

# Local Development Framework

## Supplementary Planning Document: Maintaining Sustainable Communities

Adopted 25 November 2011

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# Newcastle City Council – Local Development Framework

## Supplementary Planning Document: Maintaining Sustainable Communities

### Foreword

Problems caused by high concentrations of Houses in Multiple Occupation (HMOs) have become an issue in a number of towns and cities across the country. High concentrations can have a detrimental effect on the local environment as well as impacts on social cohesion and services within an area. Newcastle, along with other local authorities, has lobbied the Government for greater planning powers to be available to tackle these problems.

Following consultation on this topic, which the City Council responded to, the Government introduced an amendment to planning legislation in relation to HMOs. We fully supported the specific definition which was introduced for a new class under the Town and Country Planning (Use Classes) Order – i.e. “small shared dwelling houses occupied by between 3 and 6 unrelated individuals who share basic amenities”. This means that a material change of use from a dwelling house (Class C3) to an HMO (Class C4) will require planning permission in certain areas where the number of HMO type accommodation would undermine local objectives to create or maintain mixed communities. However, we recognise that this requirement to gain planning permission in these areas imposes a regulatory burden on landlords and local authorities.

The policy approach set out here needs to be responsive to change in the housing markets in the areas covered. We will also keep an eye on changes in areas close by or in other parts of the city that may have similar problems in the future. We will monitor the situation and review the need to update the Maintaining Sustainable Communities Supplementary Document on an annual basis.

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## **1. Introduction and Overview**

- 1.1 One of Newcastle City Council's aims is creating and sustaining quality places to live. To achieve this our existing communities need to be protected and promoted as sustainable areas to live and work. Within the City there are a mix of neighbourhoods, performing different roles and functions in the housing market. These neighbourhoods should be characterised by a mix of quality housing with mixed tenure including social and owner occupied housing, together with a range of choice of housing to suit the needs of different households. In some areas these neighbourhoods are experiencing pressure through the growth of certain forms of housing which are undermining these objectives to maintain a mixed sustainable community and which are also undermining the visual amenity of the area in some instances. The growth in the number of houses in multiple occupations (HMOs) and other forms of temporary accommodation in certain areas which are easily accessible to the city centre are having a harmful impact on local communities.
- 1.2 HMOs make an important contribution to the private rented sector by catering for the housing needs of specific groups/households and by making a contribution to the overall provision of affordable or private rented stock. However, HMOs are not without their problems. The physical condition of the stock is often diverse, with concerns from residents in relation to the property maintenance and management standards, the impacts of HMO accommodation on the character and mix of areas and upon the ability to maintain local facilities. Elsewhere in the City other forms of temporary accommodation also have problems associated with the concentration of transient populations in undermining the existing mixed nature of the community. This document sets out a policy against which planning applications to create houses in multiple occupation and forms of temporary accommodation will be assessed. The policy aims to protect the character of areas in order to create and sustained quality places to live.

## **2. The Role and Purpose of Supplementary Planning Documents**

- 2.1 A Supplementary Planning Document (SPD) is intended to expand policy or provide further detail into policies in Development Plan Documents. It does not have Development Plan status, but it will be accorded significant weight as a material planning consideration in the determination of planning applications. The provisions of any SPD cannot, therefore, be regarded as prescriptive but they can provide a powerful indicative tool in the interpretation and application of policy.
- 2.3 This SPD sets out how the Council intends to determine the following planning applications:
- Applications of a change of use from a C3 (dwellinghouse) to C4 HMO where permitted development rights have been withdrawn via an Article 4 Direction;
  - Applications for change of use to HMOs for more than 6 people;
  - Applications for purpose built HMOs and student accommodation; and
  - Applications for purpose built accommodation or the change of use of accommodation to house transient populations.

This SPD replaces the Shared Housing SPD 2008.

### **3. Current Policy Framework**

#### **National**

- 3.1 National planning policy guidance is set out in Planning Policy Statements. Planning Policy Statement 1- Delivering Sustainable Communities (PPS1) and Planning Policy Statement 3- Planning for Housing (PPS3) provides the context for local planning policy to ensure that mixed and balanced communities are developed. PPG3 states that one central aim is, “to create sustainable, inclusive, mixed communities in all areas” (paragraph 9). It states that local planning authorities should ensure that new housing developments help to secure a better social mix by avoiding the creation of large areas of housing of similar characteristics. PPS1 emphasises the need for development plans to promote development that creates socially inclusive communities, including suitable mixes of housing. PPS 1 goes onto advice that plan polices should ensure that the impact of development on the social fabric of communities is considered and taken into account. It states that, “Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities.”
- 3.2 The Government had produced a draft National Planning Policy Framework (July 2011). The draft Framework sets out important issues to think about when local councils and communities make plans for, and decide, what new development should take place. Thinking through these important issues will help communities enjoy a better quality of life, both now and in the future. The draft Framework sets out nationally important issues and leaves other matters for local councils and communities to decide themselves, so communities can plan to meet their needs, without the Government always getting in the way and telling them what to do. The Government’s aim is to streamline the planning framework and therefore SPD’s are only necessary if they can ‘help to bring forward sustainable development at an accelerated rate, and must not be used to add to the financial burdens on development’<sup>1</sup>. This SPD acts to ensure sustainable forms of development are retained in a number of neighbourhoods.

#### **Regional**

- 3.3 The North East of England Regional Spatial Strategy, adopted in July 2008 emphasises the importance of the region’s universities and further and higher education establishments to the economy, but offers no direct guidance on the private rented sector and the provision of student housing. Whilst the Government has set out in the Localism Act 2011, that the Regional Strategy will be revoked: a commencement order from the secretary of state will be required. At present this order has not been issued. For this reason the Regional Strategy currently remains as part of the statutory Development Plan.

#### **Adopted Local Policy**

- 3.4 The Unitary Development Plan (UDP) provides some context and policy assistance in judging proposals for Houses in Multiple Occupation, student

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<sup>1</sup> Draft National Planning Policy Framework. Communities and Local Government. July 2011.

housing and the creation of balanced communities. Existing saved policies are listed in Appendix 3.

- 3.5 Policy H1.5 offers help in judging planning applications for student housing but does not itself refer to housing in the private rented sector. The supporting text does say that problems can occur when a concentration of short term tenanted private properties leads to a highly transient population, but the response in this part of the UDP is to encourage purpose built student housing.
- 3.6 Policy H2 is central to the ability of the Council to use planning powers to protect the amenity of existing dwellings. It lists a number of factors which must be looked at in assessing whether amenity might be affected. Within point A the policy refers to the need to protect the character of localities.
- 3.7 Policy H3 recognises the importance of groups of larger family houses and their essential role in a well planned housing supply.
- 3.8 Policy H4 requires a high quality of design and landscaping in all housing development, with particular attention paid to five matters, namely:
  - the character and quality of the local environment;
  - good standards of outlook, natural light and privacy for all dwellings;
  - safe, convenient and comfortable circulation for pedestrians, including measures for traffic calming and cycling;
  - measures for designing out crime; and
  - measures to maximise energy efficiency.
- 3.9 Other UDP policies, notably ENV1.1 covering design and the Designing for Community Safety SPD will be taken into consideration when determining planning applications for HMOs and temporary residential accommodation.

#### **4. Emerging Local Policy- The Local Development Framework**

- 4.1 Relevant policies in the Newcastle Unitary Development Plan (UDP) should be used as the policy guide until the NewcastleGateshead One Core Strategy is adopted. This document will provide the strategic policy guidance on housing development. The City's Consultation Draft One Core Strategy (2011) seeks a 'more prosperous, attractive and sustainable place, with improved quality of life and thriving communities.'<sup>2</sup> The interaction between the types of residential properties available and services/facilities is included in this vision, and contributes to improving the quality of life of the City's residents. The City Council believes that neighbourhoods should provide a choice for all sectors of the community, whilst maintaining balanced and cohesive neighbourhoods.
- 4.2 The Council is also preparing an Urban Core Area Action Plan in conjunction with Gateshead Metropolitan Council. One of the objectives of this document is to ensure that residential development is part of mixed use schemes throughout the Urban Core.

## **5. In search of Sustainable and Balanced Communities**

- 5.1 For the purpose of this SPD sustainable communities are defined as, “places where people want to live and work, now and in the future. They meet the diverse needs of existing and future residents, are sensitive to their environment, and contribute to a high quality of life. They are safe and inclusive, well planned, built and run, and offer equality of opportunity and good services for all”<sup>3</sup>.
- 5.2 In Newcastle upon Tyne many of the issues relating to problems associated with HMO accommodation revolve around the concentrations of students and groups of people in shared accommodation in certain parts of the City. In Newcastle there are two higher education institutions - the University of Newcastle upon Tyne and Northumbria University and one further education institution - Newcastle College. These three education institutions are very popular and consequently attract a large number of students to live and study in the City. Appendix 1 of this SPD sets out how student numbers have increased over the past decade. There are currently over 40,000 full time higher and further education students based at these institutions. The number of higher education students has risen by 60 per cent over the last ten years. This increase has resulted in the number of student houses in the City having likewise risen by 129 per cent to over 6,000 houses in 2011. This significant increase in HMOs has been concentrated in six wards close to the City Centre, with some parts of these wards experiencing very high concentrations of HMO accommodation. Appendices 1 and 2 contain information on student numbers and purpose built student bed spaces with Newcastle upon Tyne.
- 5.3 These concentrations, whilst bringing with them economic benefits to the local economy also lead to substantial changes to a neighbourhood. These changes have resulted in tensions within neighbourhoods and complaints to the Council in connection with a range of impacts associated with shared accommodation. Likewise at the edge of the City Centre there are other locations where there are concentrations of accommodation to house transient populations. These have also resulted in impacts upon local communities.
- 5.4 The impacts on communities of high concentrations of HMOs and temporary accommodation include:
- Anti-social behaviour, noise and nuisance;
  - Imbalanced in range of tenure and choice in local communities;
  - Negative impacts on the physical environment and streetscape through the poor upkeep of premises and gardens and the management of external environment including refuse harming the visual amenity of an area;
  - Pressures on parking provision;
  - Increased crime;
  - Fear of crime due to the influx of a transient population and perceived associated social issues;
  - Unbalanced housing market through the growth in the private rented sector at the expenses of owner-occupation; and

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<sup>3</sup> Sustainable Communities Plan, Office Deputy Prime Minister (ODPM), 2003

- Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population at the expense of other groups in the community.
- 5.5 HMOs typically contain groups of predominantly young people living together in rented accommodation. These groups typically enjoy active social lives and have less connection to their neighbourhoods than more permanent residents. The clustering of these types of household in neighbourhoods can result in increased incidents of noise from houses through social activities, amplified music and the comings and goings with associated slamming of doors and late night taxi traffic which disturbs neighbours. In addition the noise from occupants of HMO accommodation walking through neighbourhoods late at night after returning from social events often results in disturbance to other residents.
  - 5.6 The cumulative effect of HMO accommodation upon a neighbourhood has resulted in tensions within the community and on going complaints to the police and Council to control anti-social activities and improve the appearance of untidy properties. The concentration of this one type of residential use in a small area has led to residents who do not share a similar life style, such as families and the elderly, leaving the area. This has the effect of creating an unbalanced community to the detriment of the area and the objectives of maintaining a sustainable neighbourhood.
  - 5.7 By way of an example, noise disturbance in Wards where there are high concentrations of HMO accommodation in Newcastle, also suffer from high levels of noise complaint to the City Council's Night Time Noise Team. In 2010 over 1,000 noise complaints were received in North and South Jesmond Wards, in South Heaton 652 noise complaints were received and 529 in Ouseburn Ward. This level of complaint indicates that anti-social behaviour is a notable issue for residents, many of which were related to student and HMO accommodation.
  - 5.8 Purpose built student accommodation such as traditional halls of residence and more recently flatted developments have less impact on the private housing market. However, they do bring large numbers of students into a small area. This can lead to noise disturbance to existing residents living adjacent to such large concentration of students. Disturbance can be in the form of: Vehicles dropping off and picking up passengers at the accommodation late at night; from music and social activities at the accommodation; and from the noise from student returning back to the accommodation late at night. There can also be issues about managing parking and refuse storage.
  - 5.9 Issues can also arise where there are large concentrations of accommodation providing temporary accommodation to certain sectors of the community who may or may not need a degree of support. Large concentrations of transient residents can result in many of the issues listed above, as well as existing communities developing a perceived fear of crime associated with occupants of temporary accommodation, which can have a negative impact upon an area. These factors do not assist in the creation of cohesive communities.

## **6. Powers under the Planning Act 1990**

- 6.1 This SPD looks specifically at the powers available under planning legislation to address the issues outlined above. The policy introduced in this document derives from two areas of planning legislation as outlined below.

### Control over extensions to existing properties

- 6.2 The Town and Country Planning (General Permitted Development) Order 1995(as amended), confirms that some dwellings benefit from permitted development rights. These allow certain building works to be carried out without the need for planning permission. For example, in relation to dwellings planning permission may not be required for a small single storey extension to the rear, to convert an existing garage into a room, to carry out a loft conversion with roof lights to front and back or to build a loft conversion with a dormer to the rear. Advice on a particular proposal should always be sought from the City Council before commencing work.
- 6.3 The same permitted development provisions do not apply to flats, including Tyneside flats. For these, any development that would make a material change to the external appearance of the building requires planning permission. For example, the insertion of roof lights to facilitate extra bedrooms in the roofspace of an upper Tyneside flat requires planning permission.

### Houses in multiple occupation

- 6.4 Planning permission is normally required for a material change of use of land or buildings. However, the Town and Country Planning (Use Classes) Order 1987 (as amended ) reduces the burden on the planning system by grouping similar uses within specific use classes. Changes of the use of buildings or land within one use class would not require planning permission.
- 6.5 Use Class C3 relates to dwellinghouses which are:
- Families living together as a single household;
  - those living together as a single household and receiving care; and
  - those living together as a single household who do not fall within the definition of a house in multiple occupation.

Use Class C4 covers small shared houses or flats occupied by between three and six unrelated individual who share basic amenities. This will include students, migrants and asylum seekers occupying a house or flats. This use class excludes inter alia care homes, children's homes, hostels and student accommodation managed and owned by the education establishment.

Larger houses in multiple occupation- those with more than six people sharing- are unclassified by the Use Classes Order and are therefore considered to be 'sui generis' i.e. not falling within a particular use class.

- 6.6 The change of use from Use ClassC3 (dwellings) to Class C4 (HMOs with 3-6 occupants) is permitted development and consequently does not normally require planning permission. However if a local planning authority chooses to it can remove this permitted development right in special cases. The effect would

be to require all material changes in use from Class C3 to Class C4 to require planning permission in selected areas. The decision to remove this permitted right is through the issuing of a Direction under Article 4 of the Town and Country Planning (Development Management) Procedure Order 2010 (an “Article 4 Direction”).

- 6.7 All material changes of use from family housing (Use Class C3) and HMOs of between 3 and 6 occupants ( Class C4) to large HMOs (over six occupants) will normally require planning permission. Planning permission is not required to change from Use Class C4 (HMO) back into a family dwelling house (Use Class C3).

## **7. City Council's approach to Shared Housing to create sustainable communities**

- 7.1 In order to manage the growth and distribution of HMOs it is proposed that the permitted development changes between Use Class C3 and C4 be removed in limited parts of the City through the issuing of an Article 4 Direction. In these areas the Council considers that exceptional circumstances exist to remove these permitted rights and that failure to further regulate the growth of Class C4 accommodation in these areas could lead to harmful effects upon the character of the communities through undermining visual amenity and undermining local objectives to maintain mixed communities.
- 7.2 In 2008 an 'Area of Housing Mix' was designated under the Supplementary Planning Document on Shared Housing. The boundaries of the area were drawn primarily to reflect a high concentration of shared housing, but note was also taken of evidence that a set of problems already existed in particular residential neighborhoods. The criteria and related indicators used to draw up the boundaries related to the following indicators:
- proportion of students and students in shared households;
  - nature of housing;
  - number of planning applications involving creation of extra bed spaces in terraced housing and Tyneside flats;
  - tenure;
  - formal reports of noise and other anti social behavior;
  - amenity surveys;
  - house prices;
  - demographic mix, including number of school children; and
  - history of private renting.
- 7.3 Since 2008 the characteristics of the Area of Housing Mix have not significantly altered. For this reason this area has formed the basis of an Article 4 Direction to seek to control the change of use from Use Class C3 to C4. A plan indicating this Article 4 Area is attached in Appendix 5. It covers eight wards within the City and includes a total of 17,895 households. It takes effect on 25 November 2011 to require that an application for planning permission be submitted for a change of use from C3 (family housing) to C4 (small HMO's).
- 7.4 Planning applications are assessed against national and local planning policy and all other material considerations. It is important to note that requiring an application to be submitted does not mean that all will be refused. It does however allow the Council to assess each case against agreed criteria and assess the benefits and any harm before making a decision. It also allows local residents to be informed as to what is proposed in their area. This SPD sets out the Councils approach to determining such applications and will be a material consideration in the decision making process. Appendix 6 sets out the implications for landlords in the Article 4 Direction area.

7.5 Other areas of the City, most notably High West Jesmond, will also be considered to form part of an Article 4 Direction in the future. If further Article 4 Directions are issued relating to changes from Class C3 to Class C4 by the City Council, then the relevant policies relating to Article 4 Direction area, as set out in this SPD, will apply.

## **8. Policy on Maintaining Sustainable Communities**

### **Policy SC1: Maintaining Sustainable Communities**

**Planning permission for the erection, conversion, extension or alteration of properties to houses in multiple occupation (Class C4 or sui generis) and forms of temporary residential accommodation (sui generis) will be granted unless:**

- A. Within an Article 4 area the proposal would result in the loss of a good quality, spacious and convenient dwellings suitable for occupation by a family by reason of its location and level of amenity and so remove the dwelling from the stock within the overall housing mix;**
- B. There would be unacceptable harm to the amenity of neighbouring residents caused by reduced levels of daylight, sunlight, outlook or privacy as a result of the development;**
- C. There would be harm to the amenity of neighbouring residents through the introduction of additional activity, access, traffic or parking at the property which would cause an unacceptable increase in noise and disturbance;**
- D. The proposal would be detrimental to the character and appearance of the locality or the existing building by reason of scale, design or loss of existing features, including trees and landscaping;**
- E. Insufficient provision on site is made available for refuse storage facilities and/ or cycle storage facilities;**
- F. The proposal would result in the introduction of such additional accesses, traffic or parking as would prejudice highway safety;**
- G. The proposal would lead to a level of concentration of such uses that would be damaging to the character of the area;**
- H. The proposal does not provide good levels of amenity for future residents in terms of noise, outlook, light, privacy, access and air quality ;**
- I. In the case of Tyneside flats within Article 4 areas, it would result in:**
  - (i) the change of use of an upper Tyneside flat to an HMO where the property is capable of providing more than 3 bedrooms, and;**
  - ii) The extension or alteration of an upper Tyneside flat HMO to facilitate the creation of additional habitable space within the roofspace.**

**For the purposes of this SPD:**

- **the definition of Article 4 area relates to an Article 4 Direction within the City under the Town and Country Planning( Development Management Procedure) Order 2010 or any re-enacting or revoking Order which remove permitted development rights for the change of use from Use Classes C3 to C4;**
- **the definition of forms of temporary residential accommodation is as set out in DCLG Circular 3/2005: Changes of Use of Buildings and Land, the Town and & Country Planning (Use Classes) Order 1987**
- **the definition of a Tyneside flat as set out in criteria SC1 I is: (i) where there is a proposal to re-divide a house that had previously been Two Tyneside flats (but knocked in to one) and to convert the roof space at the same time as the re-division;(ii)to all flats of whatever age in the same configuration as a pair of Tyneside flats, i.e. in a two storey building, a single flat above another Single flat and with separate front doors (not necessarily side by side), and covering both terraced and 'semi-detached' properties but not those in a multi-storey block.**

- 8.1 Within Article 4 areas there is an identified need to retain a mix of accommodation to preserve the balanced nature of the community. For this reason the need to retain houses suitable for occupation by a family is important. In these areas the stock has already been significantly eroded by the uncontrolled conversion to HMO accommodation. The resultant changes to an area through increased density of occupation, subdivision of plots, building maintenance; loss of landscaping, traffic and noise and disturbance impacts can serious affect the character of an area. The further loss of housing suitable for families in these areas would reduce the future ability of the City to attract families to live and invest the area. As a result the further loss of houses which are suitable for occupation by families will be controlled in the Article 4 Direction areas under criteria A.
- 8.2 In exceptional cases a family dwelling (Class C3) that is no longer suitable for family occupation by reason of its location and level of amenity would be considered for use as shared accommodation. Factors to be taken into account in these circumstances include the spaciousness of the accommodation, the size of external amenity spaces and general quality and character of the area immediately around the dwelling.
- 8.3 In relation to criteria C the impact upon neighbouring residents amenity caused by increased noise and disturbance generated by HMOs and temporary accommodation will need to be assessed. Factors to consider in terms of potential disturbance include; the historic use of the property and likely changes in noise generated by the new use, both from inside the building and from outside by comings and goings to and from the building; traffic and parking generation and its impact upon the character of the surrounding area. Any development approved under Policy SC1 will be expected to install noise insulation along any party walls with neighbouring properties in line with Part E of

Building Regulations in order to reduce any noise transfer which could impact upon neighbour's amenity.

- 8.4 Developments creating HMO and temporary accommodation would need to ensure that they did not have a detrimental impact upon the character and appearance of the locality. Criteria D requires the impacts of scale and design, including landscape impacts, to be assessed as part of any application. An important consideration in designing HMO and temporary accommodating is to ensure sufficient space is made available for refuse storage. This should be of sufficient capacity to handle the weekly amount of refuse generated by occupants. The refuse storage area should be located within the site, but easily accessible to collection vehicles. It should be designed so as to be visually screened from all residents and away from habitable rooms. Cycle parking is also an important requirement for HMO accommodation. On site provision should be made available in easily accessible locations. These requirements are set out in criteria D and E.
- 8.5 Developments occupied as HMO and temporary accommodation will need to ensure the vehicular traffic it generates, both for parking and servicing would not have a prejudicial impact upon highway safety. City Council guidance is available on recommended car parking levels relating to these forms of development. These matters would be assessed against criteria F.
- 8.6 Individual street and neighbourhoods have different characteristics, ranging from streets of predominantly family housing to a mix of commercial and different types of residential accommodation. Criteria G require the impact of developments on the character of an area to be assessed. Each application will be assessed to determine whether an additional HMO or temporary accommodation development would adversely impact on the mix of the community and character of the surrounding area. Factors to take into account would be the effect on the character of the locality, especially in the case of tightly knit and homogeneous area of single family housing and the resultant increase in residents resulting from the proposed development.
- 8.7 In terms of criteria H, occupants of HMO accommodation need to enjoy good levels of outlook, light, daylight and privacy from all main habitable rooms. The property also needs to be insulated from external noise sources. The ventilation of properties in air quality management area will also be required to minimise any impact upon future residents. There will also need to be safe and convenient access to the property. Developments will also need to ensure that there is no loss of outlook, privacy and sunlight to neighbouring resident which would harm their amenity as set out under criteria B.
- 8.8 Criteria I relates to Tyneside flats - a particular form of accommodation found in Newcastle. In ground floor flats it provides 2/3 bed accommodation. Upper flats normally provide 3 bed accommodation. However a significant proportion of upper Tyneside flats have been converted to four to seven bed HMO accommodation through the conversion of the roof space into habitable accommodation. The resultant intensification in the use of the flat, with associated comings and goings, parking, traffic, noise and activity has had an adverse impact upon neighbouring residents, as well as the mix of accommodation available in these high density streets. This has been to the detriment of the character of some areas and resulted in groups of streets with

significant levels of HMO accommodation. These areas have been covered with an Article 4 Direction. Policy SD1 seeks to control future uses of upper Tyneside flats and extensions of these properties into the roof space to ensure a balance is retained in these streets between smaller flats and HMOs in the interests of retaining a mix sustainable community.

- 8.9 For the above reasons the SPD seeks to control the loss of larger upper Tyneside flats which extend to cover three floors from Class C3 to a HMO. In addition the policy controls the insertion of roof lights into those upper Tyneside flats which are currently used as HMO accommodation. This would ensure a range of HMO sized accommodation in the Article 4 area and prevent the problems of noise and activity that would arise from allowing all upper Tyneside flats to be converted into large HMO accommodation. The conversion of an upper Tyneside flat roofspace for family occupation under Class C3 would still be permitted, so as to allow families to continue to live in upper Tyneside flats and thereby meet their space requirements over time. In these cases the applicant will have to demonstrate the current use of the property would fall within Class C3 of the Use Classes Order.
- 8.10 A plan showing the area affected at the time of approving this SPD by relevant Article 4 Directions is set out in Appendix 5. Further areas may be covered by Article 4 Directions in the future which restrict changes to HMO accommodation. Applications in these areas will also be considered in relation to Policy SC1 A and I.

## **9. Powers under the Housing Acts**

- 9.1 The Housing Act 2004 introduced a new definition of a House in Multiple Occupation (HMO) and replicates that of a Class C3 use in that it includes any dwelling occupied by three or more unrelated persons.
- 9.2 Under the Housing Act 2004 local authorities license HMO's that are three storeys or over and are occupied by five or more persons. This is known as mandatory licensing. The City Council's Public Housing and Private Sector Housing Section regulate the licensing of HMO accommodation. This is administered and licensed issued separately to the planning control legislation. The Local authority must grant a license if it is satisfied that:
- the house is reasonably suitable for occupation by the number of households or persons applied for and determined by the local authority having regard amongst other things to the provision of amenities and facilities;
  - the proposed license holder or manager is a fit and proper person and is the most appropriate person to hold the license; and
  - the arrangements for managing the house are satisfactory.
- 9.3 The Council also operates an Accreditation Scheme for Shared Housing and HMOs the purpose of which is to raise standards of accommodation on a voluntary basis. It is open to both licensable and non-licensable HMOs and is free to join.
- 9.4 The exercise of the powers available under the Housing Act 2004 will not directly control the scale and distribution of HMO accommodation, but it will afford opportunities for greater intervention to secure improvements in the manner in which properties are managed and maintained.
- 9.5 As such the Housing Act 2004 presents the Council with the opportunity to pursue complementary measures to support its planning policies. But those measures cannot be developed through this SPD and must instead be progressed under separate legislation.
- 9.6 Advise on the licensing of properties and details of HMO licences in the City can be found on the Council's web site at:

<http://www.newcastle.gov.uk/housing/houses-multiple-occupation/houses-multiple-occupancy>.

## **10. Sustainability Appraisal, Monitoring and Review**

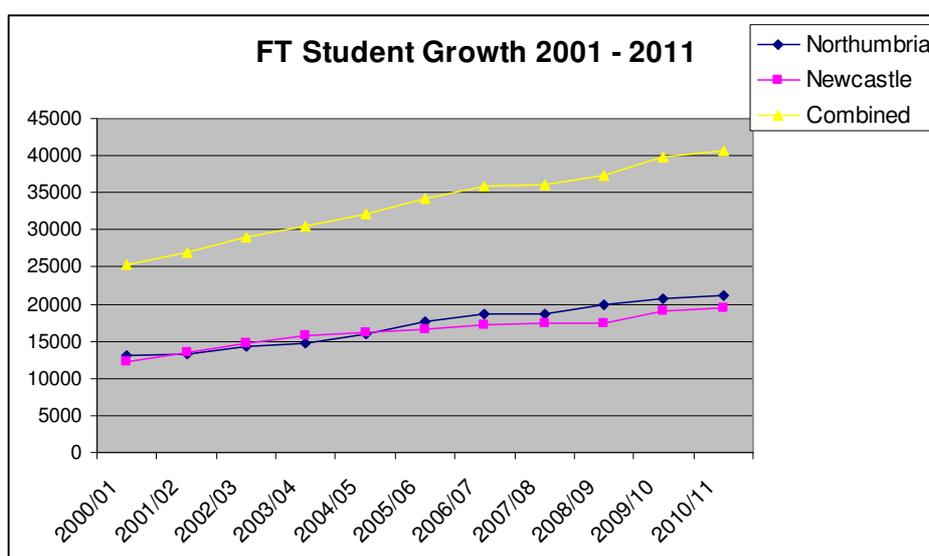
- 10.1 This Supplementary Planning Document is accompanied by a Sustainability Appraisal Report. The sustainability appraisal exercise has helped identify both benefits and dis-benefits of seeking to regulate student housing in certain areas. It also underlines the need for monitoring, not just within the Article 4 boundaries but also across the City as a whole in relation to the wider housing markets.
- 10.2 A key aspect of monitoring will be to look at possible displacement effects within or beyond the Article 4 areas. A knock-on effect of restricting the private rented sector in, say, Tyneside flats could be a movement toward houses in neighbouring streets where fewer restrictions apply. Appendix 5 contains the criteria and indicators used in defining and reviewing Article 4 boundaries.
- 10.3 There may be other reasons why shifts in the housing market take place and the private rented sector is particularly vulnerable to changes in the behaviour of both customers and providers. Some neighborhoods in the Article 4 area could be affected seriously by a failure to attract the new wave of students in this or following academic years. The proposed monitoring programme would pick this up as well as displacement issues more directly related to the Article 4 policies.
- 10.4 Indicators for monitoring this SPD and its boundaries are proposed as follows. Information would generally be presented by Newcastle Neighbourhood Information System (NNIS) neighbourhoods and by wards.
- student households as a % of total households (excluding from both halls of residence and purpose built accommodation) as shown by Council Tax records
  - student households as a % of total households (including in both halls of residence and purpose built accommodation) as shown by Council Tax records
  - house prices and rental levels
  - number of vacant dwellings
  - number of formally registered reports of anti-social behaviour
  - changes in school rolls, including number of pupils from the immediate area
  - numbers of planning applications for related types of development and
  - change of use both within and outside the AHM

## Appendix 1: Student Numbers

Academia and research is one of Newcastle's economic assets. Our universities provide the City with an exceptional academic and research reputation that attracts students from all over the world. Two universities (Newcastle and Northumbria) and one college (Newcastle College) together host around 47,000 full time higher and further education students at any one time, many of whom come from outside the region.

In the context of examining student housing needs, the number of full time higher education students (university) is more relevant. Between 2001/02 and 2010/11 the number of full time students in Newcastle increased from 25,271 to 40,600; indication growth of 60% over the period.

**Figure 1: Growth in Student Housing 2001 - 2011-08-18**



### Areas of student housing concentrations:

Council Tax records (Class N exemptions) show that since the academic years 2001 to 2011 there has been a 129% increase across the City in the number of private rented sector houses occupied by students only households. This represents an increase of +3,446; up from 2,668 in the academic year 2000 to 6,114 by April 2011. It is likely that this rise in student only households in the private rented sector has diminished the supply of lower cost housing to other household groups, forcing first time buyers in particular to seek housing other areas, often within North Tyneside.

**Figure 2: Class N Exemptions – Top 6 Wards**

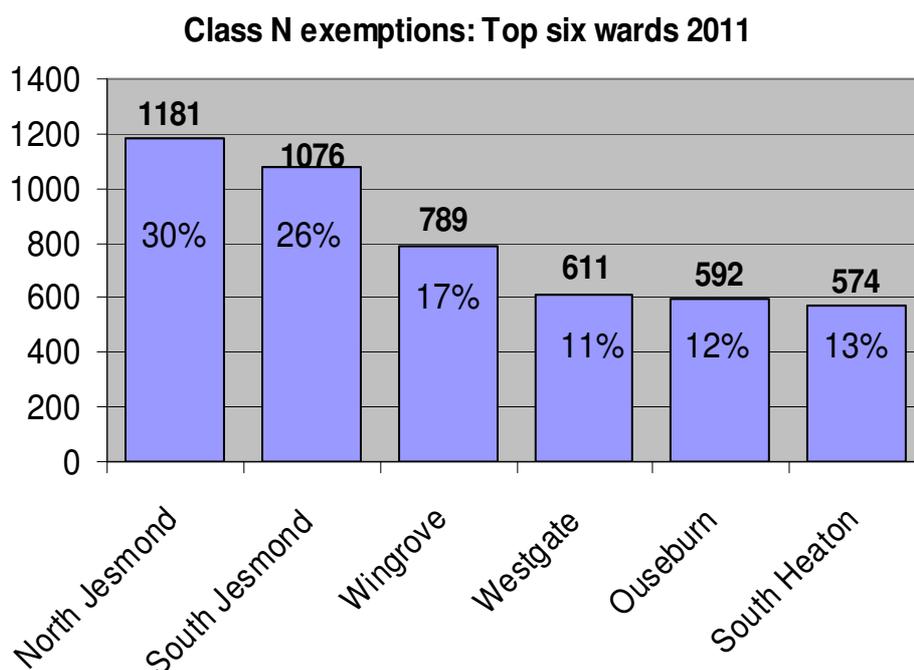


Figure 2 illustrates that older terraced housing in certain quarters (such as Jesmond, Wingrove, Ouseburn and Heaton) have the highest concentrations of private rented housing for students to share (predominantly in term time). The ward with the highest proportion of student only households is North Jesmond with 1,181 private student only households, or 30% of houses within that ward.

## **Appendix 2: Opportunities for Purpose Built Student Housing**

The 2007 Interim Planning Guidance (IPG) on Purpose Built Student Housing concluded that at the time there was an estimated need for up to 5,000 additional bed spaces between 2007 and the 2009/10 academic year. The key aim of this approach was to widen up the housing choices of students while freeing up shared housing for recycling back in to the general housing market. Since the introduction of the IPG in late 2007 there has been 1,385 new bed spaces delivered with a further 2,086 bed spaces under construction (April 2011). There are potentially substantially more bed spaces in the development pipeline, including over 3,372 bed spaces with planning permission. Although it is not certain that all those with planning consent will be built out, it is reasonable to assume that most will be, therefore meeting the target originally set out in the IPG.

The future landscape of student housing requirement differs from that of 2007 when the IPG was first developed. Policies brought in by the Coalition Government have seen a permitted rise in tuition fees (an option taken up Newcastle and Northumbria universities) as well as a cap on foreign students, both of which may impact on the number of students studying away from home, and therefore lessening the need for more purpose built student accommodation. Conversely the opposite may be true, in order to attract students in this competitive market, universities may now be required to grow their portfolio of good quality modern purpose built student accommodation.

The main focus now is to look at the student population and the subsequent need for housing reacts to recent changes in central government policy. To do this we will work closely with the universities, student union representatives and developers via the Students in Newcastle Forum.

## **Appendix 3: Extracts from Unitary Development Plan for Newcastle, January 1998**

### ***Student housing***

#### **H1.5 APPLICATIONS FOR PLANNING PERMISSION FOR STUDENT ACCOMMODATION WILL BE CONSIDERED AGAINST THE FOLLOWING CRITERIA:**

- A. PROXIMITY OF THE SITE TO THE CAMPUS, OR ITS SUITABLE LOCATION WITHIN THE CITY CENTRE OR A DISTRICT CENTRE**
- B. SATISFACTORY CONVERSION OR REDEVELOPMENT OF NONRESIDENTIAL PREMISES**
- C. SUITABLE CONVERSION AND/ OR ADAPTATION OF LOCAL AUTHORITY HOUSING STOCK**
- D. CONVENIENT ACCESS TO A GOOD PUBLIC TRANSPORT SERVICE**

3.74 The City's three higher and further educational institutions have already experienced large scale expansion in student numbers in accordance with national policy. Still further growth could lead to a significant increase in housing need over and above that identified under policy H1. The conversion of upper floors in the City Centre is likely to provide further opportunities for student accommodation.

3.75 This policy encourages further student housing provision. The City Council will assist in identifying suitable sites and bringing forward development proposals including conversion schemes for student housing purposes. Problems can occur when a concentration of short term tenanted private properties leads to a highly transient population. The City Council's policy, set out above, is to encourage less intrusive forms of student accommodation.

3.76 Consideration will be given to proposals for purpose built accommodation on vacant sites within or near existing residential areas where appropriate, where this does not conflict with other Plan policies.

### ***Protection of residential amenity***

#### **H2 DEVELOPMENT WHICH WOULD HARM THE AMENITY OF ANY DWELLING, OR GROUP OF DWELLINGS WILL NOT BE ALLOWED. IMPACT ON RESIDENTIAL AMENITY WILL BE ASSESSED WITH PARTICULAR REGARD TO:**

- A. PROTECTING THE CHARACTER OF THE LOCALITY AND OF THE EXISTING BUILDING IN THE CASE OF ALTERATIONS, EXTENSIONS OR CONVERSIONS;**
- B. PROTECTING TREES AND OTHER SOFT LANDSCAPING OF AMENITY VALUE;**

- C. ENSURING SATISFACTORY DAYLIGHT, SUNLIGHT, OUTLOOK AND PRIVACY FOR ALL DWELLINGS, EXISTING AND PROPOSED, PARTICULARLY IN RELATION TO GOOD EXISTING STANDARDS IN THE LOCALITY;**
- D. AVOIDING THE INTRODUCTION OF SUCH ADDITIONAL ACCESSES, TRAFFIC OR PARKING AS WOULD INCREASE VISUAL INTRUSION, NOISE OR DISTURBANCE, OR PREJUDICE ROAD SAFETY; AND**
- E. ENSURING THAT NON-RESIDENTIAL DEVELOPMENT AND/ OR ASSOCIATED OPERATIONS WILL NOT HARM RESIDENTIAL AMENITY THROUGH AN INCREASE IN NOISE, DISTURBANCE, SMELLS, FUMES OR OTHER HARMFUL EFFECTS.**

3.83 This policy concerns the amenities of residents and their homes, including all types of permanent dwellings and residential caravan sites, such as the Lemington Gypsy Site. Development will continue to bring about changes affecting individual dwellings, groups or neighbourhoods. Where, however, the kind or degree of change resulting from a proposal would injure amenity, and there is no available remedy, such as conditions or planning obligations, then permission will normally be refused.

3.84 Residential areas may be particularly vulnerable to development which increases building or population density through, for example, extensions, conversions, redevelopment, and sub-division of curtilages to create new building plots. The impact may arise directly from the building work itself displacing garden space or other greenery, or resulting in a lack of reasonable outlook or light from windows. It may also arise indirectly from increased activity, traffic, noise, disturbance, or overlooking of private areas.

***Protection of large, traditional, good quality dwellings***

**H3 DEVELOPMENT IN A GROUP OR AREA OF LARGE, TRADITIONAL DWELLINGS OFFERING GOOD QUALITY, SPACIOUS AND CONVENIENT ACCOMMODATION WILL NOT BE ALLOWED WHERE IT WOULD RESULT IN A LOSS TO THE LIMITED STOCK OF THESE DWELLINGS.**

3.90 Groups or areas of larger houses built mainly in the 19 and early 20 Centuries are often of distinct architectural character and quality of environment. They are generally concentrated in the City's mature, most attractive and centrally located suburbs such as parts of Jesmond, Gosforth, Heaton and other smaller areas. Because of their age, quality, location and character, these housing areas are a finite resource. They make up a relatively small part of the City's housing stock, but play an important part in its character and attractiveness.

3.91 They also represent a market sector with a distinct, essential role in a well-planned housing supply. Their importance in this respect lies in the attraction and retention of people with professional and business skills necessary for generating new employment and to the City's administration and position as a centre of excellence in health, education and other services. The protection of this limited stock of housing contributes to the overall aims and objectives of the Plan.

- 3.92 The stock has already been eroded by, for example, redevelopment and conversion to flats or other residential uses and changes of use. Development giving rise to changes in such matters as density, subdivision of plots, building form and detailing, landscape and traffic, can also seriously harm the viability, character and attractiveness of high quality housing.
- 3.93 Wherever possible, the Council will seek to retain existing buildings for single household occupation, including extended family needs such as “granny flats”. To ensure that there is no further loss of these large dwellings which offer good, convenient accommodation, the Council will need to be convinced that a development proposal would not prejudice the character and potential of the building as such a dwelling. If redevelopment is proposed, the Council will need to be convinced both that the existing dwelling is not reasonably capable of being re-occupied, and that any proposed replacement development is of appropriate quality. Material considerations will include the spaciousness of the proposed dwelling(s), the size of garden plot(s), the adequacy of space for garaging, parking and future expansion as well as the general quality of the group or area.
- 3.94 For purposes of defining relevant houses, broad indicators will include: dwelling houses as defined by Class C3 of the Town and Country Planning (Use Classes) Order 1987, or by any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, and generally of 5 or more bedrooms. Such houses may be terraced, semi-detached or detached, and in Newcastle are not necessarily on large plots. Areas characterised by such dwellings may vary in size and homogeneity, but even small groups may be relevant to the aims of this Policy.

**H4 A HIGH QUALITY OF DESIGN AND LANDSCAPING WILL BE REQUIRED IN ALL HOUSING DEVELOPMENT. PARTICULAR ATTENTION WILL BE PAID TO:**

- A. GOOD STANDARDS OF OUTLOOK, NATURAL LIGHT AND PRIVACY IN ALL DWELLINGS;**
- B. MEASURES FOR DESIGNING OUT CRIME;**
- C. MEASURES TO MAXIMISE ENERGY EFFICIENCY;**
- D. SAFE, CONVENIENT AND COMFORTABLE CIRCULATION FOR PEDESTRIANS ESPECIALLY CHILDREN, ELDERLY PEOPLE AND THOSE WITH DISABILITIES, INCLUDING MEASURES FOR TRAFFIC CALMING AND CYCLING; AND THE CHARACTER AND QUALITY OF THE LOCAL ENVIRONMENT.**

***Design***

**EN1.1 ALL DEVELOPMENT WILL BE REQUIRED TO MEET HIGH STANDARDS OF DESIGN IN ACCORDANCE WITH THE FOLLOWING PRINCIPLES:**

- A. RETAINING THE BEST BUILDINGS;**

- B. TAKING FULL ADVANTAGE OF LANDFORM, LANDSCAPE AND OTHER SITE FEATURES;**
- C. INTEGRATING DEVELOPMENT INTO ITS SETTING WITH REGARD TO THE SCALE AND PATTERN OF SURROUNDING BUILDINGS AND SPACES, AND LINKS IN THE PEDESTRIAN ROUTE NETWORK;**
- D. RELATING TO THE MATERIALS AND DESIGN CHARACTERISTICS OF SURROUNDING BUILT DEVELOPMENT;**
- E. FACILITATING SAFE PEDESTRIAN MOVEMENT;**
- F. F. DESIGNING FOR EQUAL ACCESSIBILITY FOR ALL USERS REGARDLESS OF AGE OR DISABILITIES, AND MINIMISING OPPORTUNITIES FOR CRIME;**
- G. ENSURING NEW BUILDINGS ARE ADAPTABLE TO USE FOR OTHER PURPOSES;**
- H. A COMPREHENSIVE AND CO-ORDINATED APPROACH TO NEW DEVELOPMENTS OF MORE THAN ONE BUILDING;**
- I. INCORPORATING HARD AND SOFT LANDSCAPING AS AN INTEGRAL PART OF DESIGN, MAXIMISING TREE PLANTING WHERE APPROPRIATE, AND PROVIDING FOR ITS LONG TERM MAINTENANCE;**
- J. MINIMISING ADVERSE IMPACTS ON NEARBY LAND USES;**
- K. MINIMISING IMPACTS ON ACTIVITIES ON NEIGHBOURING OPEN LAND AND COUNTRYSIDE; AND**
- L. MAXIMISING THE USE OF BUILDINGS, STRUCTURES AND LAND FORMS TO SCREEN NOISE SENSITIVE DEVELOPMENT AND SPACES.**

4.33 These principles will form the basis for the City Council's consideration of development proposals and guide developers' approaches to design in the City. However the City Council does not wish to prescribe architectural style. Development which is visually stimulating and which respects human scale will be welcomed.

4.34 These principles aim to ensure that:

- the best existing buildings in respect of architectural quality, condition or adaptability are retained wherever possible and that new development:
- is well related to its site and surroundings
- does not seriously affect nearby development or open space; is of good design in appearance and function;
- enhances the City's environment and distinctive identity by adding to its pattern of streets and spaces, reinforces existing landmarks and other

familiar features, and makes it easier and pleasant for people to find their way around;

- creates buildings, routes and spaces which are safe, secure and accessible to all members of the community;
- minimises the likelihood of future obsolescence, and attendant blight and waste of resources, by being designed in a versatile form which will facilitate future changes in uses rather than redevelopment;
- involving a number of buildings has their interrelationship carefully considered from the outset of design; and
- is provided with a landscape setting which makes fullest use of existing levels, greenery and other site characteristics and which will contribute to sustaining and increasing tree cover and wildlife habitats in the City.
- Landscaping of development should not be an afterthought. Full details should be submitted with planning applications,
- and further that new development and the approach to the loss of existing development fully exploits its potential to screen noise sensitive uses and outside areas from external noise sources including traffic.

4.35 All development proposals for new buildings, alteration of existing buildings or for open areas to which the public will have access will be assessed in the light of the Development Control Policy Statement: Access For All. The emphasis will not be just on people with a disability but children, the elderly and people with temporary mobility difficulties. Working towards a barrier free environment with an emphasis on equality of access will benefit every member of the community.

**Appendix 4: Plan showing Area of Housing Mix / Direction Area.**



## Appendix 5: Criteria and indicators used in defining and reviewing Article 4 boundaries

Indicator	State of Indicator pushing area out of Article 4 area	State of Indicator pulling area into Article 4 area
Proportion of student households	Low proportion	High proportion – over 20% on a NNIC area basis or over 10% with significant localised hot spots.
Nature of housing	Semi detached, detached or medium/high rise flats	Terrace housing or Tyneside flats
Number of planning applications involving creation of extra bedspaces in terrace housing.	Low number of planning applications	High number of planning applications
Tenure	Currently or previously social rented	Currently or previously in owner occupation or private rented.
Formal reports of noise and other anti social behaviour	Low levels	High levels
Amenity survey	Good state of repair, gardens, litter, posters in windows etc	Poor state of repair, gardens, litter, posters in windows etc
House price	Very low price, i.e. large enough to make renting to younger tenants impossible, needing rent pp/pw of more than £110.	No specific level, but would tend to be neither very high or very low
Demographic mix, including numbers of school children	Inconclusive or no trend.	Clear trend away from families towards non family households in recent years
History of private renting	Historical high proportion of private renting with weak or no trend in recent years	Clear trend into private renting over recent years

## Appendix 6: Implications for Landlords in the Article 4 Direction Area

<p>What changes are happening?</p>	<p>From 25<sup>th</sup> November 2011, within the Article 4 area planning permission will be required for the change of use from a dwelling house (Class C3) to a HMO (Class C4). There will be no fee for this type of application.</p> <p>Planning permission will not be needed to change from a Class C4 HMO use to a C3 dwellinghouse either before or after 25<sup>th</sup> November 2011.</p>
<p>What is a Class C4 use?</p>	<p>A property is in Class C4 use when it is occupied by between three and six unrelated individuals as their only or main residence and who share basic amenities (for cooking and / or personal hygiene).</p> <p>Class C4 use applies regardless of the type of occupant i.e. it applies equally to properties shared by people in employment as those occupied by students or other groups.</p> <p>To be classified as an HMO, a property does not have to be converted or adapted in any way. This definition can include small bed – sits.</p>
<p>The C4 use class covers three to six people sharing, but if the property is rented out to further people than this?</p>	<p>The rules relating to properties where seven or more unrelated individuals are sharing amenities have not changed. This type of use requires planning permission. If landlords wish to rent properties to seven or more people, an application for planning permission must be made to the Council.</p>
<p>Property currently in Class C4 use, what should landlords do?</p>	<p>If Properties are in Class C4 use on 24<sup>th</sup> November 2011, this will be considered the lawful use. The changes to planning rules aren't retrospective, so from the 25<sup>th</sup> November planning permission will not be required for properties that were already in use as a C4 before that date.</p>

<p>How should landlords register their C4 HMOs with the Council?</p>	<p>You will find a link to an online registration form on our website at <a href="http://www.newcastle.gov.uk/core.nsf/a/ldfhome?opendocument">http://www.newcastle.gov.uk/core.nsf/a/ldfhome?opendocument</a> which you can use to tell us about your property / properties in class C4 use. Please note that in the future, you may be asked to prove that the property / properties were in such use before the 25th November 2011.</p>
<p>HMO properties are often let out to families. Will permission be required to change back to a C4 HMO use each time this occurs?</p>	<p>Letting a property in class C4 use to a family for any period of time will mean that its use will change to a class C3 dwelling house. You will need to apply for planning permission to change the use of the property 'back' to a class C4 HMO if you want to rent it out again to between three and six unrelated individuals.</p> <p>Renting to fewer than three unrelated individuals would also mean that the use of the property has changed from class C4 to C3. (Unless, for example, there are other tenancy agreements in place for more occupants but only one or two are currently in residence or the landlord is actively seeking further tenants.)</p> <p>Another option is to apply for planning permission for mixed C3/C4 use. This will mean that the property can be used in either way. You can apply for permission for a mixed C3/C4 use from 1 November 2011. There will be no charge for this type of planning application.</p>
<p>What if a property is empty for a period of time, will it lose its class C4 status?</p>	<p>A property won't lose its class C4 'status' if it's empty. If the property was used as a C4 HMO prior to it being empty (if this use was established prior to 1 November 2011 or if it was granted planning permission for C4 use after this date) then this will remain its lawful use.</p>
<p>I intend to buy a property that was in C4 HMO use before the 1<sup>st</sup> November 2011. Will I have to apply again for planning permission once I have bought it?</p>	<p>No, if the C4 use was established prior to the 1<sup>st</sup> November then this will be considered its lawful use. In the future, you may be asked to prove that the property was in such use before the 1<sup>st</sup> November 2011. If you are in any doubt about whether this is the case, you should seek independent advice.</p> <p>You or the vendor could apply to the city council for a Certificate of Lawful Use. There would be a fee for this certificate.</p>

<p>How do I apply for planning permission to change the use of my property from class C3 to class C4?</p>	<p>Planning applications for change of use can be made online through the Planning Portal at <a href="http://www.planningportal.gov.uk">www.planningportal.gov.uk</a> For a change of use application we would expect to see a site plan and floor plans.</p> <p>There will be no fee for this type of application.</p>
<p>How will planning applications for HMOs be decided?</p>	<p>Planning applications for a change of use from a C3 dwelling house to a C4 HMO are currently determined against Policy H2 (Protection of residential amenity) and Policy H3 (Protection of large, traditional, good quality dwellings). These are criteria based policies which allow applications to be dealt with on a case by case basis. The Sustainable Communities SPD supports these policies.</p>
<p>Will I need a license from the city council to operate an HMO?</p>	<p>All landlords and property managing agents who let large houses in multiple occupation (HMOs) need to apply to the city council for an HMO license. You will require an HMO license if your property is of three or more floors, with five or more tenants belonging to two or more households. In these circumstances, it is a criminal offence not to have an HMO license and you could be fined up to £20,000.</p> <p>Further information can be found at: <a href="http://www.newcastle.gov.uk/housing/houses-multiple-occupation">http://www.newcastle.gov.uk/housing/houses-multiple-occupation</a></p>
<p><b>What is the city council's Landlord Accreditation Scheme?</b></p>	<p>This scheme, run by the council, aims to improve both the physical and management standards of the private rented sector within Newcastle. It is a voluntary scheme available to any private landlord who owns and rents out properties in the City. You can find out more, and join the scheme, by visiting <a href="http://www.newcastle.gov.uk/housing/houses-multiple-occupation/landlords-accreditation-scheme?opendocument">http://www.newcastle.gov.uk/housing/houses-multiple-occupation/landlords-accreditation-scheme?opendocument</a></p>