



Appeal Decision

Site visit made on 28 January 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2020

Appeal Ref: APP/P2935/W/19/3241544

27-29 Waterloo Road, Blyth, Northumberland NE24 1BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Holy Eagle, Holy Eagle Property LTD, against the decision of Northumberland County Council.
 - The application Ref 19/00882/COU, dated 27 February 2019, was refused by notice dated 18 October 2019.
 - The development proposed is described as *"The building was previously used for A1 (use class) retail use; this use will be retained on part of the ground floor but there is a proposed addition of Class C4 - Houses in multiple occupation on the rear of ground floor and upper floors. The ground floor will consist of 1 separate retail unit and an HMO, the sizes of which are: Unit 1 – 70 sq M; HMO communal area – 175 sq M; 3.4 The upper floors will be the residential area of the proposed HMO First Floor - 248 sq M; (9 bedsits with ensuites) Second floor - 248 sq M; (10 bedsits with ensuites)"*.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's name has been inaccurately titled as Mr Holy Eagle on the Council's application form. I have amended this in the banner heading above to reflect the appellant's correct name which is Mrs Holy Eagle, as per the appeal form.
3. The description of the proposal is condensed by the Council as *'Change of Use from A1 retail to the rear area of the ground floor and upper floors to Sui Generis to accommodate a House in Multiple Occupation (HMO) comprising 19 residential units and ancillary communal areas, with the front section of the ground floor to be retained in A1 retail use (as amended)'*. This more succinctly describes the proposed development and I have determined the appeal on such a basis.
4. The Northumberland Local Plan is an emerging document and hence I afford it limited weight as part of the decision-making process.
5. The site is located within Blyth Town Centre Conservation Area (CA) and is furthermore a Locally Listed building (LLB). The effect of the proposed development on the character or appearance of the CA is not disputed by any parties. Indeed, the proposal would preserve the character and appearance of the CA and harm would not be caused to the LLB.

Main Issue

6. The main issue is whether or not the proposal would undermine the vitality and viability of Blyth Town Centre through the reduced size of retail use and type of residential accommodation proposed.

Reasons

7. The appeal site is a three-storey building that forms part of a terrace row of commercial units facing Waterloo Road and is located in Blyth Town Centre with a vacant A1 retail unit at ground floor as well as vacant upper floors since approximately 2017. The appeal site is identified as a Primary Shopping Area with the Blyth Valley District Local Plan 1999 (LP).
8. The property is a red brick building with stone quoins and an ornate balustrade acting as a parapet to the roof. The property shares similar design characteristics to the adjacent property of Number 33 Waterloo Road with a narrow passage called the Arcade dividing the two buildings. Residential dwellings are located to the rear of the site along Bondicar Terrace with a public house close by.
9. Permission was sought to convert the building into a mixed use of retail at ground floor with ancillary functions to the rest of the ground floor to support the 19 residential units on the upper two floors. It is accepted by both parties that the residential part of the building would be occupied by low income individuals as a House in Multiple Occupation (HMO) with communal facilities.
10. There are no objections raised by either parties to the principle of its re-use as a mixed use. The proposal is assessed against the requirements of Policy C14 of the LP which seeks to protect the vitality and viability of Blyth's retail centre by permitting Class A retail use at ground floor. It goes on to state that other ground floor uses would be subject to the application of Blyth Retail Frontage Policy together with Policy B1, Retail Frontage Control Policy.
11. When considering the proposed retail use, the retail unit would be considerably smaller in size at around 69.88 sqm when compared to its original size of approximately 133 sqm. On my site visit, I could see that a number of larger and smaller shop units within the shopping centre were vacant.
12. The appellant contends that a smaller sized shop may be attractive to a proprietor. However, no evidence has been presented to demonstrate that this would be the case, or that a smaller retail unit would be a viable option. Indeed, the appellant confirmed that they have no prospective tenants interested in the unit at this size.
13. Looking at the remaining building as a proposed HMO, the appellant has applied Northumberland County Council's statistics¹ and identifies 25 HMO's within Northumberland with 5 HMO's within the Blyth area. A comparison example of another large-scale HMO accommodation and the problems associated with it has been highlighted and substantiated by Northumbria Police within their letter of objection.
14. They refer to an HMO of 14 beds close to the town centre explaining that the police attended the property 34 times since January 2019. They go on to

¹ Source Northumberland Country Council Ashington & Blyth Local Area Council Committee Minutes, 11 September 2019.

- explain that they have grave concerns that the proposed use would lead to increased policing demands.
15. Their letter of objection also states that there is a significant rise in adult anti-social behaviour in this area and they quote crime levels to have risen substantially within the last fiscal year to date. They also explain that a recent public consultation event, local people raised safety, crime, and anti-social behaviour as concerns affecting the area.
 16. These concerns align with the strength of opposition received to this proposal from local residents who comment on the first-hand exposure to anti-social behaviour they have endured, or are aware of. Therefore, whilst there is no evidence to suggest future occupiers of the proposed HMO would actually become associated with anti-social behaviour or other crime, I give significant weight to the evidence presented that there is a possible and perceived threat of crime and disorder within the area.
 17. Furthermore, I am aware that the proposed development is close to an identified area where Northumbria Police confirm that the number of reported incidents causes them concern for the welfare of the individuals proposed to reside within the building. Local residents have also made representations that they have been subject to disturbance in the evening.
 18. Whilst an on-site management service is proposed as part of this development, this has its own limitations. There would be up to nineteen individuals living within a confined residential environment. Any on-site management may be able to help reduce the number of anti-social behavioural incidents that could rise within the building. However, it would not be able to prevent these from occurring outside the building. Furthermore, it is accepted that the behaviours of future occupiers within and outside the building could not be reasonably and fully controlled by on-site management.
 19. Creating well-designed safe and inclusive places is a multi-dimensional part of successful planning. Crime and disorder and any actual or perceived fear of crime is a material planning consideration. It is not acceptable to merely suggest that anti-social behavioural incidents that may occur at the proposed site could be addressed through other means.
 20. On the basis of the evidence presented, I am unable to find that the proposal would result in a justified loss of a large amount of A1 retail space in the town centre. This coupled with the proposed HMO use and the associated public concerns about the perception of crime and anti-social behaviour, leads me to conclude that the mixed use would not fully comply with the requirements of Policy C14 of the LP which seeks to retain and enhance the vitality and viability of the retail centre. Furthermore, the proposal would be in conflict with paragraph 127 of the National Planning Policy Framework 2019 (the Framework) that seeks to achieve well-designed places that are safe, inclusive and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion.

Other Matters

21. Bringing a vacant and LLB back into use within the CA is acknowledged. However, any such benefit would not alter or outweigh my conclusion on the main issue.

22. The site is located in a town centre with good access to transport links, services and amenities. Furthermore, it is accepted that residential development can support the local economy and mixed accommodation types are an important factor in building strong communities. Also, whilst individual habitable room sizes may meet technical standards, all these attributes do not outweigh the harm I have identified.
23. The appellant argues that conversion would provide homes for individuals on low income as well as affordable housing, although no proper assessment of affordable housing has been provided with the appeal. No legally binding agreement has been procured to secure the property in perpetuity as affordable accommodation. Therefore, I apply only limited weight to this matter.
24. The proposal may not conflict with other policies within the LP or those within the emerging Northumberland Local Plan. However, I have considered the proposal against the relevant policies in the adopted Local Plan and have found that there is conflict with it. This is a matter of overriding concern.

Conclusion

25. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR