

Committee Report

Application No:	DC/20/01111/COU
Case Officer	David Morton
Date Application Valid	5 December 2020
Applicant	Mr Gary Candlish
Site:	10 Tynevale Terrace Teams Gateshead NE8 2XY
Ward:	Dunston And Teams
Proposal:	Proposed change of use from dwellinghouse (use class C3) to residential children's home (use class C2) (additional information received 08/01/21).
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 Tynevale Terrace, Teams. The application is located within a residential terrace, the property itself is an attractive, two-storey terraced property of brick and tile construction.

1.2 The property surrounded to the north and south by residential properties, Eslington Primary School is located to the north west of the site and St Aidan's C of E Primary School is located to the north. There is a parking area located to the east of the application site and there is vehicular access to the rear.

1.3 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 children's home (Use Class C2).

1.4 The applicant has set out within their application that; *"There will be a maximum of four young people living in the property at any one time. The Young People will be selected on a needs basis and their suitability assessed against a number of factors."*

1.5 The premises will be supported with a 24-hour staffing team, the applicant goes on to state that *'... a minimum of two staff members [will be in attendance] whilst the Young People are resident.'*

1.6 The submitted plans show 4no bedrooms for residents, 1 on the ground floor, 2 on the first floor and 1 on the second floor. The application also shows a staff area on the first floor.

1.7 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; and
- 2000 to 0800.

1.8 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.

1.9 The external areas would be used and maintained in the same manner as a domestic external space.

1.10 **PLANNING HISTORY**
No previous planning history.

2.0 Consultation Responses:

Northumbria Police No objection.

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 6 letters of objection, including from a Ward Councillor (Councillor Brenda Clelland) have been received and are summarised as follows:

- There is currently another care home in operation which cause amenity issues;
- The proposed development would result in anti-social behaviour; and
- The proposal would result in additional parking demand.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP11 Housing for Specific Groups

MSGP15 Transport Aspects of Design of Development

MSGP17 Residential Amenity

MSGP24 Design Quality

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, highway safety, parking and any other matters arising.

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. 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 Further, Policy MSGP11 requires that;

"Specialist and supported accommodation and care schemes will be expected to:

a) provide on-site, or have good accessibility to shops, services, community facilities and open space appropriate to the needs of the intended occupiers, their carers and visitors; and/or

b) have good accessibility to public transport routes."

5.5 It is considered by officers that the application complies with these principles.

- 5.6 Supporting text for Policy MSGP11 goes on to state:
"There are a number of groups within the community who have specific accommodation needs, including older people, people with physical or mental ill-health, and other vulnerabilities. Their accommodation requirements will need to be met by increasing the provision and range of specialist and supported accommodation available which will promote and maintain people's independence and increase choice. Where deemed appropriate by the Council, the use of planning conditions and obligations will be implemented as a means of safeguarding against the loss of new provision of specialist and supported accommodation and care schemes, or any change in the approved use that would undermine the wider policy objectives of the Plan."
- 5.7 Based on comments provided by the Health and Social Care team it is clear that the proposed development does provide for a specific accommodation need. As such, it is considered necessary to condition that the home continues to be used for the purposes described in the supporting documentation submitted by the applicant, including the age group of the proposed clients, the type and level of care and support set out in the submitted Management Plan (Condition 3).
- 5.8 It is considered that the change of use from a dwellinghouse to a residential institution would, in principle, accord with the above policies; albeit that detailed consideration needs to be given to potential impacts upon the local area (below).
- 5.9 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 MSGP24.
- 5.10 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. 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.
- 5.11 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 a minimum of 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.

- 5.12 It is the view of officers the scale of the premises and the anticipated level of occupation i.e. a maximum of four children and staff means that the level of noise production would be akin to the use of the property as a dwellinghouse. The property in question is a well-built property with solid structural walls. As such, it is considered that while the change of use may result in some increased noise, there will be staff living on site with the children, where situations can be managed. On this basis officers considered it unlikely that any unacceptable impact would occur.
- 5.13 The proposal would comply with the aims and requirements of policy CS14 of the CSUCP and Policy MSGP17.
- 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 a number of 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 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, Policy MSGP15 and the NPPF.
- 5.18 **OTHER MATTERS**
Concerns raised regards to anti-social behaviour and safety are not material considerations in determining this planning application.
- 5.19 It is considered that all other material consideration raised by objectors have been addressed within the main body of the report.
- 5.20 **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 development.

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 Development, Transport and Public Protection 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 -

A-05_00-100_LOCATIONS AND SITE PLANS

A-00_00-000_EXISTING GROUND FLOOR PLAN

A-00_00-100-200_EXISTING FIRST AND SECOND FLOOR PLANS

A-00_00-51_EXTERNAL ELEVATIONS

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

Upon commencement of the use hereby permitted, the operation of the premises shall, at all times, be carried out in complete accordance with "Tynevale - 10 Tynevale Terrace , Gateshead. Management Plan" unless an alternate management plan has first been submitted to and approved in writing by the Local Planning Authority. Any alternate management plan shall be required to demonstrate how the property will be managed, to minimise impact on neighbouring occupiers.

Reason

In the interests of residential amenity and so as to accord with Policy CS14 of the CSUCP and Policy MSGP17.



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