

Committee Report

Application No:	DC/22/00492/COU
Case Officer	Richard Smith
Date Application Valid	27 June 2022
Applicant	Miss Kerry Brannen
Site:	26 Saltwell Place Gateshead NE8 4QY
Ward:	Lobley Hill And Bensham
Proposal:	Change of use of dwellinghouse (C3 Use) to Childrens Home (C2 Use) for up to four children (Amended Plan received 29.07.22 and additional information received 29.07.22,04.08.22, 07.08.22, 05.09.22).
Recommendation:	GRANT
Application Type	Change of Use

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

The application site is a north-east facing mid terraced property located on Saltwell Place within the Bensham area of Gateshead.

1.2 The host property adjoins no's 30 and 32 Saltwell Place to the south-east and no's 22 and 24 Saltwell Place to the north-west. To the rear there is a back lane which separates the property from the Gateshead MOT Centre.

1.3 Saltwell Place is a residential street with a mix of single dwellings and Tyneside Flats. There are some small-scale commercial units within the wider Bensham area.

1.4 There are no parking restrictions on Saltwell Place, whilst the property has a rear yard which has sufficient space to park a vehicle.

1.5 The property appears to have been converted from 2no flats to one single dwelling circa 1980 and currently has 3 bedrooms, in addition to what is described on the submitted plans as a studio flat in the basement accessed from the main property.

1.6 DESCRIPTION OF APPLICATION

The application under consideration seeks permission for a change of use from a residential dwellinghouse (C3 Use) to Children's Home (C2 Use) for up to four children aged between 11 and 18.

1.7 A C2 use comprises for the provision of a residential accommodation and care to people in need of care; use as a hospital or nursing home or a residential school, college or training centre.

- 1.8 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 dwellings, planning is not able to control the type of individual who would occupy the properties within that use class.
- 1.9 The submitted plans show 4no bedrooms, located on the first floor with the addition of a WC and shower room and a bathroom. The ground floor comprises of a living room, dining room and kitchen. The plans also show a basement level which comprises of a staff bedroom/office, a kitchen and bathroom.
- 1.10 No external changes have been proposed; however, the first-floor plan indicates the internal arrangement has been altered to allow for an additional bedroom, by subdividing a larger one, and the creation of a WC and shower room.
- 1.11 Further information provided by the applicant states that there will be 3no daytime staff members, which includes a home manager who will be working 9:00 - 17:00. They will be on site whilst the children are at the property and when the children are at school, they will undertake duties such as paperwork, cleaning, shopping and any other general household jobs. Whilst there will be 2no members of staff working at night-time. Staff parking (for one car) would be available in the rear yard. Any additional demand for parking is proposed to be met by parking within the local area (on-street parking).
- 1.12 **PLANNING HISTORY**
No previous planning history

2.0 Consultation Responses:

Police	Objections were originally raised in relation to how the home would be managed, however, following the submission of further information from the applicant. The police have subsequently stated that whilst they have concerns about increased activity, they have withdrawn their objection.
CWL Childrens Commission	No objections raised to the change of use, although they did comment they would prefer children with more complex needs to be housed at the property.

3.0 Representations:

3.1 REPRESENTATIONS

Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 A petition of 14 names representing local residents has been received, objecting to the application on the grounds that they are against a children's home in their community. Individual signatories have also referred to existing problems of anti-social behaviour, that a commercial premises would be incompatible in a residential area and that there has and would continue to be disruption.

3.3 In addition, 1no letter of objection was received, raising concern with regards

- Anti-social behaviour already exists in the area and would be made worse
- Inappropriate location
- Existing problems in the street as acknowledged by the creation of the Central Bensham licensing scheme
- Noise due to this being a terraced house
- The Council should stipulate that properties should only be used as dwellinghouses
- Crime will rise, and the use will make the area far worse in a very short space of time
- Inadequate Parking already which would be made worse.
- Alcohol and drug use
- These behavioural problem children will draw in peers and blight the area further.
- What vetting of the children will take place?

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP11 Housing for Specific Groups

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

SSHSPD Specialist Supported Housing SPD

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the use, visual amenity, residential amenity and highway safety and parking.
- 5.2 **PRINCIPLE OF USE**
Policy CS9 of the Local Plan for Gateshead 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. The loss of this family home would be in conflict with part 4 of policy CS9 of the Local Plan for Gateshead.
- 5.3 Part 1 of policy CS9 seeks to maintain a range of housing types and sizes. The proposal would provide specialist accommodation for children and in this respect would help to maintain a range of house types as per the aim of Part 1 of CS9.
- 5.4 Policy CS11 looks to promote lifetime neighbourhoods with a good range and choice of accommodation, services and facilities to meet varied and changing needs. Particularly relevant to this application are parts 3 and 4, which relate to increasing the choice of suitable accommodation including those with special needs, sheltered accommodation and extra care accommodation and providing adequate space inside and outside of the home.
- 5.5 With regard to the above, the proposed change of use would increase the choice of accommodation for those with specific care needs, whilst providing adequate space inside and outside the home, in accordance with Part 3 of policy CS11 of the Local Plan for Gateshead.
- 5.6 MSGP11 states that specialist and supported accommodation and care schemes will be expected to 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 have good accessibility to public transport routes.
- 5.7 With regard to the above, the property is located within close proximity to the Saltwell Road Local Centre, providing access to local shops and services. There are also bus stops within approximately 2 minutes' walk from the property.
- 5.8 Paragraph 65 of Specialist Supported Housing SPD (SSHSPD) states that the applicant must demonstrate the suitability of their proposals for specialist and

supported accommodation, including discussions with the Council's Social Care Service.

- 5.9 Whilst paragraph 67 of the SSHSPD goes on to list the key services the applicant must make demonstrate they have contacted to ensure there will not be undue pressure on key services such as the NHS, Police and Schools.
- 5.10 Paragraph 68 then goes on to state that applicants will be required to set out these details in a supporting statement to any planning application.
- 5.11 The applicant has provided additional information (05.09.22) by way of a Chronology statement, which has detailed all of the services that have been spoken to alongside notes as to the outcome, the applicant has further included copies of the emails sent which demonstrates that discussions have/are taking place with the key services set out under paragraph 65 and 67 of the SSHSPD.
- 5.12 Furthermore, an updated Statement of Purpose (05.09.22) was included alongside this information which has been updated since to include the outcomes of the correspondence outlined above.
- 5.13 Section 4.7 of the SSHSPD sets out requirements for children's homes. It is considered that the proposed development is within close proximity to education services, with access to public transport, leisure facilities and medical services. The property has also provided well designed internal space for the children and there is a rear yard to external activities.
- 5.14 The Council's CWL Childrens Commissioning have confirmed they have no objection to the proposed change of use to a children's home at this location. They have stated preference would be for children with more complex needs, however, it is not considered this would preclude the granting of planning permission.
- 5.15 On balance it is considered that the change of use from a dwellinghouse to a residential institution whilst being contrary to policy CS9 in relation to a loss of family housing would increase the choice of specialist housing and therefore, in principle, 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.
- 5.16 Therefore, the proposal is considered acceptable in accordance with the NPPF, SSHSPD and policies, CS11 and MSGP11 of the Local Plan for Gateshead.
- 5.17 VISUAL AMENITY
No external alterations are proposed as a result of the development and as such there is no impact on appearance of the property.
- 5.18 Therefore, the proposal is considered acceptable in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

5.19 RESIDENTIAL AMENITY

Officers are aware that there have been representations on the basis that there has been and could continue to be antisocial behaviour, 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.

5.20 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 and/or Private Sector Housing sections 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 3no staff members working during the day (including the house manager). Whilst the young people are at school the staff would be completing paperwork at the house, in addition, to typical house cleaning duties, cleaning bathroom etc and they may leave the premises to go food shopping. Two staff members would be on-site overnight. Officers are satisfied that the applicant has demonstrated an operational management of the property, subject to the final details of the management plan, which can be imposed as a condition (condition 3).

5.21 Whilst it is acknowledged that a level of 'domestic' noise may be generated as a result of the change of use, it is considered that this level of noise would not be unduly different to that associated with the use of the property as a family home, as it currently is.

5.22 Therefore, the proposal is considered acceptable in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

5.23 HIGHWAY SAFETY AND PARKING

The application originally proposed 2no parking spaces within the rear yard, following consultation with the Council's transport officer, the applicant has removed one of the parking spaces and the property will now utilise 1no off street parking space to the rear and the remaining provision will be used off-street as there is parking available within close proximity of the site, with no restrictions. Following this the Council's Transport section confirmed they have no objections, on the grounds of parking.

5.24 The applicant has provided a specification for the cycle storage proposed and whilst the site plan has shown the approximate location of cycle parking, it is considered that final details should be provided by way of a planning condition to ensure it is secure and weatherproof.

5.25 Therefore, subject to a condition to secure cycle parking within the rear yard, the proposal is considered acceptable in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

5.26 OTHER MATTERS

Following the submission of additional information submitted by the applicant, including updates to the management and confirmation via photographs that the basement is connected to the main house by internal doors, the police have withdrawn their objection to the application.

5.27 Concerns were raised with regards to anti-social behaviour including alcohol and drug-use, as a result of the change of use.

5.28 The Council's Private Sector Housing Team are aware of concerns raised in the area and the property is located within a Selective Landlord Licensing area, which expires April 2023. Any issues raised regarding anti-social behaviour will be managed within their remit.

5.29 In terms of waste management, the rear yard is also large enough to accommodate bins, with easy access to the rear lane.

5.30 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 permission be granted, as the applicant has been able to demonstrate that on balance the change of use is acceptable and subject to suitable conditions 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.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary

1

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.

2

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

Location Plan (1.1250)
Proposed Basement Floor Plan
Proposed Ground Floor Plan
Proposed First Floor 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.

3

Prior to the first occupation of the use hereby permitted final details of the operational management plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of residential amenity and so as to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

4

The development hereby approved shall be implemented in accordance with the details approved under condition 3 at all times and retained and maintained as such for the lifetime of the development.

Reason

In the interests of residential amenity and so as to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

5

Prior to the first occupation of the development hereby approved details of secure and weatherproof cycle parking, capable of storing at least four cycles has been submitted to and approved in writing by the Local Planning Authority.

Reason

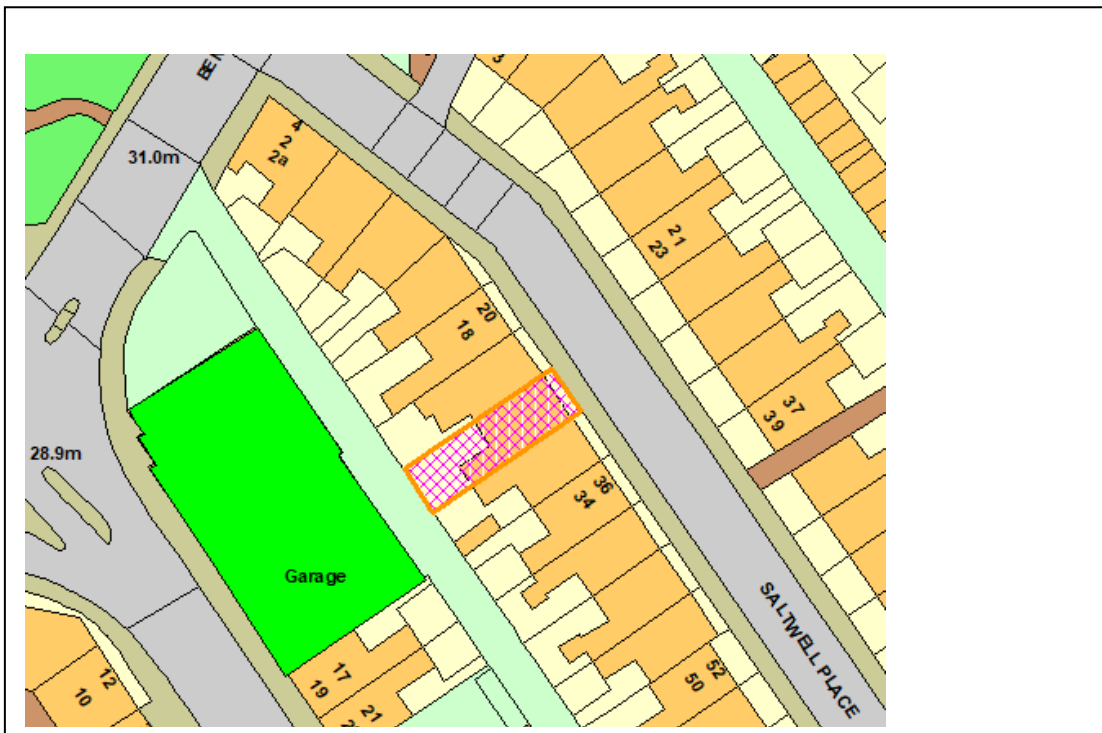
In order to ensure adequate provision for cyclists and in compliance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

6

The details approved under condition 5 shall be implemented in accordance with the approved details before the extension hereby approved is occupied and retained as such for the lifetime of the development.

Reason

In order to ensure adequate provision for cyclists and in compliance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X