

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

Application type: full planning application

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

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

Applicant: Mr Taylor

Agent: Wardman Brown

RECOMMENDATION: Minded to grant legal agreement req.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

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

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

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

2.0 Description of the Site

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

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

3.0 Description of the Proposed Development

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

4.0 Relevant Planning History

102 Laurel Street

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

66 George Road

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

245 - 247 Station Road

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

12 Coronation Street

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

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (September 2023)

6.2 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

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

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

8.0 Principle of the Proposed Development

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

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

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

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

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

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

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

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

and,

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

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

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

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

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

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

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

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

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

9.0 Impact on the amenity of existing and future occupiers

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

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

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

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

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

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

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

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

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

9.9 Impact on existing residents -

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

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

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

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

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

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

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

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

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

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

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

9.21 Standard of accommodation for future occupiers –

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

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

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

10.0 Design and Impact on the Streetscene

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

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

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

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

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

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

11.0 Car Parking and Access

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

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

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

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

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

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

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

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

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

12.0 Impact on the Northumbria Coast SPA/Ramsar site

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

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

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

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

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

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

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

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

12.6 The SPD states:

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

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

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

13.0 Other Issues

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

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

13.3 Local Financial Considerations

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

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

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

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

14.0 Conclusion

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

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

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

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

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

RECOMMENDATION: Minded to grant legal agreement req.

It is recommended that:

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

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

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

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

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

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

No Doors Gates to Project Over Highways (I10)

The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact New.Developments@northtyneside.gov.uk 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



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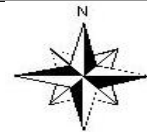
Location: 116 Woodbine Avenue, Wallsend, Tyne And Wear, NE28 8HE

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

Not to scale

Date: 30.11.2023

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**Appendix 1 – 23/01439/FUL
Item 3**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

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

1.3 Recommendation - Approval

1.4 Informatives:

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

1.5 Manager of Environmental Health (Pollution)

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

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

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

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

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

1.10 Manager of Environmental Health (Contaminated Land)

1.11 No objection.

1.12 Regeneration

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

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

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

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

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

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

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

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

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

2.0 External Consultees

2.1 Northumbria Police

2.2 Comments & Observations

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

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

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

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

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

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

2.7 With the additional facilities provide to accommodate 7 or 8 people the kitchen appears to be too small. For up to 6 persons the kitchen or kitchen area should have a usable floor area (measured wall to wall, including space occupied by units/cabinets) of at least 7.0m². For each occupant in excess of 6 an additional 1.0m² per person is required up to a maximum of 13.0m²

2.8 Northumbria Police recognise that HMO's serve a purpose in the housing market, but our experience has shown that they also generate a disproportionate level of crime and disorder concerns.

2.9 The Police Foundation report (see Safe as Houses Crime and changing tenure patterns Andy Higgins and Roger Jarman August 2015) found that it was reasonable to suggest that there is a direct relationship, between tenure type or housing conditions and violence, linked to the particular stresses and insecurities of living in low-quality, crowded accommodation, with shared facilities and little or no choice of co-habitees. That isn't to suggest that the proposed development would automatically represent low quality design but given the inherent aspiration to achieve maximise possible occupancy a 7 bed HMO entails bringing together that number of strangers into a shared space. The dynamics of living cheek by jowl with people that one may or not get on with generates stresses and insecurities of their own.

2.10 Further research has shown that in-dwelling non-domestic violence disproportionately occurs in HMO's (note: A 2015 study used a list of all 47 registered HMOs and all 117 suspected HMOs to examine the distribution of 94 nondomestic violent offenses occurring in all 4,401 dwellings in a Berkshire town close to London over calendar year 2013. Eighty-four percent of those indwelling violent offenses occurred in the licensed or suspected HMOs, which constituted 0.4% of all dwellings. The combined HMO rate of 48 violent crimes per 100 dwellings was 137 times higher than the 15 crimes in 4,237 non-HMO dwellings. (non-HMO rate of 0.35 crimes per 100 dwellings). Admittedly that study also showed that unlicensed HMOS were significantly worse than Licensed HMOs but we believe it captures the potential for conflict that can occur and the unique difference that HMO's represent compared to standard apartments. (see Targeting Nondomestic Violence Inside Houses of Multi-Occupancy Simon Bowden, Geoffrey C. Barnes First Published March 19, 2015)

2.11 Experience has shown that residents of HMO's designed to minimum space standards tend to spend more time away from the property, and in areas across Northumbria we have seen this can lead to more ASB in a locality.

2.12 HMO properties typically offer short term accommodation for residents with no vested interest or even personal connection with the local area, this transience offers very little to place building and sense of community.

2.13 The property is located on our D3J1 police beat, where in 2021 there were 1,011 recorded crimes and 2,742 calls for service. 384 (39%) of the recorded crimes were Violence Against the Person (VAP), 173 (17%) were Criminal Damage, and 139 (14%) were related to Public Disorder. 317 calls for service (incidents) related to ASB.

2.14 In 2022 there were 983 recorded crimes and 2,625 calls for service. 397 (40%) of the recorded crimes were Violence Against the Person (VAP), 147 (15%) were Criminal Damage, and 111 (11%) were related to Public Disorder. 249 calls for service (incidents) related to ASB.

2.15 So far in the first ten months of 2023 there have been 874 crimes and 2,429 incidents reported to the police. 351 (40%) of the crimes were Violence Against the Person, 118 (13%) Criminal Damage and 78 (9%) Public Disorder. 241 calls for service (incidents) related to ASB.

2.16 In preparation for this response the Neighbourhood Policing Team were consulted and their response was that Laurel Street is a high crime area with a transient population and that the intended development may not be well received.

2.17 Risk Assessment is a dynamic process and can, in part, be subjective. In assessing the risk for this development I have scored it against the 5X5 Risk Matrix shown below. This matrix combines the likelihood of an event occurring against the possible consequences of such an event.

2.18 In assessing the likelihood of crime occurring at this development I have taken into account the use of these premises and the pattern of offending in the immediate area and therefore assess the overall likelihood of crime risk as Possible to Likely .

2.19 Assessing Consequences however, can be a more subjective exercise, and taking into account that Catastrophic or Major consequences, such as loss of life or loss of the loss of an entire building are Unlikely or Rare; and then taking into account prior patterns of offending I assess that such acts might have only Minor to Moderate 2.20 Consequences. Accordingly, I assess the overall risk to, or from, this proposed development to be High.

2.20 The Applicant offers no information as to either the segment of the housing market being targeted by this development, nor any detail or assurances regarding how they will manage any problems that might occur. We note that the Applicant appears to be based in County Durham.

2.21 We would question whether the proposals for this property satisfy the criteria set out in The North Tyneside Local Plan (S4.10. a and b.) which states that “The conversion of change of use of a property to a small or large Housing in Multiple Occupation, where planning permission is required for such development, will be permitted where:

- a. They would provide good quality accommodation that would support the creation of a diverse mixed community;
- b. They would maintain the amenity of adjacent and nearby dwellings;

2.22 The LPA recognises in its own Local Plan (Para 7.114) that HMO’s help to “meet housing need and makes an important contribution towards a diverse and sustainable mixed community, but that the quality is often poor, both internally and externally, and can have a negative impact upon the overall character of a community”.

2.23 Conclusion: Northumbria Police have concerns that the maximum residential capacity is overly ambitious and the division of internal space inappropriate. From a crime and disorder perspective this can potentially add to tensions between tenants. Accordingly, we object to the proposal in its current form. Reason:

1. Contrary to Para 97 (f) of the National Planning Policy Framework - Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

2. Contrary to The North Tyneside Local Plan (S4.10. a and b.).

2.24 Newcastle Airport

2.25 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

3.0 Ward Councillor Comments

3.1 Cllr Louise Marshall

3.2 I would like this application heard at Planning Committee as there is significant resident concern and interest about the proposed change of use, with over 40 objections.

3.3 I also believe this application does not meet one of the principal objectives in the Wallsend Masterplan which is to:

“Improve the quality of the housing offer in Wallsend; in particular making the area a focus of the Mayor and Cabinet’s plans for 5,000 affordable homes and tackling some of the poor quality privately rented housing in the masterplan area;”

3.4 It is also in conflict with the aims of Project 7:

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

3.5 There have also been objections from the police with respect to HMOs increasing incidents of antisocial behaviour through noise and other issues. This will then place extra burden on the council and police to resolve these issues. Both community protection and the police are already overstretched and do not need to manage this additional burden.

3.6 Additional Comments

- Inappropriate design
- Loss of residential amenity
- None compliance with approved policy
- Not in accordance with development plan
- Nuisance - noise
- Out of keeping with surroundings
- Precedent will be set
- This application will only add to the poor quality rented housing in the area.
- It is also out of keeping with the surrounding buildings, being mostly houses and flats.
- It has the potential to add to noise nuisance, especially for those who live underneath or adjacent.

3.7 Mary Glendon MP

3.8 I fully support my constituents in their objections to the application for a H.M.O on Woodbine Avenue in Wallsend. I hope the planning committee listen and take note of the objections raised by residents to the application when making their final decision.

4.0 Representations

4.1 56no. objections have been received. These are summarised below.

- Inadequate drainage.
- Impact on landscape.
- Inadequate parking provision.
- Nuisance – disturbance, dust/dirt, fumes, noise.
- Loss of residential amenity.
- Loss of visual amenity.
- Pollution of watercourse.
- Inappropriate design.
- Loss of privacy.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Inadequate parking provision.
- Precedent will be set.

- Letter of petition or support.
- Affect character of conservation area.
- Not in accordance with development plan.
- Pavement damage due to parked cars.
- Impact of 7no. additional cars.
- Population is increasing while amenities and services are being run down.
- There has been a lot of noise and rubbish from the builders.
- Inadequate rooms sizes.
- Impact of noise on adjoining residents.
- Floor sound insulation should be installed.
- Impact of overcrowding.
- The property was designed to house one family.
- Fire risk.
- Additional parking pressure.
- Impact on access for emergency services and wheelchair users.
- Impact on refuse storage.
- Additional pressure on drainage and sewage systems.
- Impact on quiet family street.
- Loss of property value.
- Small rooms sizes could lead to friction and increased noise levels/anti-social behaviour.
- Impact of noise on the vulnerable residents.
- May set a precedent for further conversions.
- Current issues with parking and vandalism.
- Potential increase in anti-social behaviour.
- Impact on resident's wellbeing and mental health.
- Potential rodent infestation.
- Overdevelopment of the area.
- Impact on plumbing and drainage.
- Upset and disruption to a close knit community.
- Force residents out of their homes.
- Work has started without permission.
- Impact of noise and disruption from building work.
- The previous use of the property as bed sits resulted in problems and illegal activity.
- Goes against the ambition for Wallsend set out in the Masterplan to improve the housing offer.
- Inhumane living environment.
- Loss of a family home.
- Lack of public consultation.
- No benefits for the community.
- There has been increased crime in the lats few months.
- No information regarding the type of HMO.
- Incorrect ownership certificate was signed.
- Will benefit only the applicant.
- Errors and discrepancies within the application.
- Overlooking an impact on privacy.
- Conflicts with property lease.
- Consultation should have been carried out before work commenced.
- Should be used as a private family dwelling in line with the rest of the street.

