

Committee Report

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| Application No: | DC/19/00294/COU |
| Case Officer | David Morton |
| Date Application Valid | 3 May 2019 |
| Applicant | Advocate |
| Site: | Glenroyd Smailes Lane Rowlands Gill NE39 1JQ |
| Ward: | Chopwell And Rowlands Gill |
| Proposal: | Change of use from Domestic Dwelling (Use Class C3) to Residential children's home (Use Class C2) |
| Recommendation: | GRANT |
| Application Type | Change of Use |

1.0 The Application:**1.1 DESCRIPTION OF SITE**

The planning application relates to an existing residential property (Use Class C3) located on Smailes Lane, Rowlands Gill. The property is located within a mixed-use area close to the junction with Station Road.

1.2 The Rowlands Gill Local Centre, as designated in the Core Strategy and Urban Core Plan policy CS7 bounds the application site on three sides and there are commercial properties located to the north (The Natural Beauty Clinic), south (Your Move) and west across Smailes Lane (G-Fit Studio Gym). There are residential properties located to the north-west, beyond the commercial property to the north and to the east.

1.3 The application site has car parking provision for two cars to the front of the premises, as well as an integral single garage accessed via Smailes Lane.

1.4 DESCRIPTION OF APPLICATION

The application seeks planning permission for the change of use of the property from a residential dwelling (use class C3) to a residential institution (Use Class C2).

1.5 The applicant has set out within their application that the premises is to '... become a residential children's home for young people between the age of 11 and 18.'

1.6 The premises will be supported with a 24-hour staffing team dedicated to the development of the occupants, the applicant goes on to state that 'the needs of the young people will vary but all will be under Local Authority care.' There would be a maximum of five occupants; two members of staff and three young people.

- 1.7 NPPG at Paragraph: 015 Reference ID: 21a-015-20140306 advises that it is rarely appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people. As in any application for residential use, the planning system is not able to control the type of individual who would occupy the properties within that use class.
- 1.8 Information provided by the applicant has indicated that there would be two members of staff in attendance at any one time, it is envisaged that staffing would run in three shifts as follows;
- 1400 to 1400 (including 'sleep in' period)
 - 0800 to 2000
 - 2000 to 0800
- 1.9 Any meetings that will be held in relation to the occupiers, will be conducted away from the property and visits would be kept to a minimum and work on an appointment basis. Friends and family visits will only be organised via the Manager.
- 1.10 The external areas would be used and maintained in the same manner as a domestic garden space and the front parking area would be utilised by staff.
- 1.11 **PLANNING HISTORY**
No previous planning history.

2.0 Consultation Responses:

Northumbria Police

The Architectural Liaison Officers formal response will be reported as part of a written update to committee.

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015. A total of 16 letters of objection have been received and are summarised as follows:
- The proposed development would lead to a loss of privacy;
 - There is no secure fencing between the application site and neighbouring properties, rendering it unsuitable;
 - There is a lack of affordable homes in Ryton and the application would result in further loss;
 - The proposed development would lead to parking issues;
 - There is evidence of existing anti-social behaviour issues within the area and the proposal would result in further issues;
 - The proposal does not give information on the end occupiers of the premises;
 - The comings and associated with the use would lead to disturbance;

- The proposed use is not appropriate in a commercial area comprising of young families and single occupiers; and
- Little information about the applicant and their existing operations is available.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

CS9 Existing Communities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP Making Spaces for Growing Places

5.0 Assessment:

5.1 The key considerations to be taken into account when assessing this planning application are the principle of the use in terms of housing policy, residential amenity, and highway safety and parking.

5.2 HOUSING POLICY

Paragraph 11 of the National Planning Policy Framework (NPPF) 2019 states that:

'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:

approving development proposals that accord with an up-to-date development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

5.3 Policy CS9 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010 - 2030 (CSUCP) states that existing communities will be

sustainable places of quality and choice. This will be achieved by preventing the loss of family homes, through the sub-division, change of use or redevelopment and by preventing an over concentration of shared accommodation. This development contributes to the range and choice of accommodation in the borough. The premises could become an HMO (use class C4) without needing planning permission, so it is not considered that this development would result in a loss of family housing. There is no evidence of an overconcentration of shared accommodation in the local area, nor any expectation that this development would result in an over concentration.

- 5.4 Furthermore, paragraph 91 of the NPPF, states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social integration... through mixed-use developments. Paragraph 92, then goes on to state that planning decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. Whilst, paragraph 59 states, that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed, this is amplified by emerging MSGP Policy MCGP12.
- 5.5 It is therefore considered that the change of use from a dwellinghouse to a residential institution would, in general, accord with the above policies; albeit that detailed consideration needs to be given to potential impacts upon the local area. These are given consideration below.
- 5.6 VISUAL AMENITY
The application does not propose any external alterations to the premises and as such it is considered that the proposal would not result any visual impact on the property. The proposed development does not conflict with the aims and objectives of the relevant paragraphs in the NPPF, policy CS15 of the CSUCP or saved policy ENV3 of the UDP.
- 5.7 RESIDENTIAL AMENITY
Officers are aware that there have been representations on the basis that the proposed use would create or add to existing anti-social behaviour issues, due to the property housing young people. Officers would, however, draw to attention that the planning system deals with the use and development of land; rather than the identity and background of any particular occupiers of existing and proposed buildings. As noted above, officers consider that the use of the building would accord with policy.
- 5.8 It is considered that anti-social behaviour (including noise) is a matter for the management of the building in connection with the Police and the Council's Environmental Health section and should not preclude granting planning permission in this case for the reasons cited above. The applicant has provided information to state that they intend to have two staff members on site at any time on rotating shift basis. Officers are satisfied that the applicant has demonstrated an operational management of the property through the supplementary information submitted as part of the application.

- 5.9 Saved policy DC2 of the UDP states that planning permission will be granted for new development, where it does not have an adverse impact on amenity or the character of an area and does not cause undue disturbance to nearby residents or conflict with other adjoining uses.
- 5.10 Whilst it is acknowledged that a level of 'domestic' noise may be generated as a result of the change of use, given the size of the premises and the anticipated level of occupation i.e. a maximum of three young people and two staff, the level of noise production would be akin to the use of the property as a dwellinghouse. Nevertheless, a management plan is recommended to be secured through condition (Condition 3).
- 5.11 Furthermore, the building is a detached property which, as referred to above, is flanked by commercial premises, and by the Rowlands Gill Local Centre on three sides, therefore it is considered that the site lies within an area which has a mix of different types of uses and where a higher level of activity, than in a purely residential area, would be expected, it is not considered that a significant loss of amenity will be caused as a result of the use, which would warrant a refusal of planning permission.
- 5.12 It is accepted that the proposal would lead to two vehicle movements at around 1400 (because of a shift change), however it is the view of officers that any impact caused by this movement and other comings and goings that would be typical of a family home would be minimal and would not warrant a refusal of planning permission.
- 5.13 The proposal would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.14 HIGHWAY SAFETY AND PARKING
Small residential institutions of this nature are considered to generate very little traffic and parking demand particularly when compared to the existing residential use.
- 5.15 Policy CS13 of the CSUCP ensures any new development provides safe, secure and direct pedestrian links. The application makes provision for three offstreet parking space. Further, parking available within close proximity of the site, on-street with no restrictions and therefore it is not considered the proposed change of use would create undue disturbance to local residents in terms of parking.
- 5.16 Furthermore, it is considered that cycle storage provision could be accommodated within the garage or the building itself.
- 5.17 Therefore, it is considered that the development is acceptable in terms of highway safety; in accordance with policy CS13 of the CSUCP and the NPPF.
- 5.18 OTHER MATTERS

In regard to anti-social behaviour and safety while material to the decision-making process, there is no evidence to suggest that the proposed development would result in any anti-social behaviour issue. Northumbria Police's response will be reported to committee as part of a committee update.

5.19 Further, the use of the site as a secure residential institution (Use Class C2a) would require the benefit of full planning permission.

5.20 It is considered that all other material consideration raised by objectors have been addressed within the main body of the report.

5.21 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not qualifying housing related.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is therefore recommended that planning consent be granted, as the development has been able to demonstrate that it is acceptable in principle and would not cause significant harm to amenity or highway safety. It is considered that the development does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of DTPP be authorised to add, vary and amend the planning conditions as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -
Location Plan

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

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

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

Prior the commencement of the use hereby permitted a management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how the property will be managed, to minimise impact on neighbouring occupiers. Thereafter, the use of the property shall be in accordance with the approved management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of residential amenity and so as to accord with Policy DC2 of the Unitary Development Plan and CS14 of the CSUCP



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