephen,

We are hereby raising an objection to your proposal to place a number of TPO,s on 6 Sycamore trees over looking the Deuchars Development.

You will be in receipt of a comprehensive structural report from Alan Holmes ( Surveyor ) dated January 2022 which identified that the trees were having an impact on the structural integrity of the wall which is the boundary wall of The Backworth Miners Institute and Golf Club.

Here is an overview as of today 7.8.23 a visual overview of its current condition,

- 1/ There are now 12 visible cracks in this wall from the boundary of Stead Cottage to our Bin area, there are further substantial cracks from the bins to DJ Installations, the vast majority commence from the base of the wall.
- 2/ We have root ingress through the wall in 15 places.
- 3/ We now have lvy ingress through the wall.
- 4/ The nearest tree is less than 30 cm from the wall the furthest 2 metres.
- 5/ There is a substantial lean angle both North and South.

Your proposal states that the trees offer a significant contribution to a visual amenity and add to the character of the conservation area, apart from T1 which is only visible briefly via our car park access, none of the others do to anyone either walking down Backworth Lane or from the Green field some 50 metres away in a southerly direction.

2/

It is a basic human right to enjoy the benefits of sunshine and the positive impact it has on both physical and mental health , from September through until April we enjoy none of these benefits.The sun never gets above those trees and through the months of May through until September we only receive for a limited time of the day, after mid morning until early evening at best.

3/

We are unable to receive any any terrestrial TV signal at all this is after relocating the Ariel , raising it on a taller pole and using amplification to expand the signal, Satellite Signals are also impeded by those trees.

4/

Unlike Oak and Beech, Sycamore trees do not harbour the same amount of life apart from one and that's Aphids

they are on that variant of tree in their Millions.

From April until the end of July all residents have to run the gauntlet of droplets of Aphid POO landing on them, all cars are covered in that sticky mess as are our refuse bins.

Window screens need to be washed on a daily basis, cars sometimes 3 times a week, paintwork on all vehicles are suffering significant damage.

At the bottom you will see pictures of just one vehicle and the damage that is being caused by these trees and the infestation of Aphids.

We also suffer during periods of high winds branches falling on vehicles and a lot of Pigeon Faeces deposited on our cars and bins as they roost causing further additional damage.

5/

Mobile phone signals are impacted.

To conclude if we are unable to remove the trees the wall will ultimately collapse, resulting in potential consequences for residents as well as their parked vehicles, Insurance companies either the estate insurance provider or residents insurers are likely to hold liable the trustees of the golf club and North Tyneside Council.

You mention on Page 6 of the correspondence you sent to all of us the distance these trees are approximately between 12 and 17 metres from our development, they are not our development commences at the base of the wall.

Notwithstanding our objection to your proposal I would like to bring the following to your attention.

Mid 2022 [REDACTED] Tree Surgeons conducted the following works on mature Beech trees they felled one mature tree and took 21 substantial branches off others, the area in question is adjacent to a small exclusive development of large detached properties and the now demolished primary school.

I approached Peter Slegg council planning about these works and whether they had approval, he advised me that no such authorisation had been given.

Fast forward to June 2023 further additional works were conducted at the same site, a further 2 mature assume Beech Trees were removed and an additional 16 branches off adjacent Oak and Beech, as I did not contact Peter this time I cannot confirm whether approval had been granted.

You are claiming that the 5 trees we wish to remove and T1 trimmed are a visual amenity, they are not, The trees, branches removed in the paragraphs above are to anyone who uses that green space, Archers, Scout group's, dog walkers, golf players etc.

These works have been conducted for the following reasons aesthetic and cosmetic,

I can only conclude that they they were authorised by residents of that estate though this maybe just conjecture, speculation.

What is obvious is that they weren't conducted for either the structural integrity of those houses or the physical or mental wellbeing of those residents as the trees in question are over 30 metres away.

To see the impact T1 to T 6 are having we would like to invite you both to attend the site and meet the residents of the Deuchars Development at our convenience, it would have to be After 6 pm to ensure attendance as not all residents work from home.

I will also send a copy of this recorded delivery marked for your attention.

Regards

----- Original Message -----

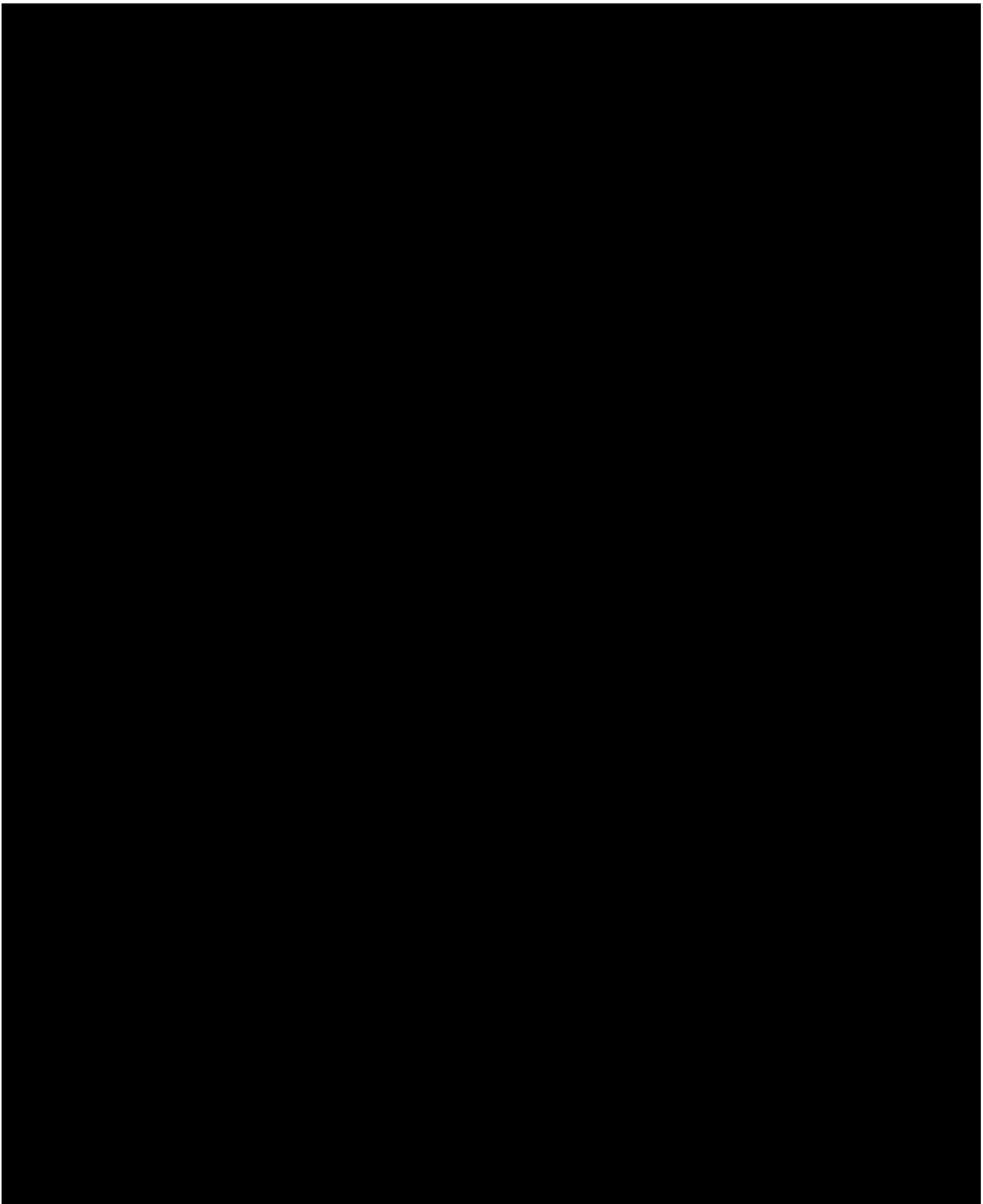
**Subject:** Tree damage

**From:** [REDACTED]

**Sent:** Tuesday, 1 August 2023 18:33

**To:** [REDACTED]

**CC:**



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**From:** [Redacted]

**Sent:** Tuesday, August 8, 2023 9:00 PM

**To:** Peter Slegg <Peter.Slegg@northtyneside.gov.uk>; Stephen Ballantyne

<Stephen.Ballantyne@northtyneside.gov.uk>; Dave Parkin <Dave.Parkin@northtyneside.gov.uk>

**Subject:** Tree Preservation Order - land to the south of Former Deuchars, 5 Backworth Lane (T1, T2, T3, T4,T5 and T6)

\*EXTRNL\*

FOA Dave Parkin / Stephen Ballantyne

I would like to formally submit an objection to the Tree Preservation Order - land to the south of Former Deuchars, 5 Backworth Lane (T1, T2, T3, T4,T5 and T6).

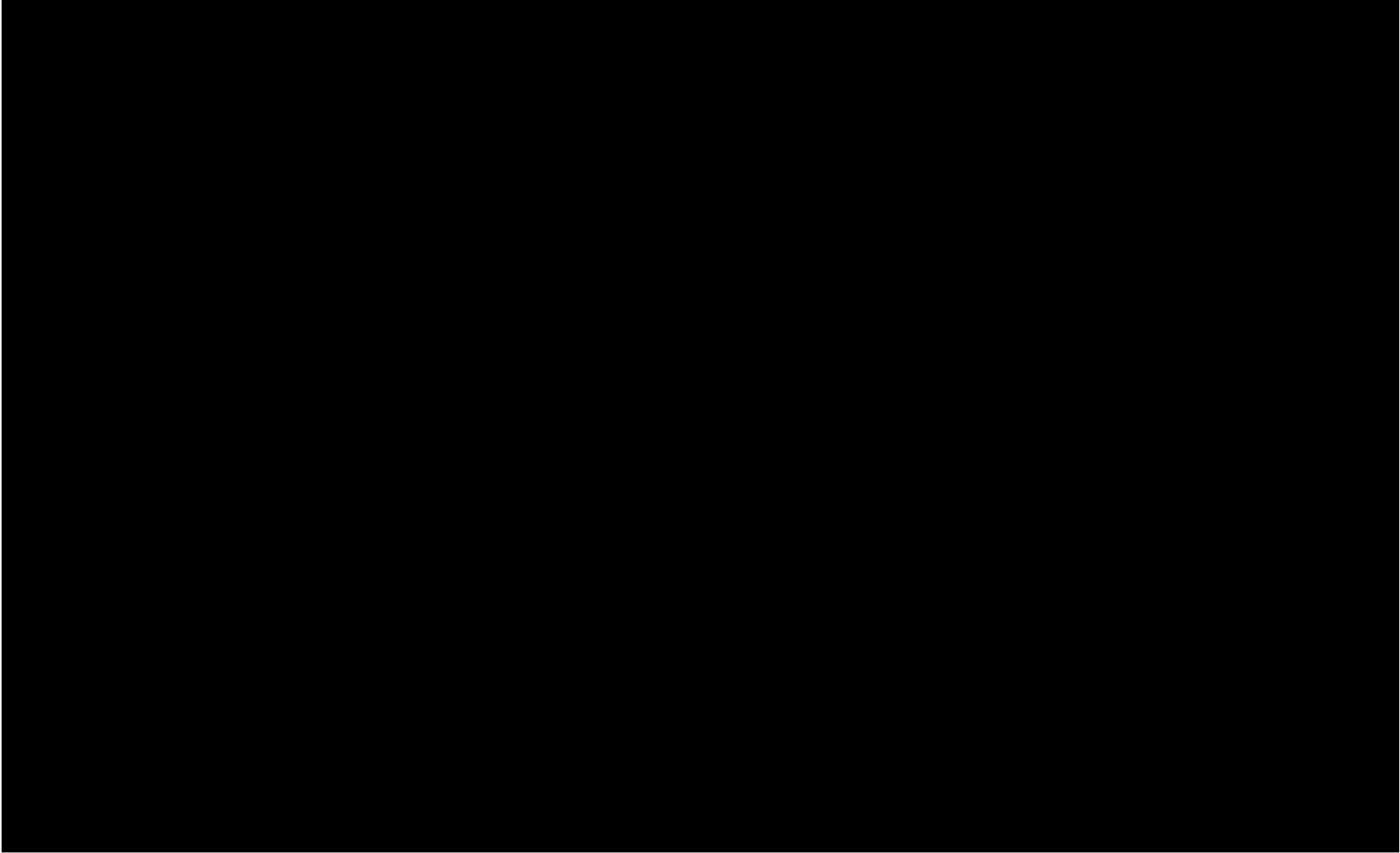
1. These 6 trees pose a significant risk to the boundary wall which they are in very close proximity to, cracks in the wall are already appearing due to the roots, if this wall were to fall, it would potentially damage 6 parked cars (two being mine)
2. These 6 trees significantly reduce sunlight reaching my property, Stead Cottage, 5 Backworth Lane, creating a very dull and damp environment. I bought this property last year on the understanding that these trees where in the process of being addressed, if this is not the case, I believe this will have a financial consequence on any potential re-sale in the future.
3. These trees are also causing damage to vehicles and at times of the year I am needing to clean the car daily, attached you will find an example of the car being parked overnight.
4. You state that these trees currently make a "significant contribution to the visual amenity of the area", however due to their location they can only actually be seen by the residents of the Former Deuchars, 5 Backworth Lane, they can't be seen by the public, and also can't be seen by the Golf Club or any adjacent buildings due to their location but are in direct sight from both my living room windows and kitchen patio doors.
5. Stead Cottage and my next-door neighbour Abbey Cottage have small courtyards to the rear of our properties which are directly affected by the lack of sunlight, the tree's leaves, sap and bird faeces this is then directly trodden into the property by both residents and pets.
6. Phone, TV and satellite signal have all been affected by the growth of these trees over the years with other residents confirming this has deteriorated over a period of time consistent with the growth. I work from home several times a Month and despite having the option of two mobile networks my work connectivity is severely affected.

I am really struggling to see how retaining the trees can possibly be beneficial, when you consider the above but in particular the risk/damage to the wall, potential damage to parked vehicles, the reduced quality of light for the residents of the Former Deuchars, 5 Backworth Lane.

Regards

[REDACTED]  
Stead Cottage  
5 Backworth Lane  
Backworth  
[REDACTED]





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**From:** [REDACTED]  
**Sent:** Thursday, August 10, 2023 7:56 AM  
**To:** Dave Parkin <Dave.Parkin@northtyneside.gov.uk>  
**Subject:** Tree Damage: FAO Dave Parkin

\*EXTRNL\*

Hi Dave,

I am the owner of Flat [REDACTED] Backworth Lane, former Deuchars. I would like to formally submit an objection to the Tree Preservation Order - land to the south of Former Deuchars, (T1, T2, T3, T4,T5 and T6).

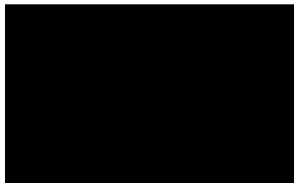
These 6 trees pose a significant risk to the boundary wall which they are in very close proximity to, cracks in the wall are already appearing due to the roots, if this wall were to fall, it would potentially damage 6 parked cars.

Secondly, these 6 trees prevent any sunlight reaching the Former Deuchars, 5 Backworth Laneproperties, creating a very dull, and damp environment.

You state that these tree currently make a *"significant contribution to the visual amenity of the area"*, however due to their location they can only actually be seen by the residents of the Former Deuchars, 5 Backworth Lane, they cant be seen by the public, and also can't be seen by the Golf Club, due to their location.

I don't believe retaining the trees can be beneficial, when you consider the risk/damage to the wall, and the reduced quality of light for the residents of the Former Deuchars, 5 Backworth Lane?

Regards



**From:** [REDACTED]

**Sent:** Thursday, August 17, 2023 5:25 PM

**To:** Democratic Support <DemocraticSupport@northtyneside.gov.uk>

**Cc:** Dave Parkin <Dave.Parkin@northtyneside.gov.uk>

**Subject:** Objection to TPO

\*EXTRNL\*

Dear Sirs/ Madame's

I write to formally object to the Tree Protection Order in relation to The Council of the Borough of North Tyneside (Land to the south of the former Deuchars, 5 Backworth Lane, Backworth) Tree Preservation Order 2023 in its entirety.

I confirm I reside at the rear of the Deuchars building in one of the 2 cottages and as such the trees pose a significant detriment to our quality of life [REDACTED]

I find the Council reasoning for the TPO quite tenuous. "The trees make a significant contribution to the visual amenity and character of the conservation area". The trees are not in direct site of the public areas of Backworth and are only really visible to those at the back of The Deuchars building, which is a private driveway to off street parking. There are further trees within a few meters back from the line of trees within the TPO. These trees would remain and therefore would not cause any detriment to the "visual amenity" the trees pose.

I am a little surprised that just a few weeks prior, a neighbouring property managed to cut down trees within 10s of metres to these trees. I cannot imagine those trees posed as much detriment to quality of life as these ones do. Coupled with the fact that the council also had a number of trees cut down next to the Backworth play park last year, these do not appear to directly relate to the construction of new homes. This feels like we are being penalised for reasons unbeknown to ourselves. How can the decision making vary so significantly within a small locality?

Over the last few years of residing here, the trees have significantly grown. These have caused increasing issues with our mobile phone signal (I cannot reliably get a phone signal when I am on call from home (I work as Doctor, where I am on call for 24 hours (or weekends) at a time) should there be any emergencies that require my input. I have researched this online and can find evidence that trees can impact on phone signal.

Out Sky satellite signal has also deteriorated over the last few years. We now only get signal for certain channels, this is worsened by wet weather where the trees become sodden, further worsening signal.

The tree debris/ sap cause significant detriment to the parked cars below. We have had branches fall off during high winds, landing on the cars. In dry weather, tree sap constantly drops on the cars. I bought a new car this year and I have to wash it several times per week so as not to cause significant damage to the paintwork. We are also using large quantities of screen wash.

The trees cause significant reduction in light to the rear properties. We have to have lights on during even the sunniest of days.

The wall that separates the boundary of the Deuchars property and the Miner's welfare is at significant risk of collapse. This is related to tree roots growing under and into the wall. The wall has already had remedial work done, but been quoted Thousands of pounds to potentially rebuild if the wall has further damage. If there is further deterioration in the wall, there is a risk of the wall falling into the parked cars, which could cause significant claims. If the wall collapses and parking becomes unmanageable, then cars will likely have to park on Backworth Lane, which may have an impact on traffic through the village (especially at rush hour).

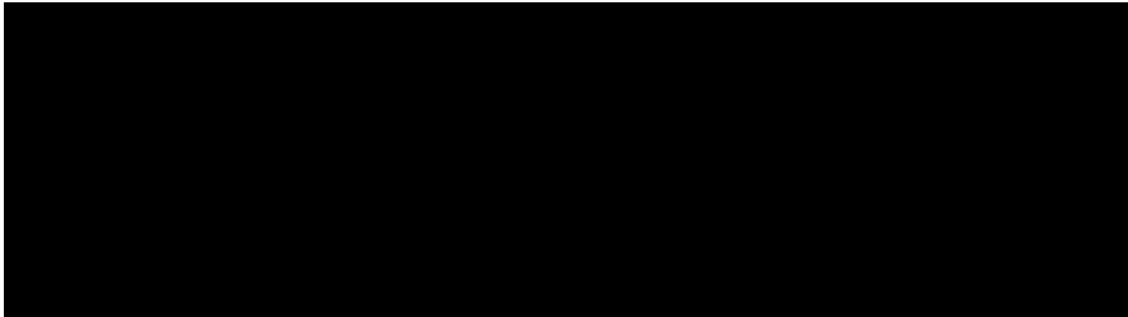
The Deuchars building does not have a garden as such. We do not have access to a garden waste bin, nor should we with only a small yard and parking area. Yet we have to pay a share of several Hundred Pounds per year to pay a gardener to sweep leaves. During Autumn into Winter, the burden of leaves falling from these trees is enormous. The leaves have blocked the drains before and cause a significant degree of slippiness to the block-paved area. In 2015, the fire brigade were called out during heavy rains because of the blocked drains causing a build up of water in the dropped patio areas. The water was streaming through the wall where holes have been made by tree roots coming through the wall.

I am disappointed the council submitted this TPO without directly coming to chat to ourselves [REDACTED] where the impact of the trees is most apparent. In my line of work, it is imperative to communicate decisions that have a direct impact on key stakeholders rather than receive paperwork in the post.

In Summary, I am officially submitting an objection to the TPO in its entirety as I believe the reasoning to be tenuous, with mitigating factors (ie a line of trees not far behind that will remain) and the impact it has on

our quality of life (light, phone/ TV signal, deleterious impact of sap onto cars/ clogging of drains/ impact on boundary wall).

Yours sincerely



\*\*\*\*\*  
\*\*\*\*\*

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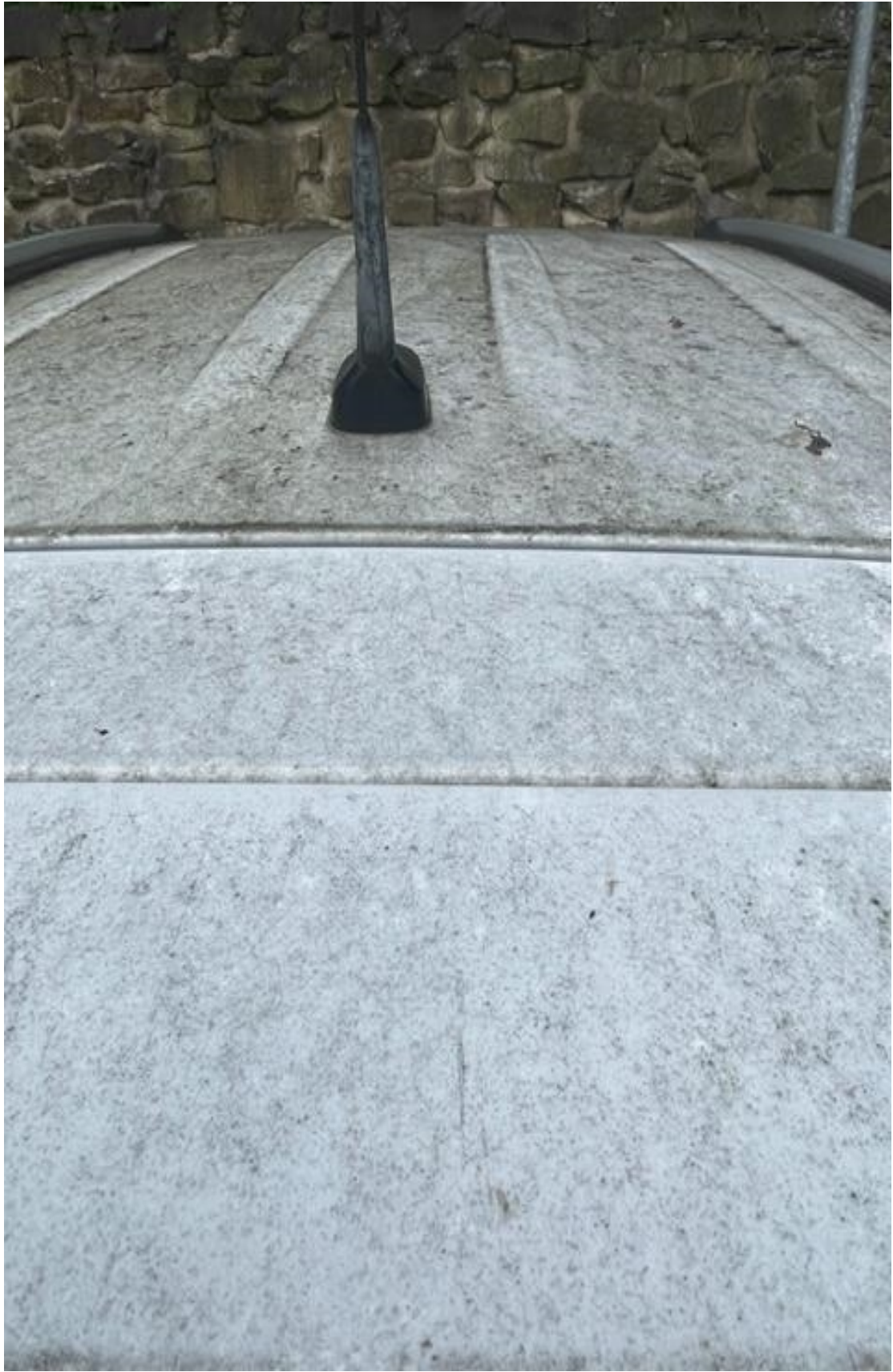




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## OBJECTION TO DEUCHARS BACKWORTH TPO

A TPO as made on 25 July 2023 and served on the owners and occupiers of the neighbouring properties.

Objections to the TPO have been received from 7 residents from both Deuchars and neighbouring properties and have been summarised as follows.

1. The objections raise concerns about the condition of the boundary wall with Backworth Hall being at risk of collapse. There are cracks in the wall with root ingress and the wall is leaning.
2. The objections raise concerns about the lack of visual amenity that the trees provide.
3. The objections raise concerns about poor light levels to the rear of the property with the sun never getting above the trees and causing a dark damp space
4. The objections raise concerns about poor satellite and TV signal and poor mobile phone signal.
5. The objections raise concerns about Sycamore trees and sap, tree debris (falling branches) and bird faeces
6. The objections raise concerns about removal of trees and unauthorised pruning work to trees in neighbouring properties
7. The objections raise concerns about metal health issues.

Relevant planning policies relevant to this TPO confirmation are:

- Town and Country Planning (Tree Preservation) (England) Regulations 2012
- NTC Local Plan policies

### 1. The condition of the boundary wall

In June 2021 Kingston Properties, a property management company for the former Deuchar Building, contacted the council regarding the trees located on land belonging to Backworth Hall. The trees located along a northern boundary wall of the Hall, overhang the residents car parking area of the converted Deuchars property. Kingston Properties requested informal advice on proposed pruning and felling works to trees along the boundary wall with Backwoth Hall for the following reasons:

- Loss of light to 2 cottages at the rear of the development.
- Damage to cars and car park area, due to the debris falling from a height.
- Damage to a stone built boundary wall, which is starting to have various issues, due to the tree roots destabilising the structure of the wall.

Following a site visit it was noted that the trees were located at a distance that provided sufficient clearance over the car park and that access to the car park was unobstructed. No arboricultural reason was provided to justify works to the trees and Kingston Properties were informed that regular maintenance of the trees to remove deadwood does not require consent from the local authority. This would prevent debris falling on to cars in the car park. Whilst the trees may have some impact on light levels to the neighbouring properties there would need to be clear evidence that the trees are a severe restriction to light levels within the properties and any future works to the trees to enable additional light into those properties would need to be justified. Any issues relating to light levels could be addressed by appropriate pruning works.

With regard to the boundary wall, Kingston Properties were advised to obtain a report from a structural engineer or experience builder for their opinion on how to stabilise the wall whilst retaining the trees. This report would be considered with any application for tree works.

In February 2022, a structural report was received from Kingston Property Services requesting our advice on the content of the report prior to an application being submitted. Kingston Properties survey of the wall concluded that the trees are causing structural damage to the wall south of the former Deuchars PH, and the recommendation was that certain trees should be removed.

The structural report was assessed by the Council and the following advice provided: *'the works to the wall would require an increased buttress on the north face of the southern boundary wall to add structural stability. This would help alleviate the issue of the ground level to the south being around*

*800mm higher than the car park level and the lean of the wall. It may also be appropriate that works to remove a tree(s) growing directly adjacent to the wall as part of the works. However, it would be useful if within any future proposals to undertake works to the wall there would be consideration to retain some of the trees identified in para 3.1 where possible. Could the strengthening works to the wall allow for the retention of the trees?*

*If the intention is as part of the works to reduce the land on the southern face of the boundary wall by 500mm how far away from this wall would a reduction in the land level be necessary? Could root pruning be incorporated into these works and if significant root intrusion was present in the wall a potential re-evaluation of retaining trees be considered?'*

To date, no response to these comments has been received from Kingston Properties and in June 2023, an application was received with a report providing supporting evidence for the removal of trees (23/00769/TREECA). However, the supporting report is the same report submitted in February 2022 with no additional information or response to address the councils earlier comments. Due to the lack of response and information, it was felt that the trees were under actual threat of removal without any clear justifiable reason and a TPO was made in respect of the trees.

## **2. Public/visual amenity**

TPOs are administered by Local Planning Authorities (LPA) and are made to protect trees that bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat. If a tree in a conservation area is not covered by a TPO, the Town and Country Planning Act requires that written notification, or a section 211 notice, is given to the LPA, describing what works are to be carried out to trees, at least six weeks before the work starts. This gives the LPA an opportunity to consider protecting the tree with a TPO. A TPO is made in effect of amenity and does not distinct between different types of tree species or its size.

A section 211 notice was received informing the LPA that, based on the findings of the structural engineers report, it was the intention to remove 5no sycamore trees located on land belonging to Backworth Hall and prune 1no sycamore tree located within the grounds of the Deuchars property.

A site visit was carried out and an evaluation of the trees was made and it was found that the trees were healthy and as part of a collective group, contributed to the amenity of the conservation area. The amenity of the trees was evaluated by using the TEMPO assessment (Tree Evaluation Method for Evaluating Preservation Orders). This assessment is carried out by the local planning authority and is a widely recognised and respected method of assessing the tree as an important landscape feature offering significant amenity to the general public.

The TEMPO evaluation method takes into account factors such as a tree's visibility to the public, its condition, age and remaining life-expectancy, its function within the landscape (such as screening development or industry), its wildlife or historic value and ultimately its importance to the local environment. Public access to a tree or trees is not a relevant factor for consideration. Whilst this method is more recognised and widely used by local authorities, it must be remembered however that the TEMPO is only used as guidance and to act as supporting evidence to show how the conclusion to TPO or to not TPO is reached. Nevertheless, these factors are taken into consideration to decide whether a TPO is made although as a result of the surveyors judgement rather than a formal method of assessment.

Furthermore, the tree(s) usually need to be under an immediate or foreseeable threat to warrant protection, and in this case, the sycamore trees (and one willow, incorrectly identified as a sycamore in the application 23/00769/TREECA) were considered under threat of removal. If a score of 11 and above is achieved in the assessment, then the tree is considered worthy of a TPO. In this case the trees were evaluated with a score of 16, which 'definitely merits' a TPO and therefore the decision was made to protect the trees. The TEMPO assessment is attached for information.

The trees (sycamore and willow) are in reasonable health, early maturity, approximately 14 to 15 m high. The sycamore tree located within the grounds of Deuchars is large, very mature and clearly visible at the top of the driveway between Deuchars and the neighbouring industrial unit. The sycamore trees and willow behind the wall and on land belonging to Backworth Hall are partially visible from Backworth

Lane between a gap between Deuchars and the neighbouring stone cottages to the east of Deuchars. These trees can be seen from short distance views as an individual specimens from the large public space to the front of the cottages. These trees form a larger tree collective and their loss, both from short and long-distance views would be considered a visual change on a permanent basis.

The trees, with the exception of the tree located within the grounds of Deuchars, have fairly narrow canopies but adds maturity to the built environment and helps provide some privacy and screening between properties. It is part of a larger collective grouping of trees which is prominent feature in the landscape and by virtue of its size and location, the tree makes a useful contribution to the outlook from nearby properties and thereby to visual amenity.

### **3. Light issues**

Trees will cast a shadow or reduce natural light to an area of a garden or property on a seasonal basis. However, there is no "right to light" and protected trees would not be removed for light purposes unless it is demonstrated that a severe restriction has resulted. Remedial tree works such as crown thinning can relieve the situation but shade is not sufficient reason to allow the removal of the tree. Where requests are made to prune trees to increase light levels, each instance will be assessed on its merits.

### **4. Poor satellite, TV signal and mobile phone signal**

There is no legal right to a television reception. The satellite or TV provider may be able to suggest an alternative solution to the problems with television and satellite signal which can often be alleviated by the relocation of the aerial or satellite dish as well as the use of a signal booster. The felling of trees is not an arboricultural reason to resolve obstructed mobile phone or other telecommunications signals.

### **5. Damp, falling leaves, sap and issues associated with trees**

Leaf fall is a natural and seasonal inconvenience and whilst troublesome it is not legally a nuisance and not sufficient to allow the removal of the tree.

Honeydew is caused by greenfly (aphids) feeding on the tree, which excrete a sugary sap. Often the honeydew is colonised by a mould which causes it to go black. Unfortunately, there is little that can be done to remove the aphids which cause the problem; and pruning the tree will generally only offer temporary relief. Whilst the sap from sycamore trees can be troublesome on cars and property, it can usually be washed off with warm soapy water.

Bird droppings can also be seen as a nuisance. However, they are naturally occurring in urban environments and it would not therefore be considered a realistic option to prune or remove a tree for this reason. Nesting birds are protected under the Wildlife and Countryside Act 1981 (and other related wildlife laws).

There are risks associated with trees, for example, unexplained falling branches, dead wood within the trees canopy and the fallout of debris from the trees is no more than should be expected by similar trees of normal vigour. This is a natural phenomenon that should be expected when living in an environment with established trees. As trees grow, it is natural for them to drop branches. This can be addressed through simple management and regular inspections as part of a sensible risk management approach and which can reduce the likelihood of problems in the future. Responsibility for the tree lies with the owner of the land on which the tree is growing. There is a duty for the landowner to take reasonable care to ensure that their trees do not pose a threat to people or property even if the tree is protected by a tree preservation order. As it is difficult to predict the safety of a tree, it is the owner's responsibility to have their trees checked regularly by a competent person and professional arboricultural advice should be sought to ensure trees are maintained in a safe condition. A tree surgeon to undertake an assessment of the trees who will be able to determine if there is any risk and how the risk, if present, can be mitigated. Branch failure does not always render a tree dangerous and often are isolated events.

The TPO will ensure any works undertaken are carried out in accordance with good arboricultural practices and does not prevent future works from being undertaken but approval from the local authority would need to be sought beforehand.

#### **6. Objections raise concerns about removal of trees and unauthorised pruning work to trees in neighbouring properties**

This refers to trees within Backworth Hall. Matters of this nature are beyond the scope of this report and have no bearing on the Tree Preservation Order issued at this location.

#### **7. The objections raise concerns about mental health issues.**

The trees themselves, together with other trees in the locality, offer greater benefits and mounting evidence now realises improved health by improved air quality and reduced carbon emissions. Whilst there is great sympathy for the mental health of the occupier of the property, the benefits these trees in the conservation area offer to the wider population outweigh the inconvenience they may cause to an individual. Also, well maintained trees will help alleviate the perception of threat by falling branches or over dominance.

#### **Conclusion**

The trees are in fair condition, reasonably healthy with no major defects. They are an important element of the local landscape and part of a wider tree group within a wildlife corridor as defined by the Local Plan. Therefore, the trees not only provide amenity value but also are important for biodiversity.

The Order has been properly made in the interests of securing the contribution this tree makes to the public amenity value in the area. The concerns of the homeowners have been fully considered and balanced against the contribution the trees make to the to the local environment.

Whilst it is acknowledged the reasons for objecting to the TPO, in particular concerns about visibility, individual impact and wider impact require due consideration, it is not felt that they outweigh the contribution these trees make to the area.

Due to the size of these trees, the age of the trees (and potentially its historical value), their health and current condition, their biodiversity value and on the understanding that the trees are at risk of being felled, it is considered expedient in the interests of amenity to confirm the Tree Preservation Order.

It is important to reiterate that, if the Order is confirmed, this would not preclude future maintenance works to the trees. Should any works need to be carried out to the trees for safety reasons, or for any other reason, an application can be made to the local planning authority to carry out works to the protected trees.