



**North Tyneside Council**

# Planning Committee

Friday, 12 January 2024

**Tuesday, 23 January 2024** 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.	
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	

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of any matters appearing on the agenda.

**4. Minutes**

To confirm the minutes of the previous meetings held on 12 December 2023, 19 December 2023 and 11 January 2024 (to follow)

**5. Planning Officer Reports**

**5 - 10**

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.

**6. Land to the South of the former Deuchars, 5 Backworth Lane, Backworth - Tree Preservation Order 2023**

**11 - 66**

To give consideration as to whether the land to the south of the former Deuchars, Backworth Lane, Backworth Tree Preservation Order 2023 should be confirmed having taken account of the representations received.

**7. 23/01410/FUL 66 George Road, Wallsend, Tyne and Wear**

**67 - 86**

To determine a full planning application from Mr Armstrong for a change of use from C3 Dwelling House to Sui Generis (HMO with 6+ bedrooms) – the current dwelling has 7 bedrooms and the applicant seeks to change the use of 66 George Road, Wallsend into a 8 bedroom HMO.

**8. 23/01371/FUL 102 Laurel Street, Wallsend**

**87 -  
108**

To consider a full planning application from Mr Evans for a change of use of 102 Laurel Street, Wallsend from 1no apartment (use class C3) to 1no HMO (use class C4) comprising 8no bedrooms including loft conversion (amended description and plan submitted)

<b>Agenda Item</b>	<b>Page</b>
9. <b>23/01515/FUL 245-247 Station Road, Wallsend</b>	<b>109 – 132</b>
To determine a full planning application from Mr Taylor for proposed minor alterations to the rear apartment 245 and proposed change of use of apartment 247 to form an 8 bed HMO including loft conversion and 4no roof windows at 245-247 Station Road, Wallsend.	
10. <b>23/01577/FUL 12 Coronation Street, Wallsend</b>	<b>133 – 152</b>
To determine a full planning application from Mr Taylor for a proposed rear 2 storey extension and conversion of residential dwelling to 2 HMO's (1no 4 bed and 1no 8 bed) at 12 Coronation Street, Wallsend.	

**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

Date: 23 January 2024

### 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  
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| <b>2</b> | <b>23/01371/FUL</b>   | <b>Wallsend</b> |
|          | <b>102 Laurel Street Wallsend Tyne And Wear NE28 6PQ</b>      |                 |
| <b>3</b> | <b>23/01515/FUL</b>   | <b>Wallsend</b> |
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|          | <b>12 Coronation Street Wallsend Tyne And Wear NE28 7LT</b>   |                 |

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## North Tyneside Council Report to Planning Committee Date: 23 January 2024

Title: Land to the south of  
the former Deuchars, 5  
Backworth Lane,  
Backworth  
Tree Preservation Order  
2023

**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 engineer's 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:



A. M. E. R. G. U. E.  
LAWYER

Authorised Signatory



## 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>
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None

**GROUPS OF TREES**

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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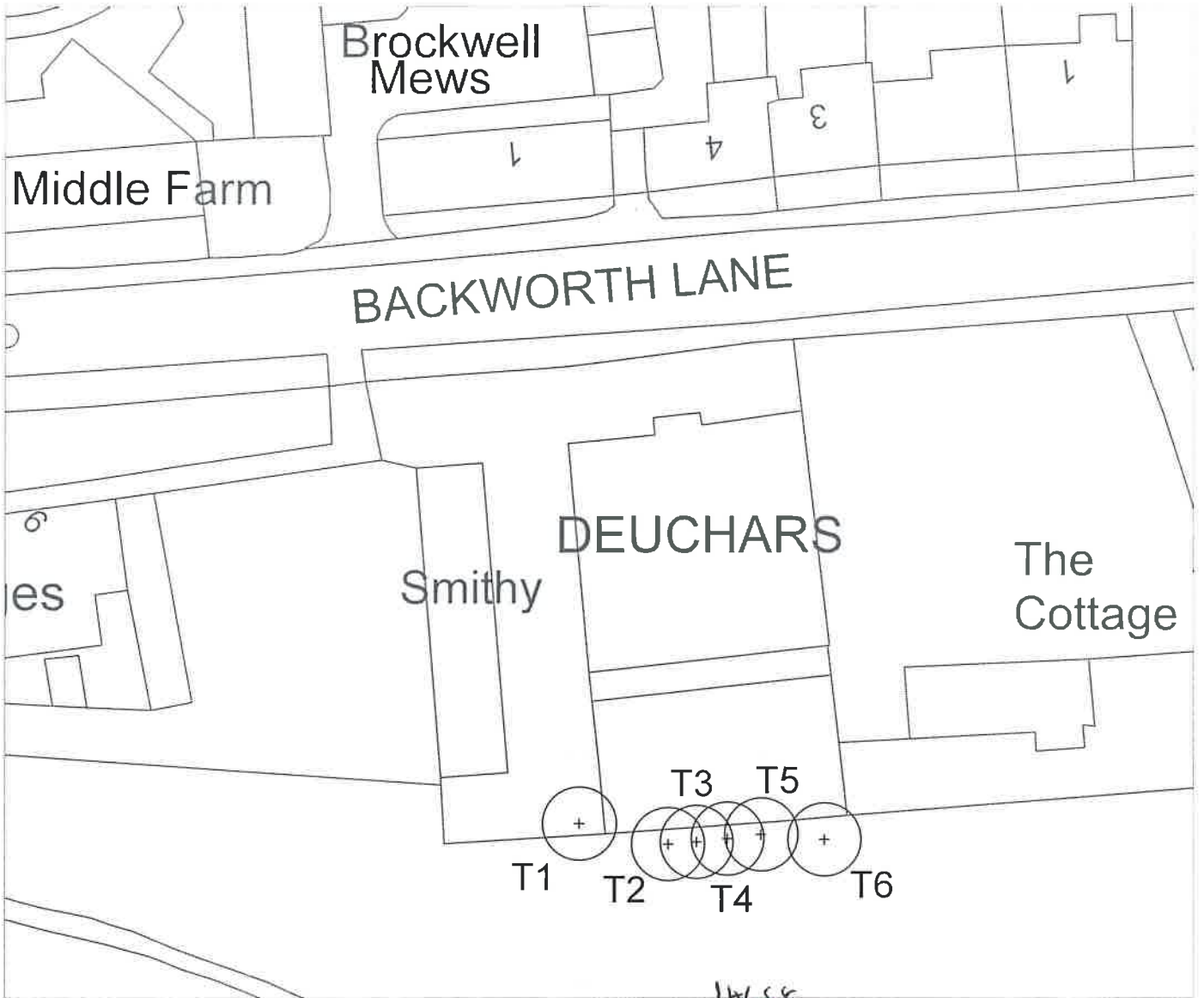
None

**WOODLANDS**

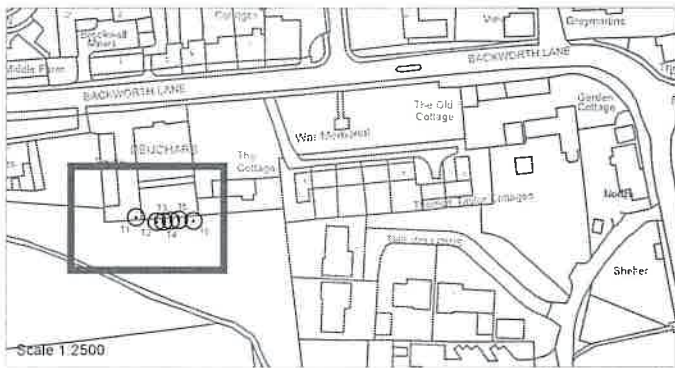
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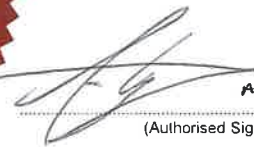
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None



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:  
  
  
 (Authorised Signatory) ANDREW TATE  
COUNCIL

JOHN SPARKES  
 DIRECTOR OF REGENERATION AND ECONOMIC DEVELOPMENT

QUADRANT EAST  
 THE SILVERLINK  
 COBALT BUSINESS PARK  
 NORTH TYNESIDE  
 NE27 0BY

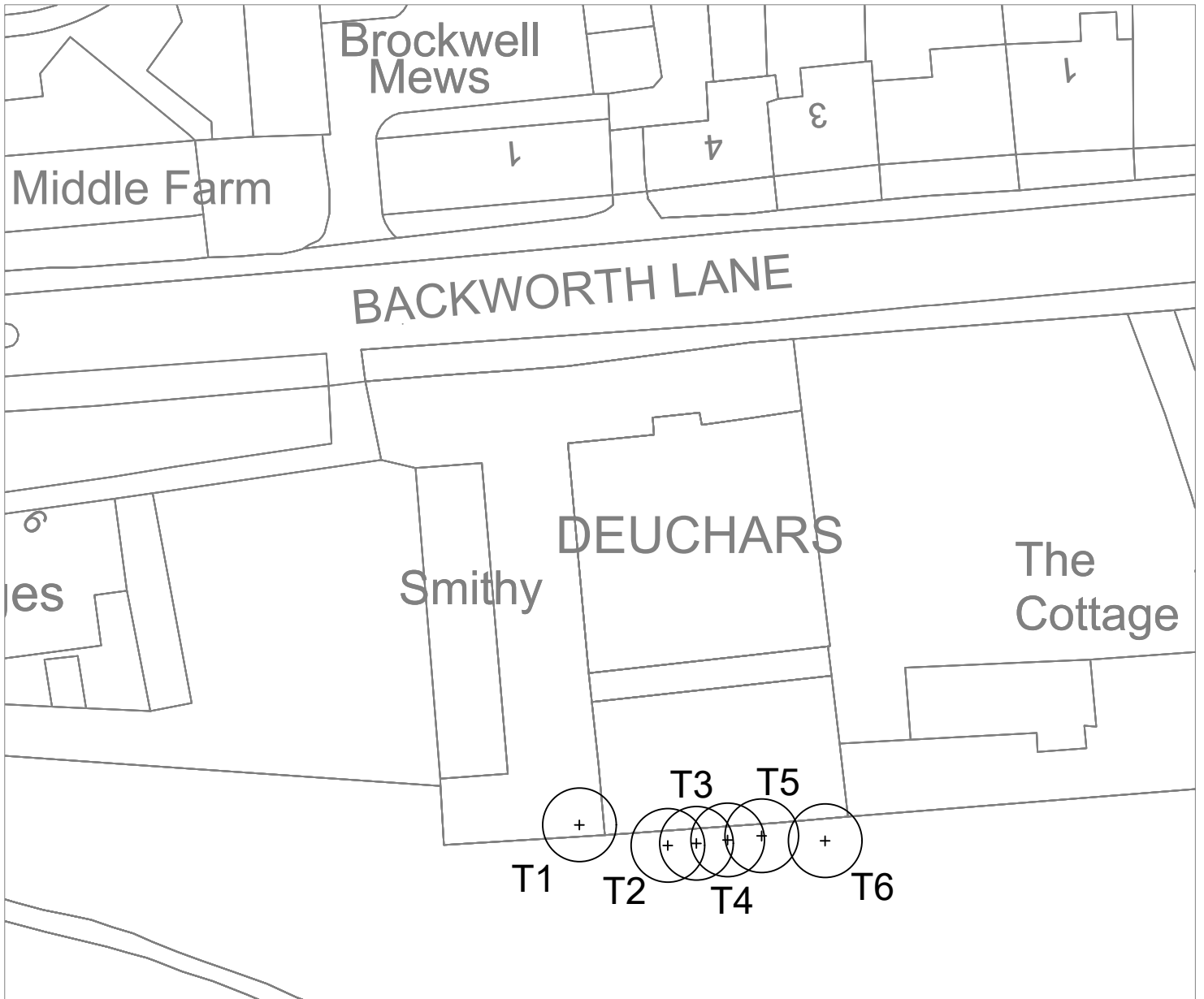
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 Ordnance Survey Licence Number AC0900270329  
 SCALE 1 500



**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

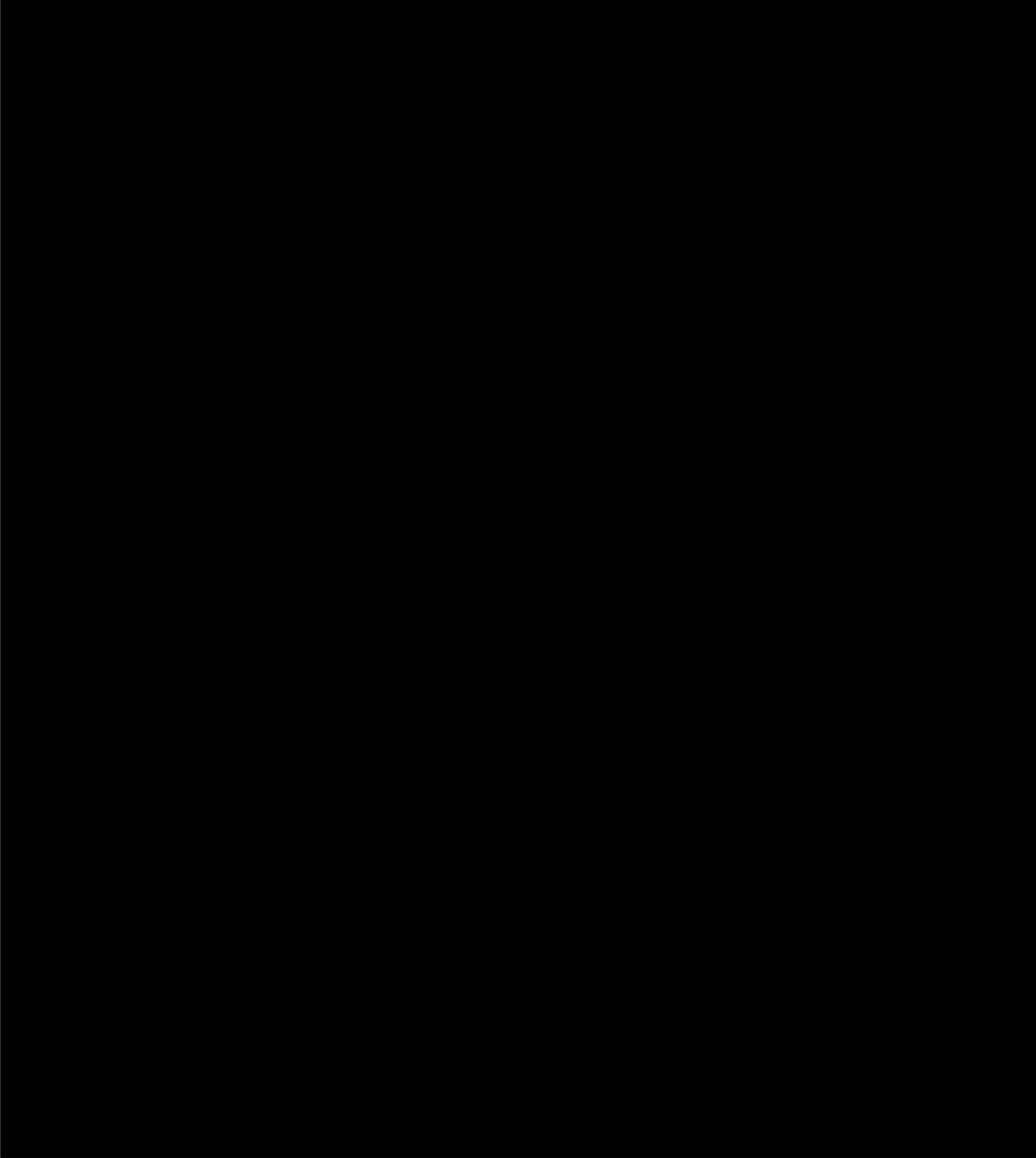
QUADRANT EAST  
 THE SILVERLINK  
 COBALT BUSINESS PARK  
 NORTH TYNESIDE  
 NE27 0BY

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 SCALE 1:500

**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,

A solid black rectangular redaction box covering the signature area.

**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.

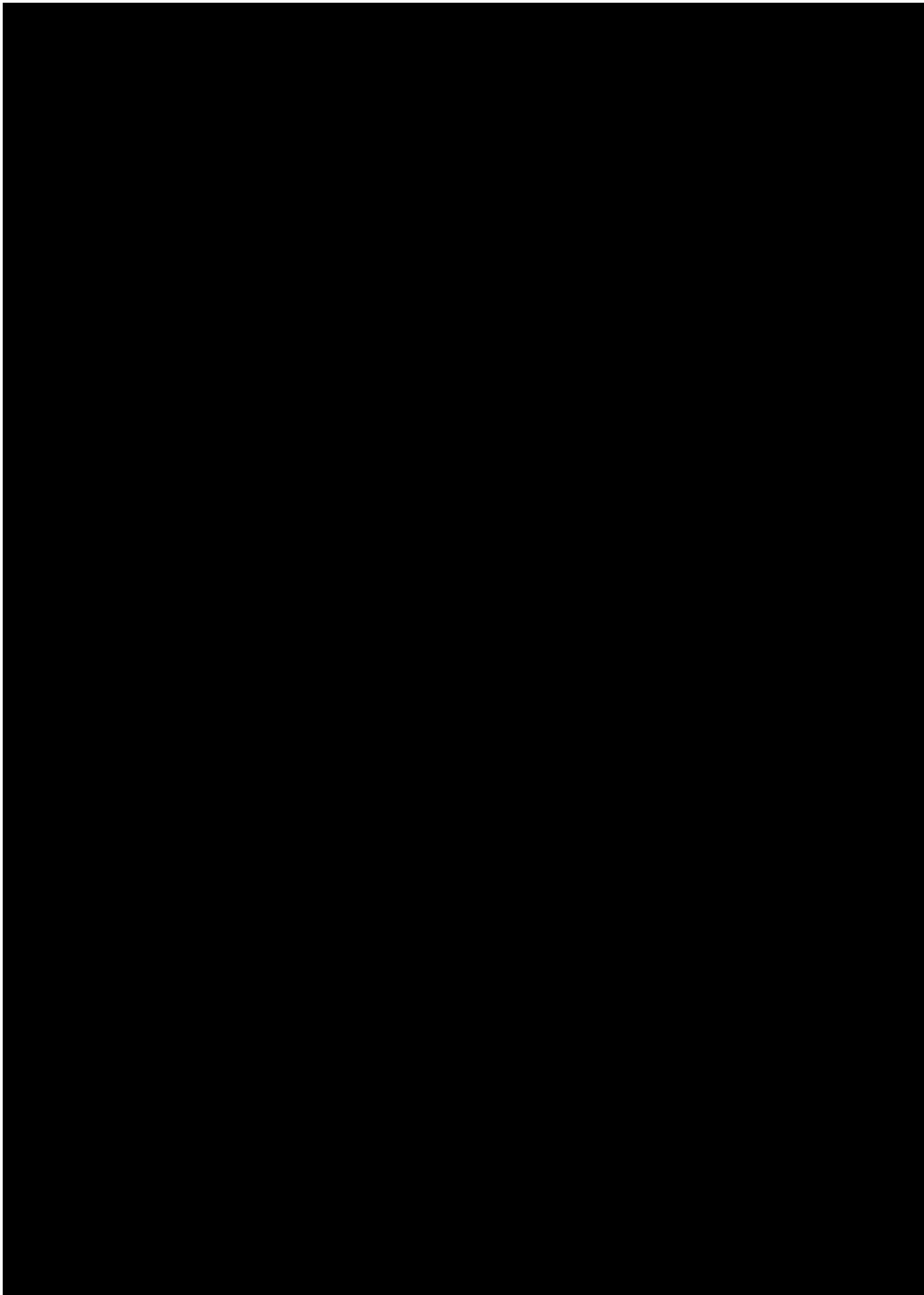
The other problem the trees cause are a very poor signal for broadband and mobile networks. This is particularly bad, not only for business for residents working from home BUT especially for my neighbour who is a hospital consultant "ON CALL"

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

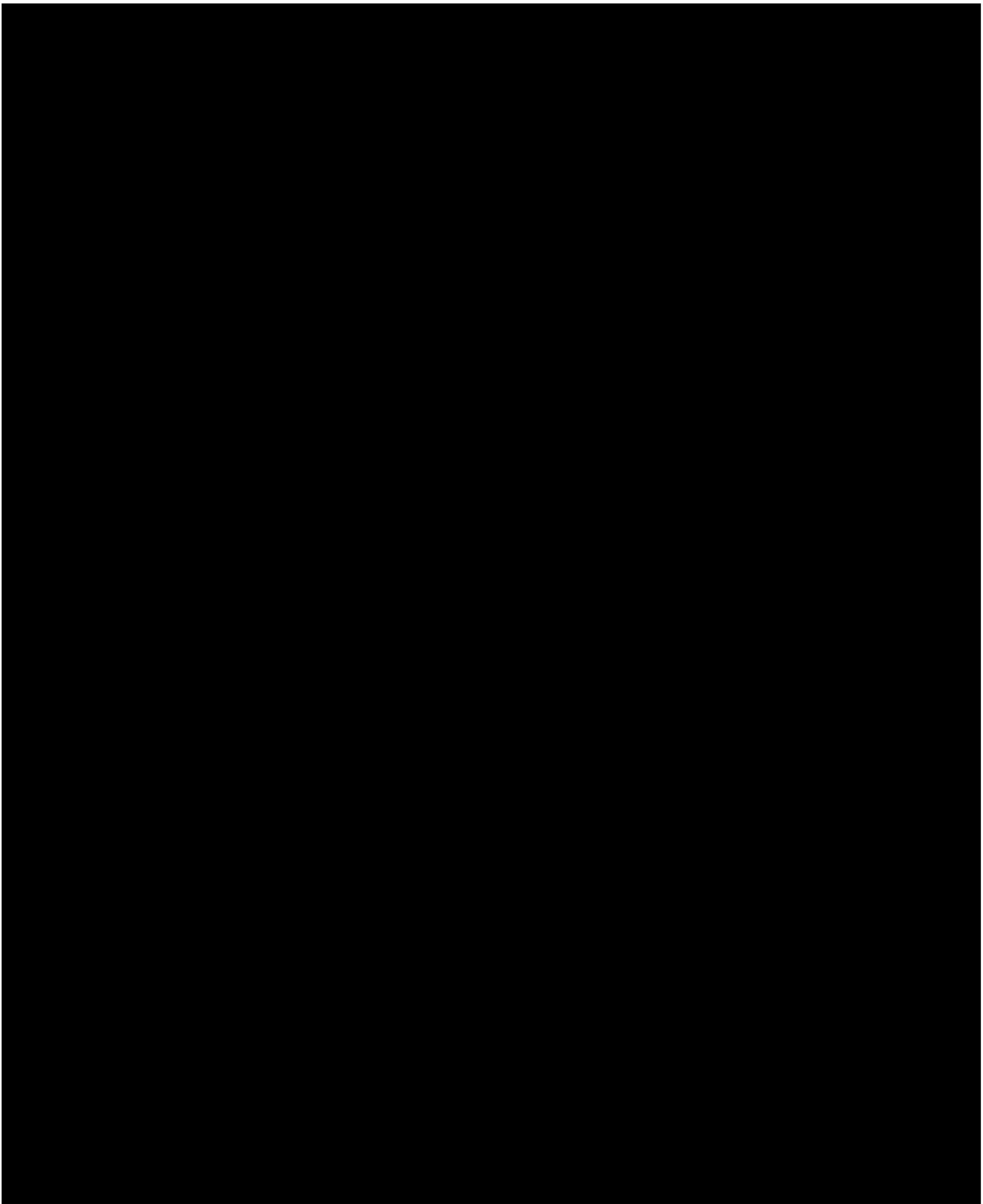
**From:** [REDACTED]

**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

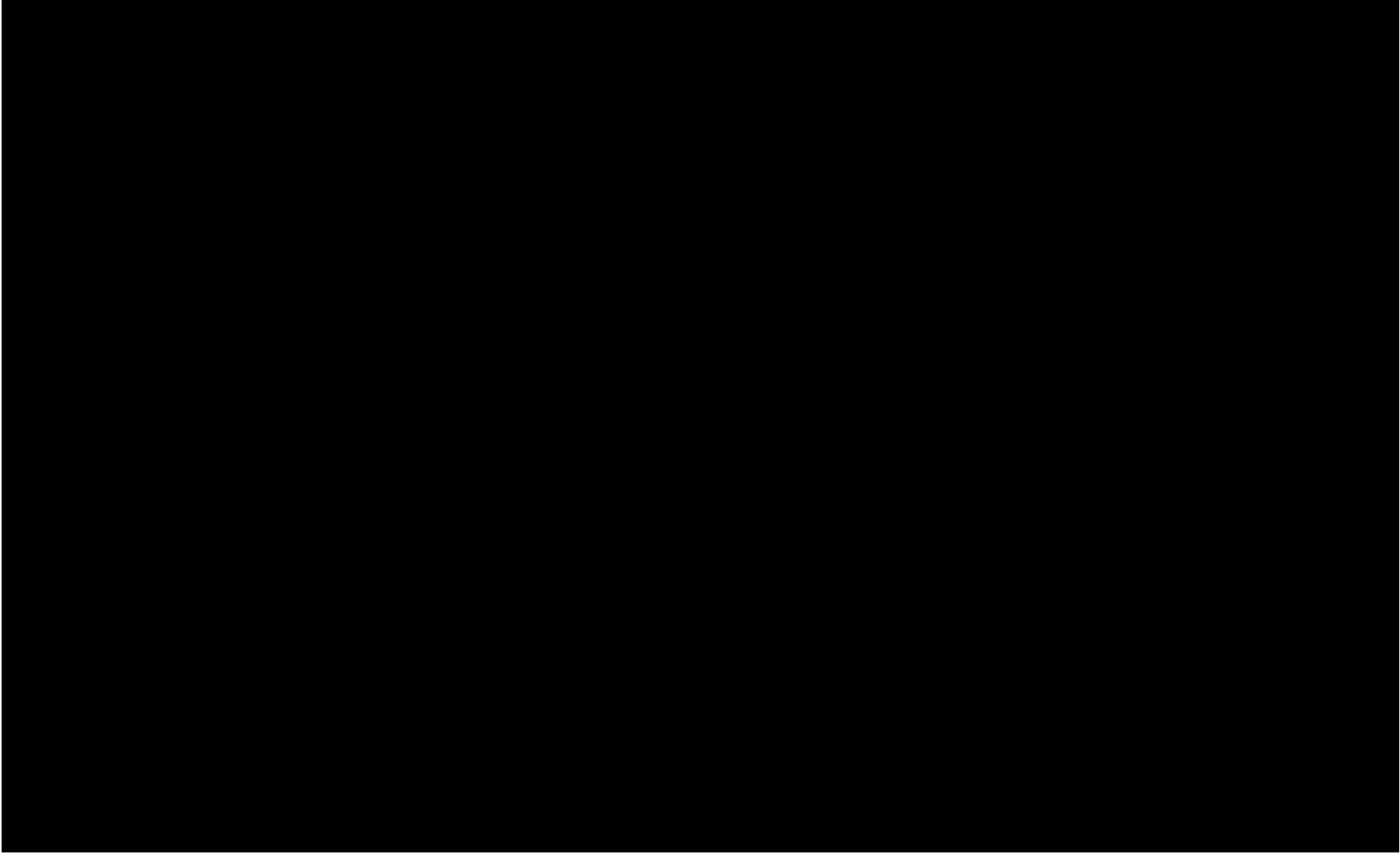
I would like to formally submit an objection to the Tree Preservation Order - land to the south of Former Deuchars, 5 Backworth Lane (T1, T2, T3, T4,T5 and T6).

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]



---

**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).

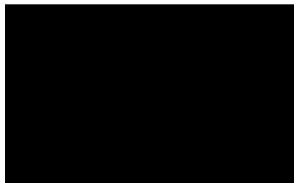
These 6 trees pose a significant risk to the boundary wall which they are in very close proximity to, cracks in the wall are already appearing due to the roots, if this wall were to fall, it would potentially damage 6 parked cars.

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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## 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.

**Item No:** 1  
**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

**This application was included in the agenda for the 12 December Planning Committee but due to time constraints was deferred for consideration at a later meeting.**

#### 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 – Refused 21.12.2023 for the following reason:

*The proposal for an HMO with limited room sizes is contrary to the Wallsend Masterplan which seeks to create a more sustainable community through providing larger, family homes and improving the quality of housing offer in Wallsend.*

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 (December 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 191 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 96 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 96 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 115 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 180 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 186 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,***



Building Regulations Required (I03)

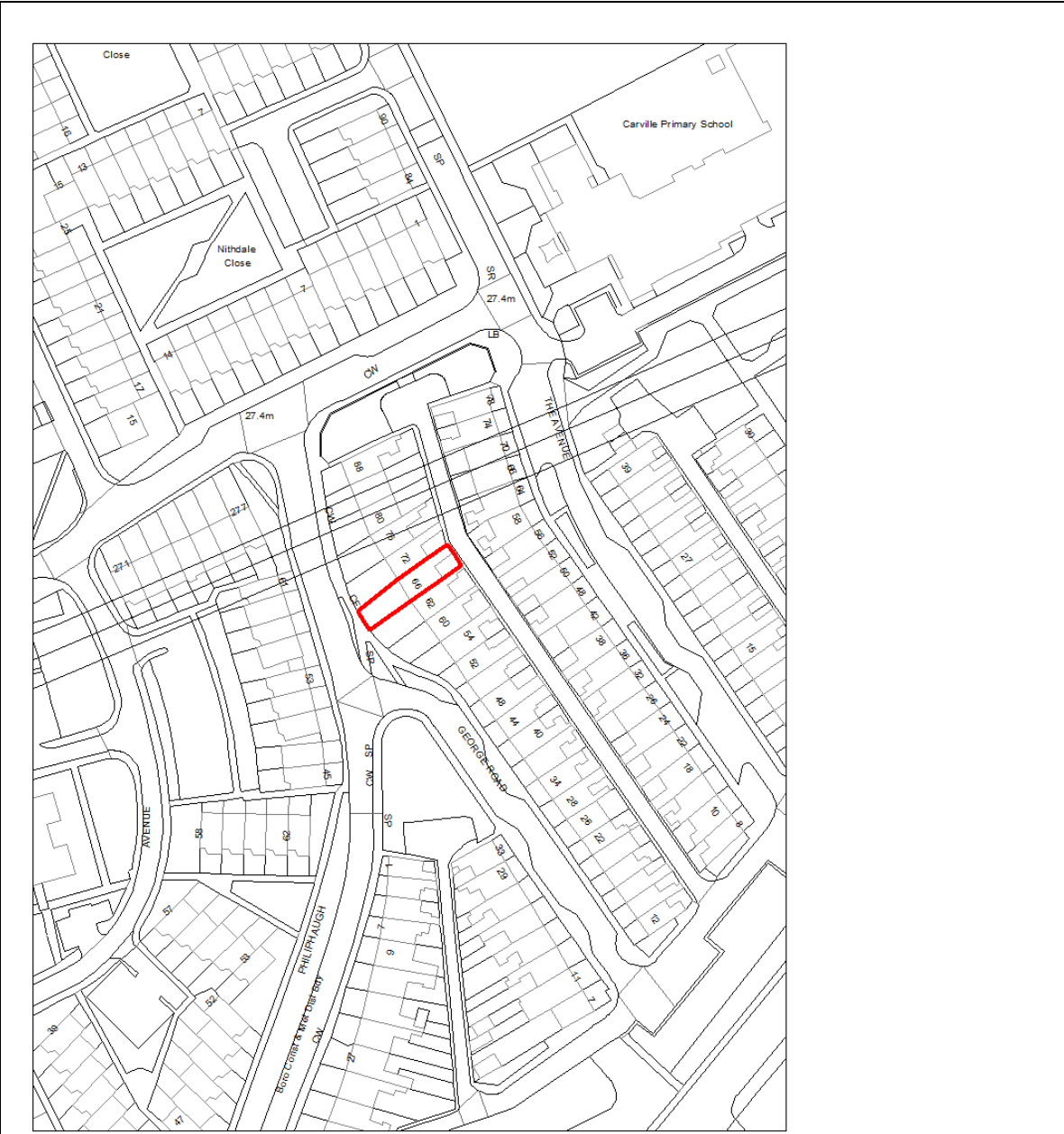
Do Not Obstruct Highway Build Materials (I13)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

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: 09.01.2024

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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 17 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:** 2  
**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

**This application was included in the agenda for the 12 December Planning Committee but due to time constraints was deferred for consideration at a later meeting.**

#### 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 – Refused 21.12.2023 for the following reason:

*The proposal for an HMO with limited room sizes is contrary to the Wallsend Masterplan which seeks to create a more sustainable community through providing larger, family homes and improving the quality of housing offer in Wallsend.*

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 (December 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 takers 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 191 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 96 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 96 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. 139).

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 115 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 180 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 186 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



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

5. Prior to occupation of the development the separating floor between ground floor flat and first floor shall be upgraded to meet the minimum sound insulation weighting standard of 43 decibels and maximum impact sound insulation standard of 64 decibels. The staircase shall be protected against impact noise to demonstrate no exceedance of the 64-decibel value. A validation report providing details of testing and construction shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with this condition prior to occupation. The sound insulation measures shall be installed and thereafter maintained in accordance with the agreed details.

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**

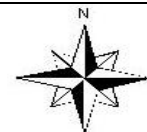
**Location: 102 Laurel Street, Wallsend, Tyne And Wear, NE28 6PQ**

**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: 09.01.2024

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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 fist 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.





**Item No:** 3  
**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:** Minded to grant legal agreement req.

## **INFORMATION**

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

**This application was included in the agenda for the 12 December Planning Committee but due to time constraints was deferred for consideration at a later meeting.**

#### 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 and 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 – Refused 21.12.2023 for the following reason:

*The proposal for an HMO with limited room sizes is contrary to the Wallsend Masterplan which seeks to create a more sustainable community through providing larger, family homes and improving the quality of housing offer in Wallsend.*

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 (December 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 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 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.

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 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 191 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 96 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. 139).

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 115 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 180 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 186 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:**      **Minded to grant legal agreement req.**



demonstrate compliance with this condition prior to occupation of the development. The sound insulation measures shall be installed and thereafter maintained in accordance with the agreed details.

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)

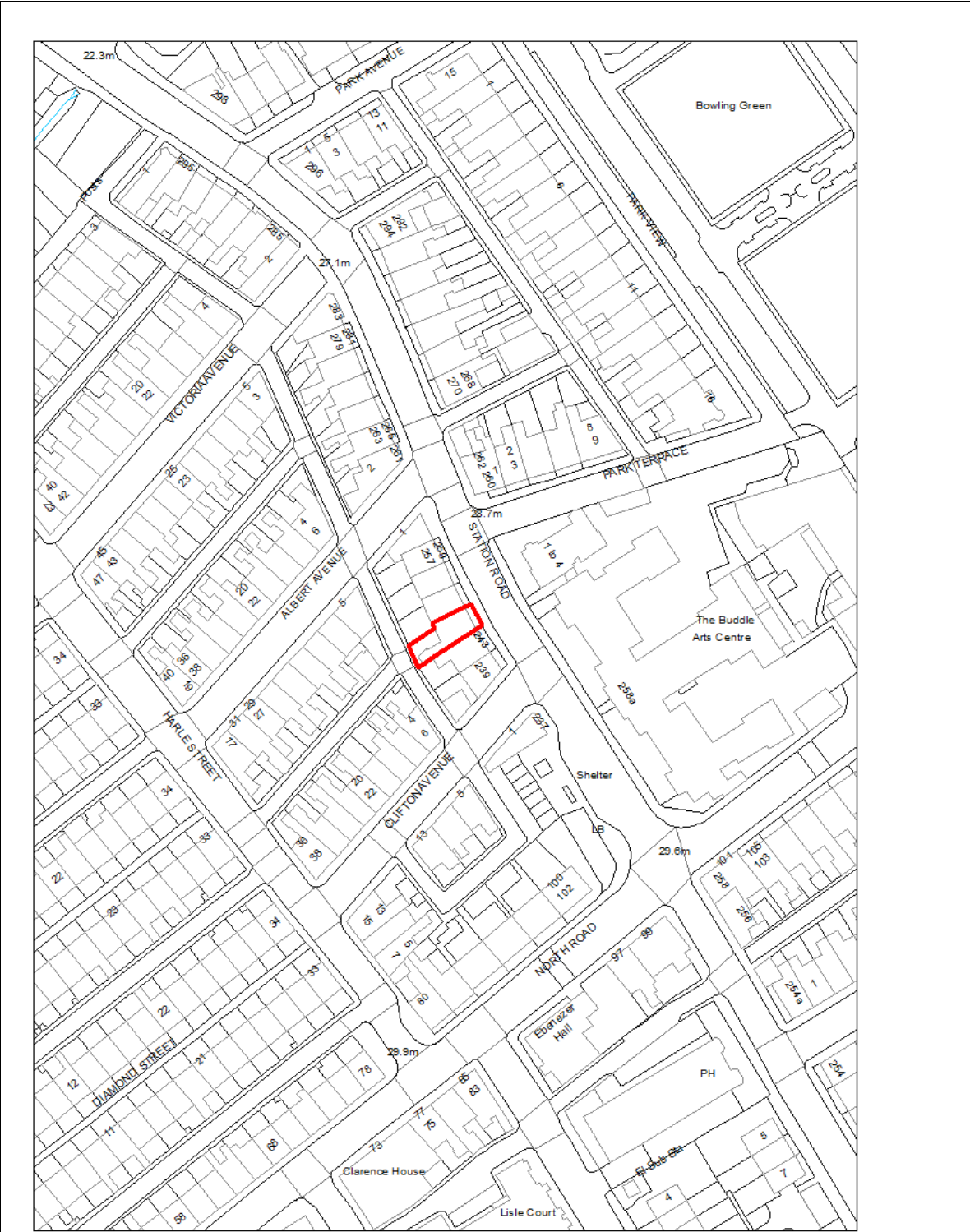
Contact ERH Erect Scaffolding on Rd (I12)

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

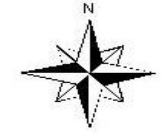




**Application reference: 23/01515/FUL**  
**Location: 245 - 247 Station Road, Wallsend, Tyne And Wear, NE28 8SA**  
**Proposal: Proposed minor alterations to the rear Apartment 245. Proposed Change of Use of Apartment 247 to form an 8 Bed HMO including loft conversion and 4no Roof Windows**

Not to scale  
 Date: 09.01.2024

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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 non-domestic violent offenses occurring in all 4,401 dwellings in a Berkshire town close to London over calendar year 2013. Eighty-four percent of those in-dwelling 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.

### 2.12 Newcastle Airport

2.13 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 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

18no. 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.
- Inappropriate design.
- Loss of privacy.
- Not in accordance with development plan.
- Traffic congestion.
- Will significantly alter the residential character of the neighbourhood.
- A higher turnover of residents may lead to less cohesive neighbourhoods.
- Does not appear to provide sufficient amenity space for the increased number of occupants.
- May set a precedent for similar developments in the area.
- Loud music and shouting late at night, which is already being noticed after the hostel that's already in the area.



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**Item No:** 4  
**Application No:** 23/01577/FUL  
**Date valid:** 17 November 2023  
**Target decision date:** 12 January 2024  
**Author:** Rebecca Andison  
**☎:** 0191 643 6321  
**Ward:** Wallsend

Application type: full planning application

**Location:** 12 Coronation Street, Wallsend, Tyne And Wear, NE28 7LT,

**Proposal:** Proposed rear 2 storey extension. Loft conversion with 3no new roof windows and conversion of residential dwelling into 2 HMOs (1no. 4-bed and 1no. 8-bed)

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 2-storey residential dwelling, located on Coronation Street Wallsend. The existing property contains 3no. bedrooms and has a yard to the rear.

2.2 The site is located on a residential street within Wallsend town centre. Immediately to the south is a substation and beyond this is a car park on High Street East.

### 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 2no. houses of multiple occupation (1no. 4-bed and 1no.8-bed).

3.2 It is proposed to convert the loft space and install 3no. roof lights. A 2-storey rear extension and external staircase are also proposed adjacent to the southern boundary of the rear yard.

### 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 – Refused 21.12.2023 for the following reason:

*The proposal for an HMO with limited room sizes is contrary to the Wallsend Masterplan which seeks to create a more sustainable community through providing larger, family homes and improving the quality of housing offer in Wallsend.*

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

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

### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

### 6.0 Government Policy

6.1 National Planning Policy Framework (December 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 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 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 dwelling to 2no. houses of multiple occupation, one with 4no. bedrooms and one with 8no. bedrooms. The application site is located on a residential street within 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 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.

8.13 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 191 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 96 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 Policy DM6.2 of the Local Plan states that when assessing applications for extending buildings the Council will consider the implications for amenity on adjacent properties and land such as outlook, loss of light or privacy and the cumulative impact if the building has been previously extended.

9.8 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.

9.9 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.

*9.10 Impact on existing residents -*

9.11 The site is located on a residential street, containing a mixture of flats and houses, and adjoins 2no. flats to the north. While the site is located on a residential street it lies immediately to the north of High Street East where there are a variety of commercial and residential uses.

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. She recommends that a condition is imposed requiring that sound insulation is installed to prevent noise transmission between the two HMOs.

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 result in the same degree of disturbance.

9.16 It is officer opinion that the additional noise generated by the proposed HMOs 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 96 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 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 A 2-storey rear extension is proposed which projects 7.2m along the southern boundary of the rear yard. Ground and first floor windows are proposed in the side (north) elevation and there would be an external staircase to the rear of the extension.

9.21 There would be some impact on light and outlook to the yard of the adjoining property due to the height and projection of the proposed extension. However, it is not considered that the impact on amenity would be significant due to the separation distance (1.9m to 2.7m) between the proposed extension and the boundary. The extension would also result in some additional overlooking of the adjoining yard and the neighbour's rear offshoot, which has windows in the side elevation facing the site. While there would be a distance of only 6.3m between the first-floor windows this is considered to be acceptable when taking into account the established layout of the street, which is characterised by 2-storey offshoots with similar separation distances between the windows.

9.22 A first-floor bedroom window is also proposed in the rear elevation. This would face the rear yard of No.9 Ferndale Avenue. The window would result in some overlooking, but it is not considered that the loss of privacy would be significant enough to warrant refusal of the application. This is due to the fact that the yard is already overlooked by windows in surrounding properties and the established separation distances in the area. The impact on No.9 in terms of light and outlook is considered to be acceptable given that the extension would

be positioned approximately 8.5m from the rear boundary of No.9 and would not impact on any windows.

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

*9.24 Standard of accommodation for future occupiers –*

9.25 There are no specific planning policies relating to accommodation standards within HMO's. Guidance produced by the Council 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/kitchen/dining room would be provided and there is space within the rear yard for bin and cycle storage.

9.26 It is considered that the proposed accommodation would provide acceptable living standards for future occupiers. The Manager of Environmental Health has provided comments and raises no objections.

9.27 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. 139).

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 Policy DM6.2 states that extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise a subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations. DM6.2 lists the criteria that will be considered when assessing applications for extending buildings. These



include whether the property is affected by any designations or considered to be a heritage asset or within the setting of a heritage asset; the location of the extension in relation to the street scene; the cumulative impact if the building has been previously extended; the effect on the existing property and whether the overall design is enhanced; and the form, scale and layout of existing built structures near the site.

10.5 It is proposed to construct a 2-storey extension at the rear of the property. The proposed extension has a pitched roof which slopes down from the southern boundary and would be constructed from materials to match the existing property. An external staircase is proposed to provide emergency access to the first floor HMO.

10.6 There are numerous 2-storey rear offshoots, with flat and pitched roofs, and external staircases on the street. It is not therefore considered that the proposed extension would appear out of keeping or result in any harm to the streetscene. 3no. roof lights, a new entrance door and replacement rear window are also proposed, and these are considered to be acceptable.

10.7 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 115 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 No off-street parking would be provided for the development.

11.7 The Highway Network Manager has been consulted and provided comments. He states that the site is located within 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 180 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 186 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 £1,661 towards coastal mitigation.

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

### 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 outweigh 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 £1,661***

### **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
- Location plan L023100-007
- Proposed site plan L023100-008
- Existing and proposed elevations L023100-009
- Proposed elevations L023100-005
- Proposed floor plans L023100-004
- Existing and proposed sections L023100-003
- Proposed cycle store L023100-005

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 the provision of and storage of refuse and recycling waste bins 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 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. Restrict Hours No Construction Sun BH HOU00 \*  
4

5. Prior to occupation of the development the separating floor between ground floor flat and first floor shall be upgraded to meet the minimum sound insulation weighting standard of 43 decibels and maximum impact sound insulation standard of 64 decibels. The staircase shall be protected against impact noise to demonstrate no exceedance of the 64-decibel value. A validation report providing details of testing and construction shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with this condition prior to occupation. The sound insulation measures shall be installed and thereafter maintained in accordance with the agreed details.

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 in the first floor HMO and 4no. in the ground floor HMO at any time.

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

7. Materials External Surfaces to Match MAT00 \*  
1

### **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)

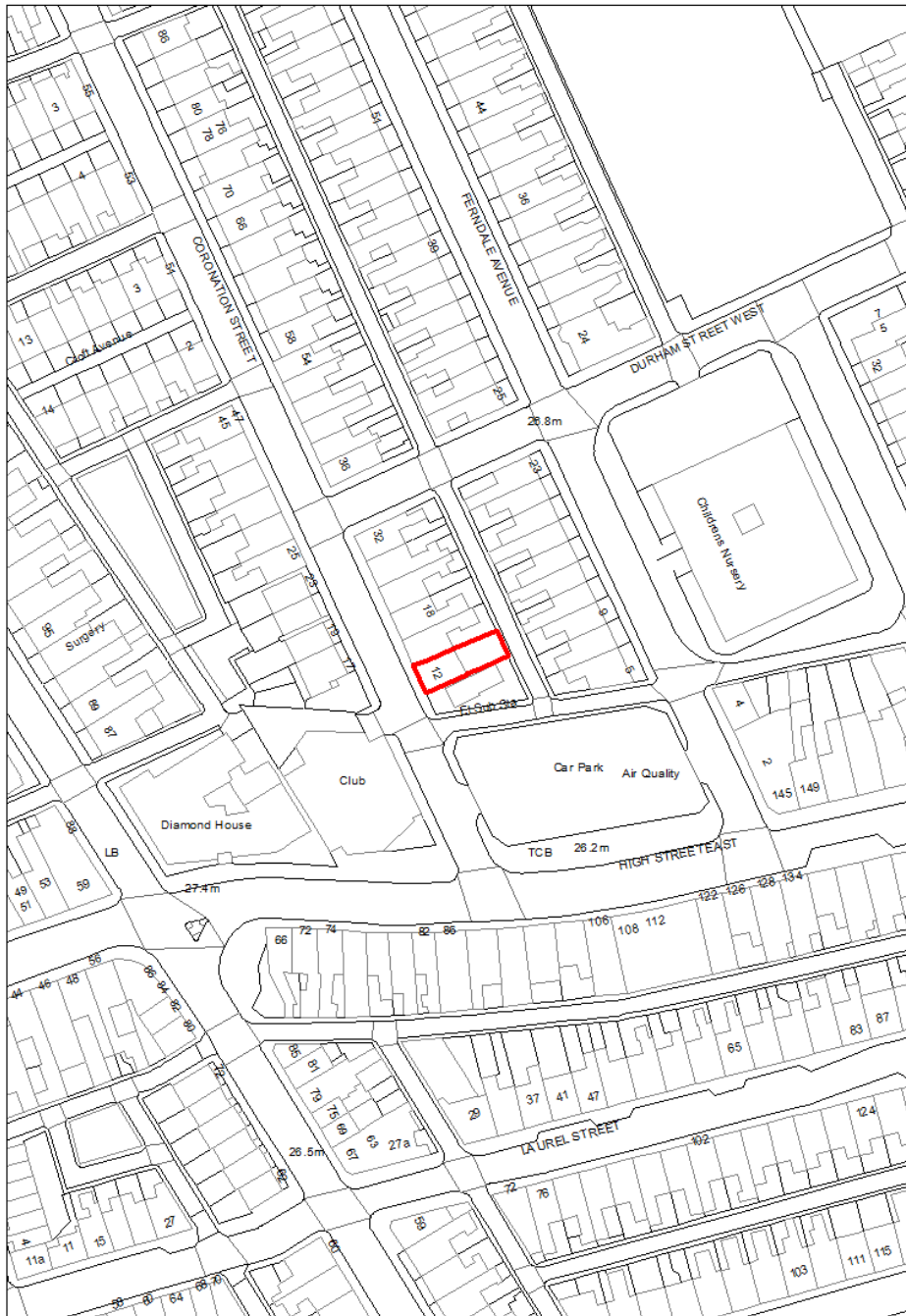
The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised that that any vehicle overhanging the footpath will be causing an obstruction to the highway and that vehicle should be fully set back to prevent this from occurring. 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.

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

The proposed development lies within an area that falls within an area of contaminated land. You are advised that has protection measures may need to be provided. Such measures could comprise the use of a gas membrane. If a gas membrane is to be used it will need to be to the highest specification to mitigate against carbon dioxide and methane ingress, unless a site investigation is carried out which demonstrates that the highest specification is not required.



**Application reference: 23/01577/FUL**

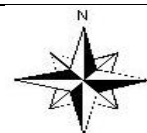
**Location: 12 Coronation Street, Wallsend, Tyne And Wear, NE28 7LT**

**Proposal: Proposed rear 2 storey extension. Loft conversion with 3no new roof windows and conversion of residential dwelling into 2 HMOs (1no. 4-bed and 1no. 8-bed)**

Not to scale

Date: 09.01.2024

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 Ordnance Survey Licence Number  
 AC0000820329



**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a rear two-storey extension, loft conversion with 3 new roof windows and conversion into 2 HMOs. 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.

The applicant is advised that that any vehicle overhanging the footpath will be causing an obstruction to the highway and that vehicle should be fully set back to prevent this from occurring. 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.

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 Regeneration

1.11 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 Coronation Street).

1.12 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."

1.13 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."

1.14 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.

1.15 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."

1.16 In this case, given the safeguards that are in place through the licensing system, I do not consider that the proposal to create two HMOs at 12 Coronation 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.

1.17 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.

1.18 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 Newcastle Airport

2.2 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 Representations

3.1 2no. objections have been received. These are summarised below.

- There is regular trouble with this type of property.
- Impact on the social club and nursery.
- Existing parking problems will be made worse.
- Out of keeping with the residential area.
- Loss of light and privacy.
- Additional noise.

- Increase crime and anti-social behaviour.
- Impact on the welfare of social club staff and customers.

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