

Committee Report

Application No:	DC/20/00524/COU
Case Officer	Richard Smith
Date Application Valid	7 July 2020
Applicant	Mr Shahzad Ahmed
Site:	181 Whitehall Road Bensham Gateshead NE8 4PS
Ward:	Saltwell
Proposal:	Change of use from a six-bedroom dwellinghouse (Use Class C3) to five-bedroom supported living accommodation (Use Class C2)
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF SITE.

The application site is a north-west facing mid-terraced property on Whitehall Road within Bensham, with Whitehall Road sloping north to south.

1.2 The host property lies between nos 179 and 183 Whitehall Road. To the rear is the back lane running between Windsor Avenue and Rectory Road.

1.3 The properties along Whitehall Road, have a level of uniformity with the majority of properties having a two-storey bow window to the front with a small front dormer and a dwarf wall with a gated entrance.

1.4 Whilst the majority of Whitehall Road are family dwellings there are shops located on the junction with Rectory Road and further south on Curzon Street.

1.5 There are no parking restrictions on Whitehall Road, whilst there are good transport links.

1.6 DESCRIPTION OF APPLICATION

The application under consideration seeks planning permission for a change of use from a residential dwelling (use class C3) to supported living accommodation (use class C2).

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 5no bedrooms, 1no on the ground floor as well as a lounge, kitchen and yard to the rear, 2no on the first floor with the addition of an office for staff and a communal bathroom, with the final two bedrooms on the second floor (roof space).
- 1.10 Further information provided by the applicant shows that the proposed use will have 2no members of staff on site at all times, plus a care manager working Monday to Friday 9am - 5pm, with staff parking to be used with the local area (on-street parking)
- 1.11 No external changes have been proposed as part of the application.
- 1.12 PLANNING HISTORY
No relevant planning history

2.0 Consultation Responses:

Northumbria Police – No objections

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 28no letters of objection were received, raising concern with regards:
- Anti-social behaviour
 - Personal Safety - feeling intimidated
 - Noise
 - Inadequate Parking
 - Inappropriate in residential area
 - Crime
 - Highway Safety
 - Privacy
 - Lack of Outdoor Space
 - Residents congregating on the street

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

CS9 Existing Communities

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

MSGP Making Spaces for Growing Places

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 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. Whilst the proposed change of use would see the loss of a family home which would reduce the overall supply of such housing in the area, contrary to parts 4 and 5 of policy CS9 of the CSUCP, 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 Policy CS11 of the CSUCP aims to provide a range of choice of housing. Part 3 of this policy seeks to increase the choice of suitable accommodation for the elderly population and those with special needs including bungalows, sheltered accommodation and extra care accommodation. The proposed development would be in accordance with policy CS11.
- 5.5 MSGP12 sets out that specialist and supported accommodation and care schemes will be expected to: 1) 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 2) have good accessibility to public transport routes. There are shops located within a short walking distance of the application site, whilst Whitehall Road is serviced by number of buses.
- 5.6 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 61 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.
- 5.7 The premises could become a House in Multiple Occupation (use class C4) without needing planning permission, consequently, should planning permission be refused for the change of use, this would not automatically result in securing the property as a family dwelling.
- 5.8 Therefore, on balance, it is considered that the proposed development is considered to be acceptable as it is in accordance with CSUCP policy CS11 and emerging policy MSGP12; albeit that detailed consideration needs to be given to potential impacts upon the local area. These are given consideration below.
- 5.9 VISUAL AMENITY
No external alterations have occurred nor are proposed and as such there is no impact on appearance of the property or the street scene and thus the 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.
- 5.10 RESIDENTIAL AMENITY
Officers are aware that there have been representations on the basis that there could be antisocial behaviour. 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 Whilst any incidents of anti-social behaviour (including noise and crime) are primarily and properly matters for the Police and/or the Council's Environmental Health section; the applicant has provided information to state that they will always have a minimum of 2no staff members on site. This presence should reduce any potential for activities associated with the site from resulting in any detrimental impact on residential amenity. Notwithstanding this assurance, Officers consider that a condition is required to secure a management plan, demonstrating how impacts on the living conditions of neighbouring occupiers would be minimised (condition 3).
- 5.12 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.
- 5.13 Whilst it is acknowledged that a level of 'domestic' noise may be generated as a result of the change of use, it is not considered that this level of noise would be unduly different to that associated with the use of the property as a dwellinghouse. Furthermore, given the location of the site, on Whitehall Road, which is a relatively busy road, 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.
- 5.14 In terms of outdoor space, the property includes a rear yard which can be used by the residents for their enjoyment.
- 5.15 **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.
- 5.16 Policy CS13 of the CSUCP ensures any new development provides safe, secure and direct pedestrian links. Whilst no parking has been provided within the red line boundary, there is 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.
- 5.17 A number of objections have highlighted car parking as one of their reasons. Whilst car parking may be in high demand along Whitehall Road, there are no restrictions outside the property and there are sufficient locations to park elsewhere in the surrounding area. This is a very sustainable location with excellent pedestrian links and bus stops within walking distance.
- 5.18 Furthermore, the Council's Transport section confirmed they have no objections, however secure and weatherproof cycle storage should be provided, which can be imposed as a condition (condition 4).
- 5.19 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.

5.20 OTHER MATTERS

Objectors raised concerns around the potential for residents using the public footpath to congregate. Officers consider that this falls outside of the planning system.

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

5.22 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 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.

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 Strategic Director of Communities and Environment 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)

SHG 001

SHG 002

SHG 003

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

Within 1 month of the date of decision details of 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

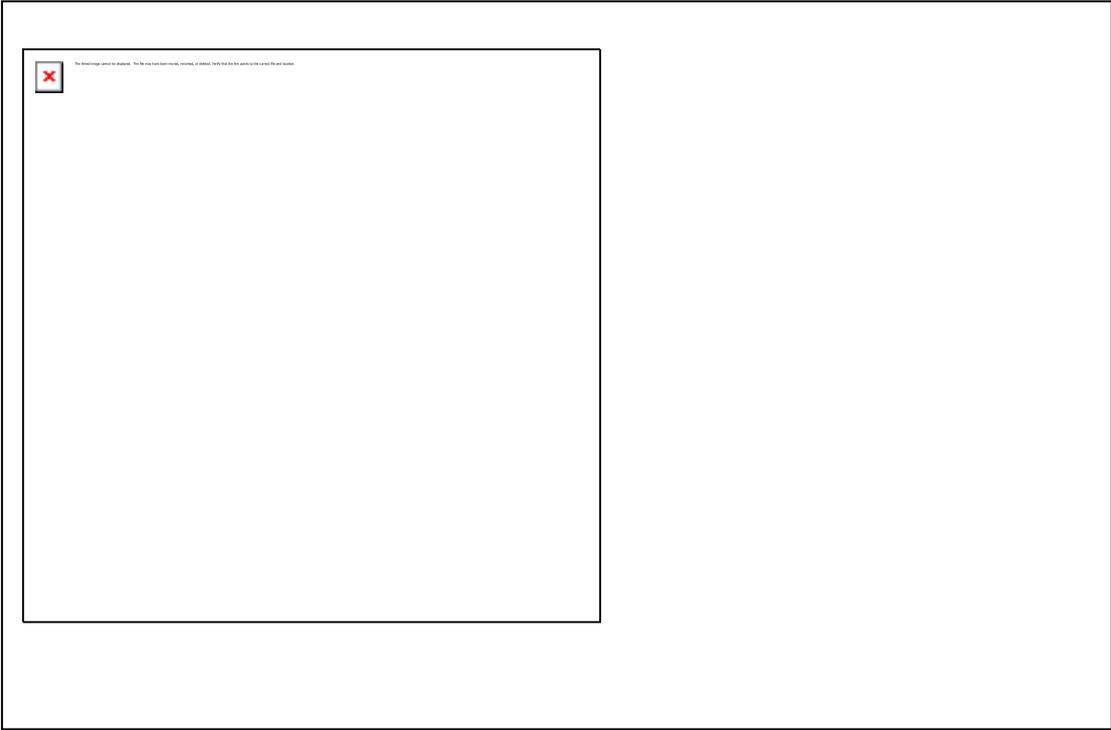
In the interests of residential amenity and so as to accord with Policy DC2 of the Unitary Development Plan, CS14 of the CSUCP and the NPPF.

4

Secure and weatherproof cycle parking, capable of storing at least one cycle shall be provided. The provisions of which shall be retained on site in perpetuity.

Reason

In order to ensure adequate provision for cyclists and in compliance with Policy CS13 of the CSUCP and the Gateshead Cycling Strategy.



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