Application Number: ST/0431/23/FUL

Date Received: 26/05/2023
Application Date: 25/05/2023

Applicant's Name and Address

Clarice Property Group Ltd.
FAO: Mr Artur Dolowski
36 Tyne View Gardens
Gateshead
NE10 0PY

Agent's Name and Address

LOCATION **78 Hedworth Lane**
Boldon Colliery
NE35 9HZ

PROPOSAL Conversion of three bedroom mid terrace property to form Sui Generis 7 bed HMO en-suite for up to 8 persons in 7 households (7 singles, or 6 singles and 1 couple). Loft conversion and installation of 3no. roof windows to rear roof slope. Single storey extension to rear. Removal of existing chimney and rear projection..

RECOMMENDATION: Grant Permission with Conditions

SUMMARY OF NEIGHBOUR REPRESENTATIONS:

Objection

Cllr J Bell – request for application to be determined by Planning Committee
Cllr A Strike (x2) – **(wish to speak)**
13 Aged Miners Homes, Boldon
15 Aged Miners Homes, Boldon
12 Albert Edward Terrace, Boldon Colliery
4 Alderley Close, Boldon Colliery
106 Aylesford Mews, Sunderland
Belle Vue Lodge, Belle Vue Lane, East Boldon
15 Church View, Boldon Colliery
40 Church View, Boldon Colliery
37 Davison Street, Boldon Colliery
2 Donkins Street, Boldon Colliery
4 Donkins Street, Boldon
28 Donkins Street, Boldon Colliery
29 Donkins Street, Boldon Colliery
38 Donkins Street, Boldon Colliery
45 Donkins Street, Boldon Colliery
37 Fareham Grove, Harden Park, Boldon
50A Fareham Grove, Harden Park Boldon
54A Fareham Grove, Harden Park Boldon
3 Fawley Close, Boldon Colliery
10 Fawley Close, Boldon
15 Fenwick Street, Boldon Colliery
32 Fenwick Street, Boldon Colliery
22 Gladstone Terrace, Boldon Colliery
17 Grays Terrace, Boldon Colliery

Airville, Hedworth Lane, Boldon Colliery
Normount, Hedworth Lane, Boldon Colliery (x2)
5 Hedworth Lane, Boldon Colliery
15 Hedworth Lane, Boldon Colliery
17 Hedworth Lane, Boldon Colliery (**wish to speak**)
19A Hedworth Lane, Boldon Colliery
33 Hedworth Lane, Boldon Colliery
37 Hedworth Lane, Boldon Colliery
46 Hedworth Lane, Boldon Colliery
74 Hedworth Lane, Boldon Colliery
82 Hedworth Lane, Boldon Colliery (x2)
90 Hedworth Lane, Boldon Colliery
31 Kingswood Close, Boldon Colliery
20 Leander Drive, Henley Grange, Boldon
85 Leander Drive, Boldon
9 Nailsworth Close, Boldon Colliery
8 Oxley Mews, Boldon
5 Portchester Grove, Harden Park, Boldon
23 Portchester Grove, Harden Park, Boldon
45 Romsey Drive, Boldon Colliery
60 Romsey Drive, Harden Park, Boldon Colliery
2 Simpson Close, Boldon Colliery
12 Simpson Close, Boldon Colliery
18 Simpson Close, Boldon Colliery
33a Tennyson Avenue, Boldon Colliery
11 Wells Street, Boldon Colliery
3 West View, Hedworth Lane, Boldon Colliery
1 Wilton Gardens South, Boldon Colliery
34 Topping Street, Boldon Colliery

All of the issues raised are summarised in the body of the report

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REASON FOR PRESENTATION TO PLANNING COMMITTEE

This application has brought before the planning committee as Cllr Bell, Cllr Strike and the occupant of 17 Hedworth Lane have expressed a wish to speak in opposition to the proposed development.

1.0 The Proposal

1.1 This application relates to a south facing mid terraced dwellinghouse in Boldon Colliery. The property, as existing, hosts a lounge, dining room and kitchen on the ground floor, and three bedrooms and a bathroom on the first floor. In addition, there is an outhouse hosting a utility room within the rear yard.

1.2 The rear yard itself is bounded to the east and west sides by brick walls. The rear (north) boundary is open. The yard is surfaced with concrete.

1.3 This application seeks full planning permission to change the use of the property from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (HMO) with 7 bedrooms for up to 8 people (Sui Generis). The applicant has stated that this would comprise of either 7 single people or 6 single people and 1 couple.

1.4 The existing chimney and outhouse would be demolished, and a single storey rear extension would be constructed. The proposed single storey rear extension would project 7.8m from the rear elevation of the host property. It would have a flat roof with a height of 3m for the initial 3m of projection and a height of 2.6m thereafter. It would be set 0.15m from the site's eastern boundary and 2.995m from the site's western boundary.

1.5 The loft would be converted to a bedroom and 3no. roof windows would be installed to the rear roof slope.

1.6 The proposed HMO would host 2no. en-suite bedrooms at ground floor level with a further ground floor en-suite bedroom in the rear extension. A kitchen and laundry room would also be hosted at ground floor level. At first floor level, there would be 2no. en-suite bedrooms and 1no. bedroom with a separate bathroom. At second floor level, within the loft conversion, there would be 1no. en-suite bedroom with an adjacent kitchen area.

1.7 It is also proposed to erect a 2.2m high timber fence including a gate to the rear boundary of the yard.

1.8 Cycle parking for 8no. bikes would be provided within the rear yard. Storage for refuse bins would be provided in the rear yard.

1.9 The application was amended on 24/08/2023, 07/09/2023, 20/09/2023 and 05/10/2023 to reduce the number of proposed occupants from 10 to 8, to redesign the internal layout, to include cycle parking and the rear fence within the application, and to reduce the size of the rear extension. Neighbouring properties were not notified of the amended scheme having regard to the Council's Statement of Community Involvement (SCI) as there would be no significant further impact compared to the scheme that they were originally notified of.

1.10 Plans showing the proposed development are held on the application file.

2.0 Responses to Publicity and Consultations

Neighbour Notification Responses

2.1 60no. representations in objection to the application have been received from the addresses listed above.

The issues raised are summarised below:

- Prospective tenants likely to generate anti-social behaviour and crime
- Increased crime and reduced safety in the area with the locality already lacking CCTV.
- Proximity of the site to a school, and pupils will have to walk past the site to get to school.
- The size of the rear extension will overshadow the houses on each side
- Property is not big enough for the proposed number of people, and proposals are an overdevelopment of the site.
- Concerns regarding waste storage
- Proposed roof windows would be overbearing
- Back yard would be useless if the extension is built
- Lack of amenity space at the site
- Concerns that works have already started, and disruption during construction

- Increased noise and disturbance
- Concerns regarding the presence of a CCTV camera and potential recording of neighbours
- Impact on parking and highway safety
- Danger to elderly people living in close proximity to the site
- Loss of property value
- There are other existing property options in the area so this is not needed.
- Concerns that the proposal would not be in keeping with the local area, and that this will not be a single household property as are other properties within the area.
- Loss of a family home

External & Internal Consultees

2.2 Environmental Health (Contaminated Land)

No comments in relation to land contamination

2.3 Environmental Health (Pollution)

No concerns with this application in terms of noise impact on potential residents of the application site. This is a mixed area; however, we receive no complaints regarding the uses of the nearby commercial units and I would not expect them to have any impact on future residents.

2.4 Environmental Health (Public Sector Housing)

Note that an HMO license is required. I see no issues with this proposal looking at the attached plan.

2.5 Lead Local Flood Authority

This application is not classed as a Major development. According to the Environment Agency and STC Strategic Flood Risk Assessment data there is no potential to flood during storm conditions, therefore, the development doesn't come under the Statutory Requirement of the Lead Local Flood Authority to be consulted in respect of surface water flood management.

The LLFA has no further comment on the application and there would not be a requirement for a Drainage Strategy or Flood Risk Assessment.

The surface water discharge should be dealt with in accordance with The Building Regulations 2010. Approved Document Part H (Drainage & Waste disposal). The applicant should adhere to the Hierarchy of Preference as contained within the Building Regulations which states that surface water should be discharged:

1. To a soakaway or infiltration system, or where it is not reasonably practicable,
2. To a watercourse (either open or closed) or where it is not reasonably practicable,
3. To a Sewer

Note: There should be no discharge of surface water onto the highway or any other neighbouring land from the development.

2.6 Transport Development Officer

The Highway Authority has no supporting evidence to indicate that a development of the type proposed would create an increased number of vehicles when compared to a traditional dwelling house.

Car parking is available on Hedworth Lane in layby form for residents and public use. There is also a single parking space in the rear yard area, which is to be retained, albeit amendments will be required to the scheme to avoid an external door to the building opening onto the parking space, as well as relocating the bins, to ensure the use of that parking space is unobstructed.

It is noted that the scheme proposes to increase the size of dwelling by way of a rear extension and conversion of the loft to habitable room, to facilitate an increase of occupation to that dwelling to accommodate 7 households (10 persons). If there is the potential for this to increase car parking demand for the building, then we would wish the rear extension and loft conversion to be removed from the proposal and conversion of the building to be based on the existing floor area only.

There is also the potential for approval of this scheme to set a precedent for others in the Borough and street in future, where the cumulative impact may be of concern.

In light of the proposal and the lack of any evidence to the contrary regarding car ownership relating to HMO use, the Highway Authority would have no objections to the proposal, subject to the scheme being amended, as indicated above.

2.7 Northumbria Police Designing Out Crime Officer

1. 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. The proposal seeks planning permission to convert a three bedroom family home into a 7 bed HMO housing up to 10 people. In our view the plan is overly ambitious with regard to occupancy levels because it achieves that number of bedrooms at the expense of much valued communal space, leaving the potential residents no lounge and just a narrow galley kitchen. In its current form we believe it fails to satisfy the Local Authority's Policy 16 1.i in that, whilst the building can accommodate the number of proposed units, the accommodation would not provide a good standard of living space and amenity for the occupiers.

3. Northumbria Police have a number of crime and disorder hotspots in the force area which are directly linked to HMO residents, and one of the shared factors in those areas are large HMO's that lack communal space which in turn causes occupiers to socialise on the streets. Potentially there could be up to ten residents whose only choice of space is their bedrooms and that raises concerns that the intensity of use could adversely impact on the functionality and characteristics of the local area (contrary to Policy 16.1.ii).

4. Quality of development and compromised space is in our experience directly linked to potential for conflict and resident tension. 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. Given the inherent aspiration to maximise possible occupancy this 7 bed HMO entails bringing together at potentially 10 people, mostly strangers, into shared space without any choice of leisure 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.

5. 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)

Northumbria Police object to the proposed development in its current form and would recommend a less ambitious plan that provides more amenity space for the occupiers.

Reason

1. Contrary to NPPF para 130 f). 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 Policy 16.1 i & ii of the South Tyneside Local Plan.

3.0 Planning Assessment

3.1 In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

3.3 The statutory development plan is the Council's adopted Local Development Framework development plan documents. These are in bold text below. Adopted supplementary planning documents are capable of being material considerations in planning decisions. These are in italic text below.

3.4 **A1 Improving Accessibility (LDF Core Strategy)** - seeks to support public transport, cycling and walking by ensuring that new developments are easily accessible. Requires transport assessments for major development proposals. Parking standards will apply to new development, as set out in SPD.

3.5 **SC1 Creating Sustainable Urban Areas (LDF Core Strategy)** says that to deliver sustainable communities, development proposals will be focused and promoted within the built-up area.

3.6 **SC3 Sustainable Housing Provision (LDF Core Strategy)** promotes the renovation of existing housing stock where viable and managed redevelopment in order to create sustainable residential communities and manages the phased release of land for new housing developments.

3.7 **SC4 Housing Needs, Mix and Affordability (LDF Core Strategy)** seeks to ensure a range and choice of good quality affordable homes to meet identified housing needs.

3.8 **ST2 (F) Sustainable Urban Living (LDF Core Strategy)** seeks to ensure that the need to design out crime and fear of crime has been addressed.

3.9 **EA3 Biodiversity and Geodiversity (LDF Core Strategy)** - seeks to optimise conditions for wildlife and tackle habitat fragmentation.

3.10 **DM1 (A, B, G, H and I) Management of Development-Residential Amenity (LDF Development Management Policies)** is to ensure that developments are acceptable in relation to any impact on visual amenity and residential amenity, and seeks to ensure acceptable impact (or mitigation) of developments in relation to highway capacity and safety, that convenient and safe routes are facilitated and the needs of all users are considered.

3.11 **DM4 Intensive Housing Uses (LDF Development Management Policies)** provides criteria for the provision of guest and boarding houses, hostels and larger houses in multiple occupation by ensuring that they:

a) do not adversely impact on residential amenity and the character and nature of the locality, particularly in areas of predominantly single household family housing;
b) do not adversely impact upon existing traffic and parking conditions in the area; and
c) provide sufficient space for the storage of refuse containers within the property boundaries.

Furthermore, Policy DM4 states that the property must be suitable and of an appropriate size for the proposed use, and the cumulative impact of proposals for larger houses in multiple occupation, on the character and nature of the locality, will be assessed as a material consideration. Proposals for the conversion of buildings to provide larger houses in multiple occupation or other intensive housing uses will usually be discouraged in areas of predominantly single household family housing.

3.12 **DM7 Biodiversity and Geodiversity Sites - (LDF Development Management Policies)** is to ensure the protection and enhancement of the important environmental assets in the borough.

3.13 *SPD6 Parking Standards* sets out the parking standards used in assessing proposals for new development.

3.14 *Interim SPD23: Mitigation Strategy for European Sites (Recreational Pressure from Residential Development.* enables South Tyneside Council to adequately protect the

European sites and be compliant with its duties under the Conservation of Habitats and Species Regulations 2017, and the requirements of the Government's National Planning Policy Framework

3.15 The key issues for consideration assessing this application are:
- Principle of Change of Use
- Impact on Residential Amenity (including impact of noise and disturbance)
- Impact on Visual Amenity
- Impact on Highway Safety
- Impact on Crime and Anti-Social Behaviour
- Impact on Biodiversity

3.16 Principle of Change of Use

3.17 The application property is located within a built-up area, and it involves its re-use. As such there is not considered to be any material conflict with either LDF Policy SC1 or SC3.

3.18 A sui generis HMO use is a form of residential use, and is not, as a matter of general planning land use principles, considered to be an inappropriate use within a locality such as that surrounding the application site where there is a mix of residential and commercial properties. Whilst the site is located approximately 230m from Hedworth Lane Primary School, it is not considered that the proposed residential use would be incompatible with the school use given the mixed-use nature of the area.

3.19 Whilst it is noted that this change of use would constitute the loss of a C3 dwellinghouse, it is not considered that this would result in significant harm to the housing mix and availability of dwellings in the area. Indeed, it is considered that the addition of the proposed HMO would result in a more varied mix of housing provision in the area that would assist in meeting particular housing needs.

3.20 Having regard to the above it is considered that the principle of the change of use is acceptable, and that the proposal would comply with LDF Policy SC1, SC3 and DM4 in this regard.

3.21 Impact on Residential Amenity

3.22 Whilst Policy DM4 states that proposals for HMOs should not adversely impact on residential amenity and the character and nature of the locality, particularly in areas of predominantly single household family housing, it is considered that the immediate area, whilst containing a number of single household family housing comprising predominantly of houses, with some flats, is mixed use in nature, also containing a number of shops, takeaways and pubs, as well as other uses such as a school and a church.

3.23 It is proposed that up to 8no. people could live at the property in 7no. bedrooms. There would be communal kitchen facilities on the ground floor and the 2nd floor bedroom would have a private kitchen. The proposed bedrooms are considered to be of an adequate size to provide suitable accommodation for future occupiers. Outlook from the roof space bedroom is considered poor as outlook to that bedroom is via high level roof windows only which do not afford views out from the bedroom over the surrounding locality. However, it should be noted that there is a reasonable fall-back position of creating a small HMO where 6 unrelated persons can reside in a single property under Class L of Part 3 to Schedule 2 of the Town and Country Planning General Permitted Development Order (GPDO). Consequently, it is not considered

that this deficiency in and of itself is sufficient to justify a refusal of planning permission. The property is considered to be of a suitable and appropriate size for the proposed sui generis HMO, having regard to the consultee comments from Environmental Health (Private Sector Housing), and where size and suitability are considerations of LDF Policy DM4.

3.24 The proposed use would be residential in nature and would be located adjacent to other residential properties. Whilst the number of people living at the property would likely increase (although noting there are no restrictions on number of people living at the existing dwellinghouse) it is not considered that this would result in such significant further harm to warrant refusal in terms of noise and disturbance over and above the existing residential use of the site. Furthermore, there are a number of pairs of flats in the vicinity, and it is considered that the proposed maximum number of occupants (8) could potentially be broadly similar to the number of occupants in such a pair of flats, particularly should the upper flat have a loft conversion. The Council's Environmental Health team have raised no concerns regarding noise and disturbance.

3.25 The proposed development would house up to two more people than the permitted development fall-back position, however, it is considered that the development proposal would not result in impacts on residential amenity for neighbouring occupiers that would be materially or discernibly greater on than the fall-back position as set out above. This is because there would not be a significantly greater number of comings and goings, noise or disturbance as a result of the proposed development over and above the level that would be experienced by the permitted development fall-back.

3.26 It is considered that given the nature of the area and the fact that the property is used as a dwellinghouse as existing, there would be no significant harm to the residential amenity of future occupiers of the proposed development from external factors to warrant refusal. As set out above, outlook from the roof space bedroom is considered poor as outlook to that bedroom is via high level roof windows only which do not afford views out from the bedroom over the surrounding locality. However, given the GPDO fall-back position outlined above, it is not considered that this deficiency in and of itself is sufficient to justify a refusal of planning permission.

3.27 Turning to the impact of the proposed rear extension upon the residential amenity of neighbouring properties, the extension would project 7.8m at a distance of 0.15m from the eastern boundary of the rear yard which is the common boundary with No. 74/76 Hedworth Lane. The boundary is currently formed of a brick wall which is 2.2m high adjacent to the host property and raises to 2.3m at a point 2.2m from the rear elevation: this additional height is due to the presence of the neighbouring property's garage which is set upon and partly forms the shared boundary.

3.28 The proposed flat roof rear extension would project 0.8m higher than the boundary for the initial 3m of projection and 0.3m higher than the boundary thereafter adjacent to the neighbouring property's garage (which forms part of the shared boundary). The neighbouring property has a ground floor window in its rear elevation which appears to serve a habitable room set approximately 0.6m from the boundary. The initial part of the extension would project 0.8m above the boundary (3m height in total) for 3m projection. An extension of this size could be built under permitted development rights and as such this would be a reasonable fall-back position in this case and this would have a similar impact upon residential amenity as the proposed development. Furthermore, given the north facing orientation of this window, the limited additional height above the boundary and the limited projection at this height it is not

considered that the initial part of the extension would lead to significant harm in terms of loss of outlook, overdominance, overshadowing or loss of light.

3.29 Having regard to the minimal additional height above the boundary and the distance from the rear elevation of the neighbouring property of the rear part of the extension, given this minimal additional height, and distance from the residential property itself, it is not considered that there would be significant harm in terms of loss of outlook, overdominance, overshadowing or loss of light.

3.30 The extension would be set 2.995m from the site's western boundary which is shared with No. 82 Hedworth Lane. This boundary is formed of a 2.2m high brick wall which steps up to 3.8m high adjacent to the rear elevation of the host property. Given the form of the boundary treatment and the distance from the extension to the boundary it is not considered that there would be any significant harm in terms of overshadowing, overdominance, loss of outlook or loss of light to that property. Whilst a window would be inserted into the western elevation of the extension facing towards the common boundary with No. 82, given the opaque nature of the boundary treatment there would be no significant harm in terms of loss of privacy to that property.

3.31 Roof windows are proposed to the rear roof slope of the property. It is not considered that these would result in significant harm to the residential amenity of neighbours in terms of loss of privacy.

3.32 Notwithstanding the objections and having regard to the above it is considered that the proposals are acceptable in terms of their impact on residential amenity. It is considered that the property is of a suitable size to accommodate the proposed use and the use in and of itself is also acceptable in terms of impact on the residential amenity of residents in the surrounding locality as set out below, having regard to the small HMO fall-back position as set out earlier in this report. A condition has been proposed to restrict the number of occupants to 8 people, as per the proposed scheme. Overall, the proposal is considered to accord with LDF Policies DM1(B) and DM4(A).

3.33 Impact on Visual Amenity

3.34 The NPPF (para. 126) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and; that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It also states (para. 130) that developments should be visually attractive as a result of good architecture as well as sympathetic to local character and history.

3.35 The visual changes, as a result of the development, would consist of the removal of a chimney, construction of the rear extension, the addition of roof lights, the erection of a fence and gate to the rear and the addition of a bin store and cycle parking within the rear yard.

3.36 The design of the development would be reasonably sympathetic to the local character given the variety of single storey rear extensions to terraced dwellings in the vicinity and given the various additions to properties in the area. A planning condition is suggested in relation to the external facing materials being similar in appearance to those of the existing host property.

3.37 The proposed fence and gate to the rear boundary is considered to be acceptable in terms of design.

3.38 The proposals are considered acceptable on visual amenity grounds and in this regard accord with LDF Policy DM1(A) and the NPPF.

3.39 Impact on Highway Safety

3.40 The proposed development would not propose any in curtilage car parking spaces and would propose 8no. cycle parking spaces within the rear yard. The Council's Transport Development Officer has raised concerns regarding car parking, and this assessment was based upon the originally proposed scheme which proposed a 7 bedroom HMO for up to 10 occupants and also proposed one car parking space within the rear yard but no cycle parking. The scheme has subsequently been amended to propose a less intense use with fewer occupants, and although there are no longer any in curtilage car parking spaces proposed, the cycle parking has been introduced to the scheme.

3.41 SPD6 sets out maximum car parking standards. For HMOs the standard is 1 space per 5 units plus 1 space per 5 units for visitors. The maximum SPD6 car parking requirement in respect of the proposal would therefore be 4 spaces. As no spaces are proposed there would be a shortfall of 4no. spaces. However, these are maximum standards and there are no minimum standards. The existing dwellinghouse provides 1no. space within the rear yard and so there is a current shortfall of 2no. spaces at present having regard to SPD6's standards for C3 dwellings. It should also be noted that the property could be used solely as a 6 bed HMO as permitted development without planning permission having to be obtained from the Council. Applying the SPD6 standards would suggest that 4 car parking spaces are needed for such a use.

3.42 However, the area is a sustainable location with a number of bus links passing the property (every 30 minutes to South Shields, every 30 minutes to Sunderland, and every 15 minutes to Jarrow) and being a 15-minute walk to Brockley Whins metro station along well made and well-lit pavements. Furthermore, additional bus services to Newcastle, Sunderland and further afield are available 10 minutes' walk away at Boldon Leisure Park. There is also unrestricted on-street car parking in the immediate area. It is therefore considered that the shortfall in on site car parking is acceptable.

3.43 In terms of cycle parking, 8no. of spaces are proposed within the rear yard and this would largely comply with the standards as set out in SPD6 which suggest 1 space per unit and 1 space per 5 units for visitors for HMOs, generating a requirement for this proposal of 9no. spaces. However, it is considered that the proposed cycle parking provision would be acceptable given the provision of public transport in the area and given that informal cycle storage could also occur inside the property and within the yard. A condition is proposed to require the proposed cycle parking to be implemented prior to first occupation of the development.

3.44 LDF Policy DM4 seeks to ensure that HMOs provide sufficient space for the storage of refuse containers within the property boundaries. Bin storage is proposed in the rear yard and so waste would be stored clear of the highway and within the site. A condition is also proposed in order to control this.

3.45 The concerns raised by the Transport Development Officer regarding the development increasing car parking demand in the area are noted, however these

concerns related to the previous scheme that proposed a 7 bedroom HMO for up to 10 occupants. As set out above the scheme has subsequently been amended to a less intense use. Having regard to the above it is not considered that there would be such significant harm to warrant refusal. It is therefore considered that the proposal would accord with LDF Policies DM1(G) and DM4 (B&C).

3.46 Impact on Crime and Anti-Social Behaviour

3.47 Northumbria Police's Designing Out Crime Officer has objected to the proposed development as they consider that it would result in an increase in crime in the area, due to limited indoor communal socialising space for tenants which would cause them to socialise on the streets. Furthermore, the Designing Out Crime Officer has highlighted statistics linking HMOs in a Berkshire town to crime in that town.

3.48 However, the planning system is concerned with land use in the public interest, rather than the individual users of that land use. It is considered that there would be adequate indoor space for tenants (particularly given the reduced number of tenants now proposed compared to when the Designing Out Crime Officer's comments were made) and it is considered that it is not for the planning system, or the decision-making process on this planning application, to consider day-to-day operational matters and management associated with the proposed sui generis HMO use (or its tenants). Whilst those responsibilities ultimately rest with the operator of the HMO, it is specifically noted that HMO licensing would apply to the proposal. Any such licence would (if granted) place obligations on the license holder to (amongst other things) maintain the property and to manage their tenants; and furthermore, it would specify occupancy levels for each bedroom.

3.49 Whilst the Designing Out Crime Officer's concerns and the concerns of residents relating to an increase in crime are noted, the statistics provided relate to a different town in a separate region of England, rather than South Tyneside in particular, and it is not considered reasonable to refuse an application based upon this information. Furthermore, the Council's Private Sector housing team have noted that there are no licensed HMO uses in this locality, that would result in the proposed development being unacceptable due to cumulative impacts related to residential amenity, community safety or highway safety.

3.50 The Designing Out Crime Officer also raised concerns initially regarding the number of occupants as the application proposed a 7 bedroom HMO housing up to 10 people. Concerns were raised that the proposal was overly ambitious with regard to occupancy levels. Following these concerns, the applicant has reduced the intensity of the scheme to now propose a 7 bedroom HMO to accommodate up to 8 people.

3.51 Having regards to the above it is, therefore, considered that the proposed development would not result in an increase in crime and anti-social behaviour in the area. The proposal would, therefore, comply with LDF Policy ST2 (F) in this regard.

3.52 Biodiversity

3.53 Interim SPD23 enables South Tyneside Council to adequately protect the European sites and be compliant with its duties under the Conservation of Habitats and Species Regulations 2017, and the requirements of the Government's National Planning Policy Framework.

3.54 This interim SPD is applicable to residential development, where the development proposal is for 10 units or more within 6km of the European sites (the Durham Coast

SAC and Northumbria Coast SPA/Ramsar site). The application site falls within the 6km zone. Consideration must therefore be given to the potential indirect effects on these sites through additional recreational pressure under the Habitats Regulations. A Habitats Regulations Screening Assessment and Appropriate Assessment have been carried out by the LPA as competent authority (copies are on the application file) and the Appropriate Assessment has been approved by Natural England. Subject to the mitigation identified in Interim SPD23 it is considered that the proposal would have no adverse impacts on the integrity of the European designated habitat sites.

3.55 Other Matters

3.56 In terms of drainage, the LLFA have raised no objections. Drainage would be dealt with by the Building Regulations. An informative has been proposed regarding this.

3.57 It is noted that internal works have already started at the property. However, these works do not require planning permission. Concerns regarding disruption during construction are noted however this is not a material planning consideration to which weight can be afforded.

3.58 Concerns regarding a CCTV camera at the site overlooking neighbouring properties are noted, however, the camera on the rear elevation of the property has been installed as permitted development under Class F of Part 2 of Schedule 2 of the Town and Country Planning General Permitted Development Order (GPDO). The effect on property value is not considered a material planning consideration and nor is who is the applicant or who might occupy the proposal.

4.0 Conclusion

4.1 In conclusion, it is considered that the principle of the development is acceptable. It is considered that the proposed development would not result in any significant harm to the residential amenity of occupiers of neighbouring properties, the visual amenity of the area, the highway safety of the area or biodiversity.

4.2 As such, it is considered that the proposed development would comply with all relevant local and national planning policies. Members are, therefore, recommended to approve the application.

5.0 Recommendation

5.1 It is recommended that the Planning Committee grants planning permission for the proposed development subject to the schedule of conditions as set out below.

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Drg No. HL1/25/05/23 received 05/10/2023

Drg No. HL2/25/05/23 received 05/10/2023
Drg No HL3/25/05/23 received 05/10/2023
Drg No HL4/25/05/23 received 05/10/2023

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The external surfaces of the development hereby permitted shall be as set out on the plans as listed in condition 2 and the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

4 Before the development hereby permitted is first brought into use, the cycle parking and bin storage to serve the development, as shown on Drg No. HL1/25/05/23 received 05/10/2023 shall be provided. The cycle parking and bin store shall thereafter be retained for their intended purposes unless otherwise agreed in writing by the Local Planning Authority.

In the interests of residential amenity, highway safety and promoting sustainable transport choices in accordance with South Tyneside Local Development Framework Policy DM1(B & G) and the NPPF.

5 The house in multiple occupation use hereby permitted shall be limited to the provision of seven bedrooms and eight persons, as shown on the drawings as listed in condition 2.

In order to both define and limit the number of bedrooms and occupants authorised for the use hereby permitted in the interests of local amenity and highways safety, in accordance with LDF Policy DM4.

INFORMATIVES:

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

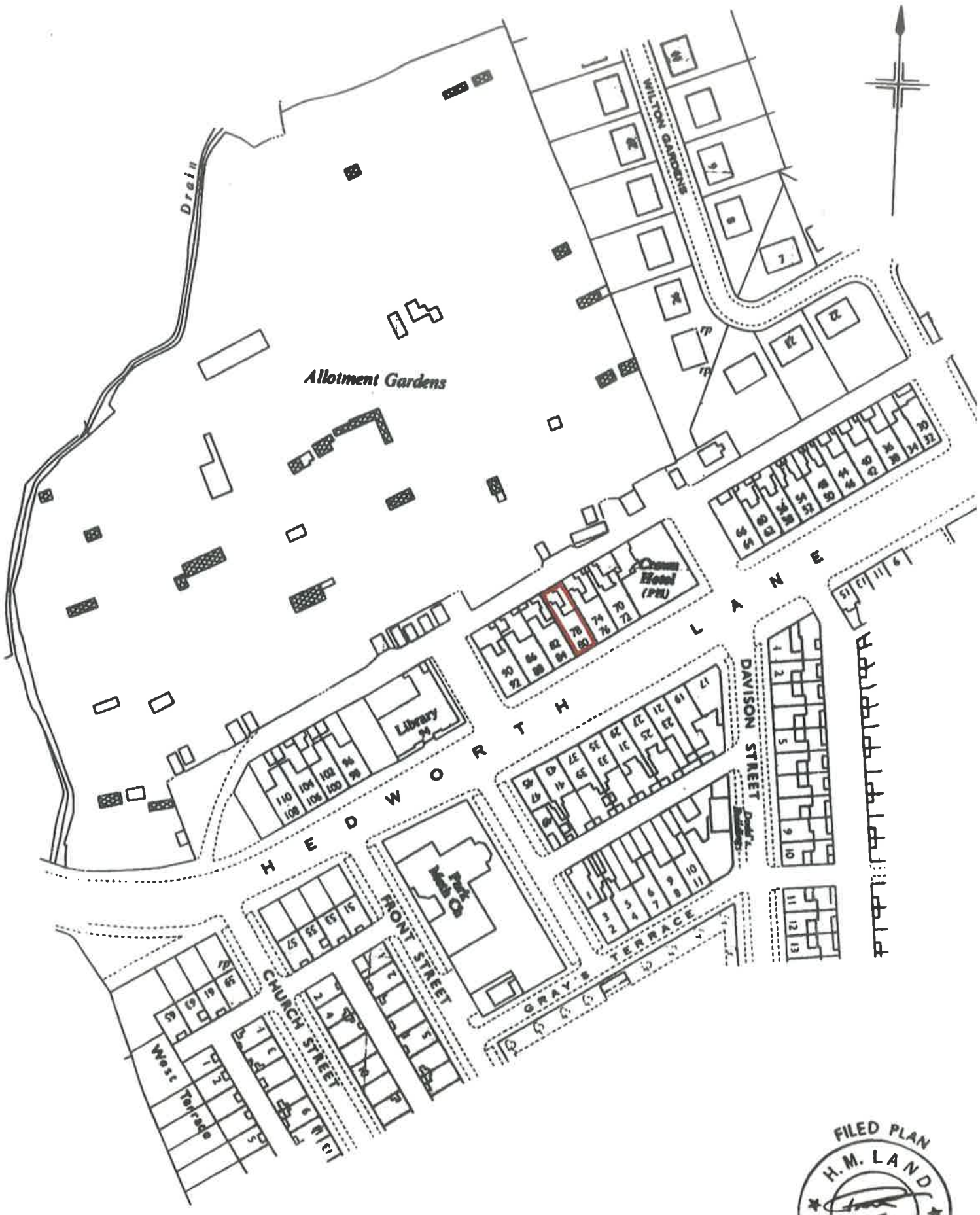
3 Surface water discharge should be dealt with in accordance with The Building Regulations 2010. Approved Document Part H (Drainage & Waste disposal). The applicant should adhere to a Hierarchy of Preference as contained within the Building Regulations which propose the surface water should be discharged:

1. To a soakaway or infiltration system, or where it is not reasonably practicable,
2. To a watercourse (either open or closed) or where it is not reasonably practicable,
3. To a Sewer

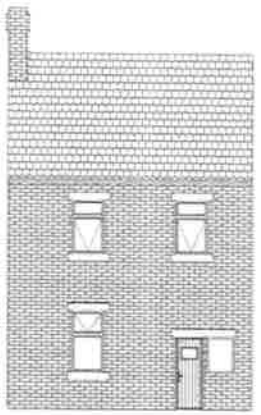
Note: There should be no discharge of surface water onto the highway or any other neighbouring land from the development.

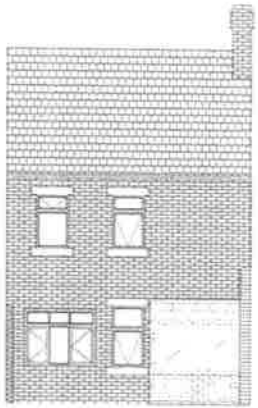
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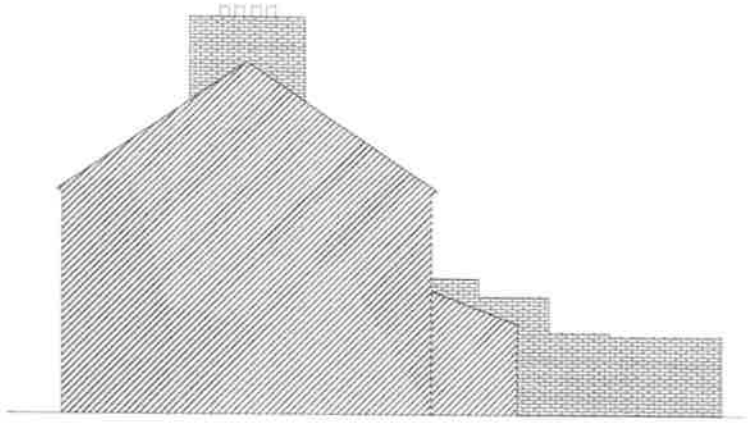
Scale: 1/1250 SOUTH TYNESIDE DISTRICT © Crown Copyright 19

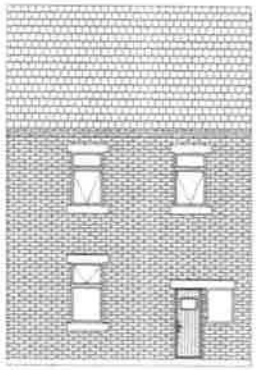


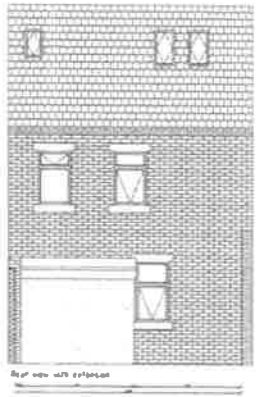
FILED PLAN
H.M. LAND
REGISTRY

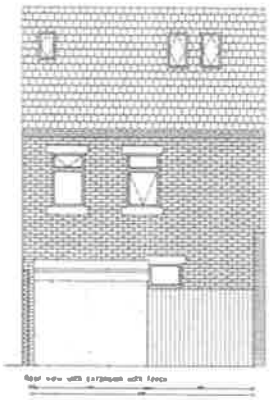


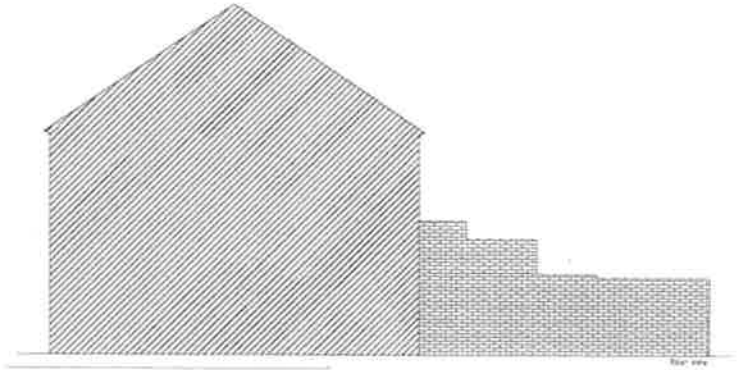












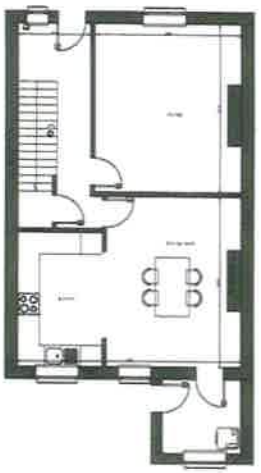
Rear elevation changes:
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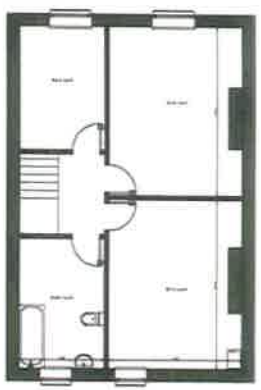


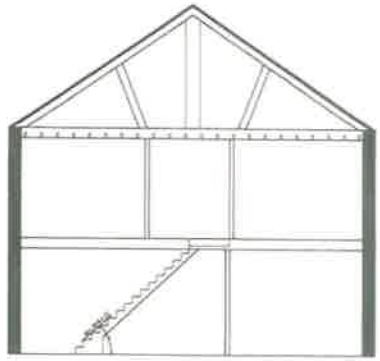


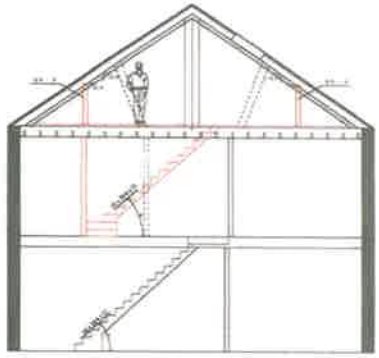
Conversion of three bedroom mid terrace property to form Sui Generis 7 bed HMO for up to 8 persons in 7 households (7 singles, or 6 singles and 1 couple) Loft conversion and installation of 3no roof windows to rear roof slope. Single storey extension to rear. Removal of existing rear projection and chimney. At 78 Hedworth Lane, Boldon Colliery, NE35 9HZ

Existing floor plan

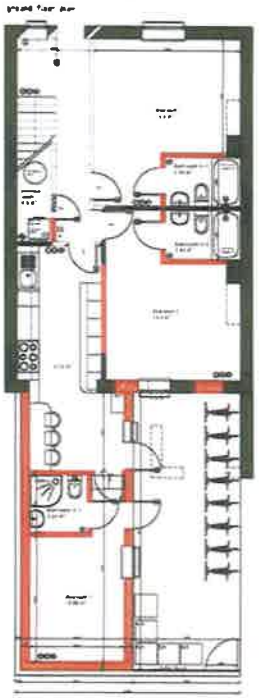


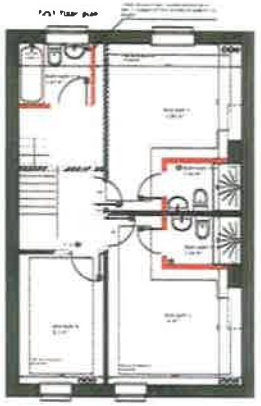


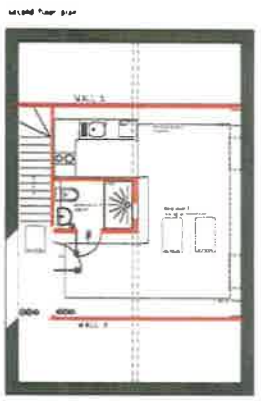




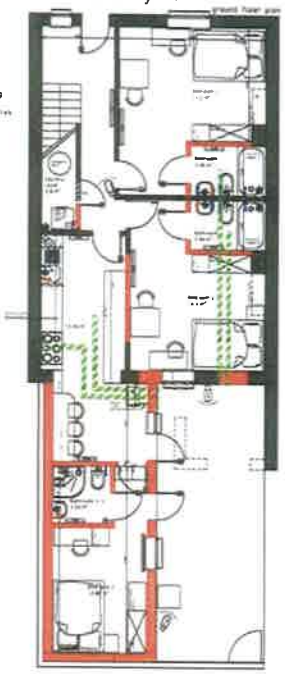
Planned floor plan



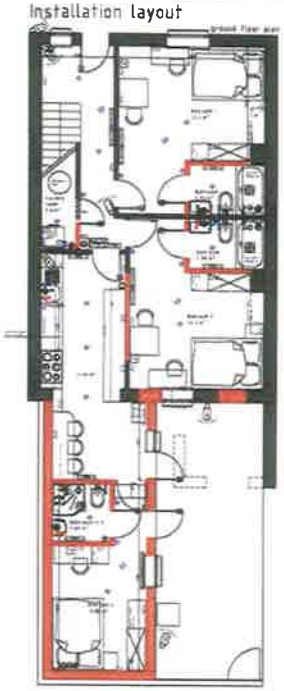


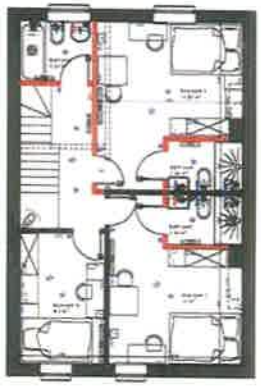


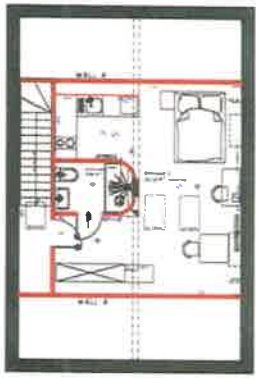
Ventilation layout

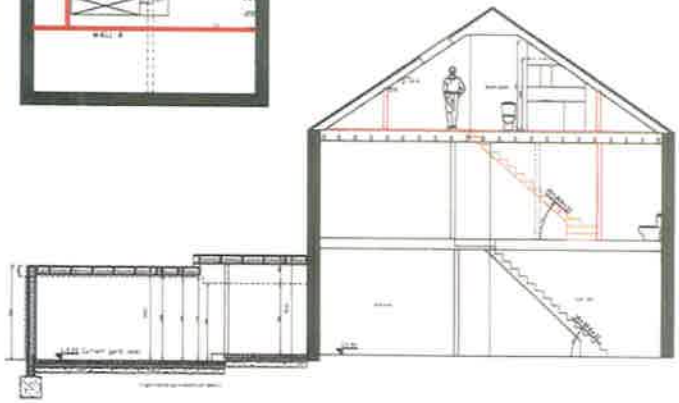


Installation layout

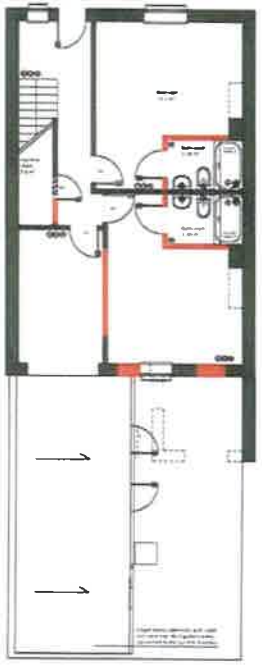




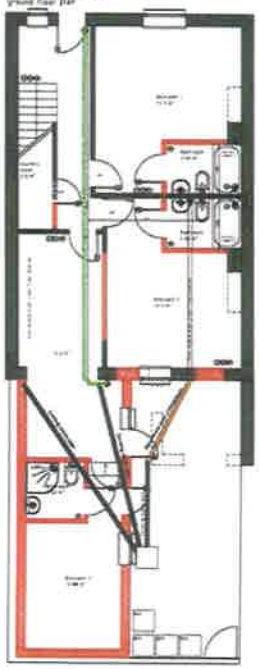


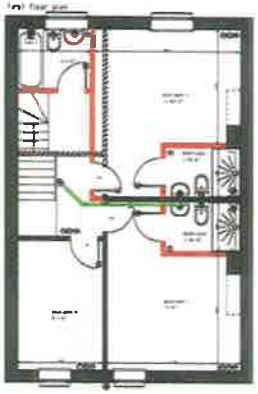


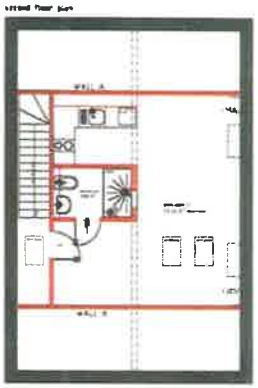
Rain water layout



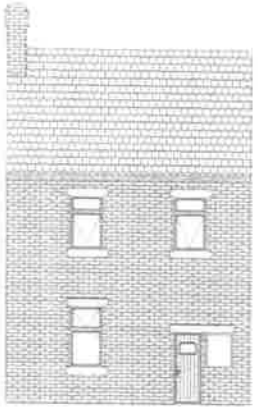
Drain layout

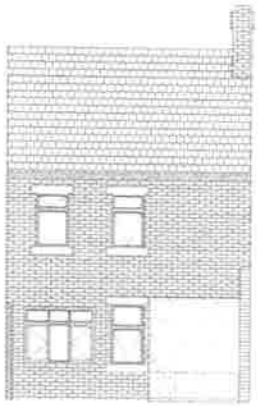


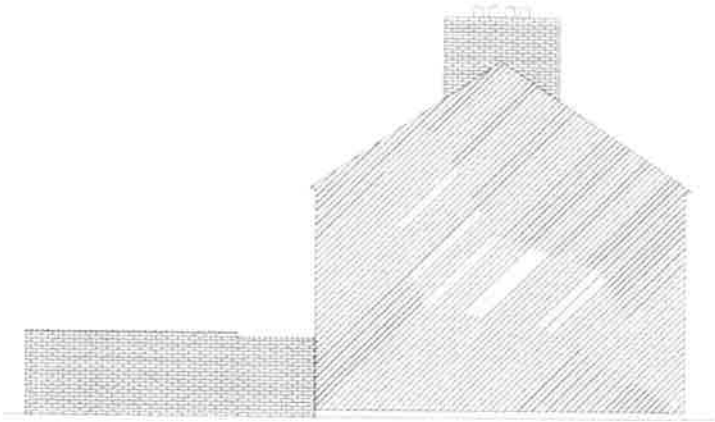


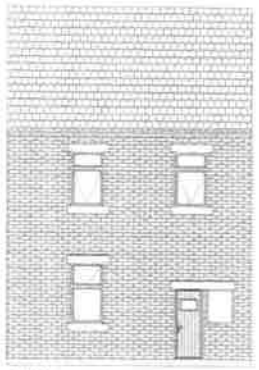


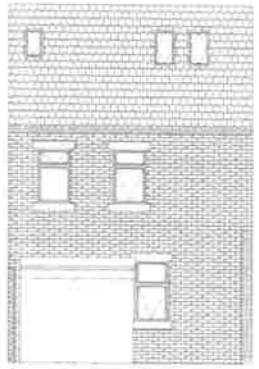




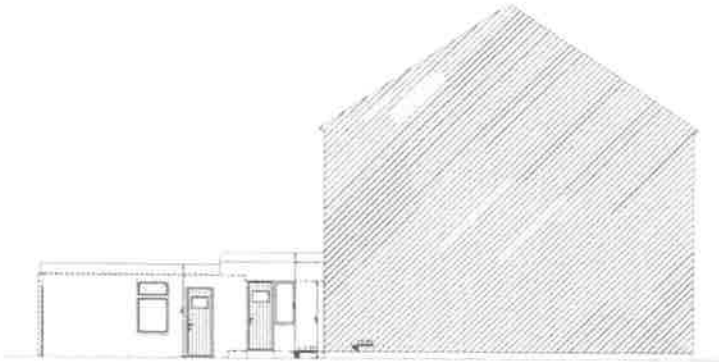












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