

Committee Report

Application No:	DC/21/01364/COU
Case Officer	Amy Dunbar
Date Application Valid	25 November 2021
Applicant	Gateshead Council
Site:	16 Church Road Gateshead NE9 5RD
Ward:	High Fell
Proposal:	Change of use from dwellinghouse (use class C3) to residential children's home (use class C2) and erection of fence along west boundary of site (additional plans received 21.01.2021).
Recommendation:	GRANT
Application Type	Change of Use

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

16 Church Road is 6-bedroom, detached residential dwelling. The property is a bungalow however it has been altered to allow for accommodation within the loft space.

1.2 The front boundary, facing onto Church Road, is bound by a red brick wall/timber fencing as well as one set of iron gates and one set of timber gates, both of which lead to a driveway. The west boundary, facing onto Church Drive, is bound by a tradition stone build wall which spans the length of Church Drive.

1.3 The application site is situated within a residential area set within the Sheriff Hill Conservation Area. St Johns Church, a Grade II Listed Building, is situated opposite the application site.

1.4 DESCRIPTION OF APPLICATION

The application proposes to change the use of 16 Church Drive from a residential dwelling (use class C3) to a residential children's home (use class C2). The proposed children's home would accommodate three to four children at any one time with staff providing 24-hour care on a shift basis.

1.5 At any one time, up to five members of staff would be on site during the daytime which would reduce to two members of staff after 10:30pm.

1.6 The application also proposes to construct a 2-metre high, close boarded timber fence adjacent to the western boundary of the site. For clarity the fence would be positioned behind the existing stone wall that runs along Church Drive, inside the garden area of no.16.

1.7 RELEVANT PLANNING HISTORY

DC/06/01516/FUL planning permission granted for erection of single storey extension at rear of bungalow and installation of 2 x roof-lights in north elevation and 1 x additional roof-light in south elevation. Dated 13th November 2006.

764/98 planning permission granted for Construction of pitched roof over existing flat-roofed section of bungalow and erection of side extension to provide enlarged bedroom and en-suite bathroom with additional living accommodation in roofspace (amended 3/8/98). Dated 14th September 1998.

2.0 Consultation Responses:

Northumbria Police No Objections

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.

3.2 6 letters of objection from 5 households have been received and are summarised as follows:

- Additional noise
- Disturbance during early mornings/ late evenings
- Loss of privacy
- Out of character with Conservation Area
- Out of character with street scene
- Overbearing
- Inadequate car parking
- Increase of traffic
- Highway safety
- No nearby children's play facilities
- Anti social behaviour
- Loss of residential dwelling
- Property should not be used as a 'general residential children's home'

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

MSGP25 Conservation/Enhancement Heritage Assets

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account when considering this planning application are the principle of the development, designated heritage assets, visual amenity, residential amenity and highway safety.
- 5.2 **PRINCIPLE OF DEVELOPMENT- HOUSING POLICY**
Policy CS9 identifies that there is a shortage of family sized homes within Gateshead. Part 1 of policy CS9 seeks to maintain a range of housing types and sizes while part 4 of the same policy seeks to prevent the loss of family homes through change of use development.
- 5.3 The proposed change of use would result in the loss of a family sized residential dwelling. Based upon policy CS9 alone the proposed change of use could be interpreted as conflicting with local planning policy.
- 5.4 However, consideration has been given to the requirements of Policy CS11 which aims to promote lifetime neighbourhoods with a range and choice of accommodation, services and facilities to meet varied and changing needs. Part 3 of this policy requires an increase in the choice of suitable accommodation for those with specialist needs including extra care accommodation. Policy MSGP11 addresses standards that should be achieved where applications propose specialist and supported accommodation.
- 5.5 Although the proposed change of use would result in the loss of one family sized dwelling, it would provide specialist accommodation for children and in this respect would, to a certain extent, help to maintain a range of house types. It is considered that the location of the site would be appropriate for a development of this nature as there is good accessibility to public transport as well as shops, services, community facilities and open space.
- 5.6 On balance it is considered that the principle of the change of use of this site is acceptable subject to all other material planning considerations being satisfied.
- 5.7 **IMPACT ON DESIGNATED HERITAGE ASSETS/ VISUAL AMENITY**

The application does not propose to carry out any external alterations to the building however it does propose to construct a close boarded timber fence parallel to the west boundary of the site.

- 5.8 The traditional stone boundary wall along Church Drive, dating back to c.1857, has been largely unaltered and contributes towards the historic character of the Conservation Area. Originally, the application proposed to construct the timber fence on top of this stone wall however amended plans were submitted on 21st January 2022 to demonstrate that the fence would instead be positioned behind the wall within the garden of the host property.
- 5.9 Given that the fence would not be physically attached to the wall, the built fabric of the wall would be conserved. A condition has been attached to ensure that the fence is constructed in accordance with the amended plans. Overall, it is not considered that the addition of a timber fence along this boundary would have a harmful impact on designated heritage assets and therefore does not conflict with policies CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.
- 5.10 **RESIDENTIAL AMENITY**
Objections have been raised regarding the potential increase in noise disturbance and disturbance during early mornings and late evenings.
- 5.11 The property is detached from neighbouring properties and would have a limited occupancy of a maximum of four children who would be managed by staff 24 hours a day. It is acknowledged that a level of domestic noise may be generated as a result of the change of use however taking into account the above factors, it is not considered that this level of noise would be unduly different to that associated with the use of the property as a six bedroomed residential dwelling.
- 5.12 Concerns were also raised about the position of the proposed fence along Church Drive having an overbearing impact on nearby dwellings. The position of the fence has been amended and it is considered that the location of the fence within the garden of 16 Church Drive, rather than on top of the wall, would not have an overbearing impact on nearby properties.
- 5.13 Overall, it is considered that the proposed development would provide an acceptable standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook, privacy and noise. Therefore, it is considered that the proposal is in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.14 **TRANSPORT/ HIGHWAY SAFETY**
The site would be accessed via the existing vehicle accesses off Church Road. The site features a double garage and areas of hardstanding where up to three cars can be stored.
- 5.15 In terms of parking, Gateshead Council's Making Spaces for Growing Places (MSGP) Local Plan Document sets out minimum car parking requirements for

all use classes. In this case, a premises falling under use class C2 would require a minimum provision of one car parking space per three residents. Furthermore, two cycle parking spaces should be provided per fifteen non-residential staff.

- 5.16 The existing site layout, including the onsite parking arrangement, would remain unchanged therefore the car parking provision at this site would satisfy the minimum requirement for a development falling within use class C2.
- 5.17 The proposed plans do not demonstrate that cycle parking facilities have been included therefore provision should be made to accommodate weatherproof and secure cycle storage with the capacity to store at least four bicycles in accordance with Gateshead Council's cycle parking minimum requirements (Condition 4). It is anticipated that this can be comfortably accommodated within the existing double garage.
- 5.18 Objections have been raised concerning parking, traffic and highway safety on Church Road. As previously mentioned, it is not anticipated that vehicles associated with the application site will create an unacceptable demand for street parking given the onsite parking provision that is available. It is noted that Church Road is an unrestricted road therefore any concerns regarding potential indiscriminate parking are outside of the control of the Local Planning Authority.
- 5.19 It is not considered that the change of use of this site would have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.20 **OTHER MATTERS**
Objections have been raised regarding the potential for the use of the site to generate an increase in anti-social behaviour. Northumbria Police have been consulted and have confirmed that they have no objections to the proposed change of use at this location.
- 5.21 Objectors have also suggested that the use of the site be contained to providing care specifically for children with learning disabilities and not become a "regular children's home" as objectors are of the view that this would increase the risk of anti-social behaviour, police visits, disruption at night, young people gathering and crime. The planning system deals with the use and development of land rather than the identity and background of any particular future resident. Officers are of the view that any such planning restriction would be unreasonable given that the proposed use of the building would comply with relevant planning policy.
- 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 development.

6.0 CONCLUSION

6.1 Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.

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

Site Location Plan (Scale 1:1250)

AL(20)101 Proposed Ground Floor Plan

AL(20)102 Proposed First Floor Plan

AL(20)103 Proposed Roof Plan

AL(20)104 Proposed Elevations

AL(90)101 Revision A Proposed Site Plan

AC(90)001

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

The timber fence hereby permitted shall be constructed entirely in accordance with plan number AC(90)001.

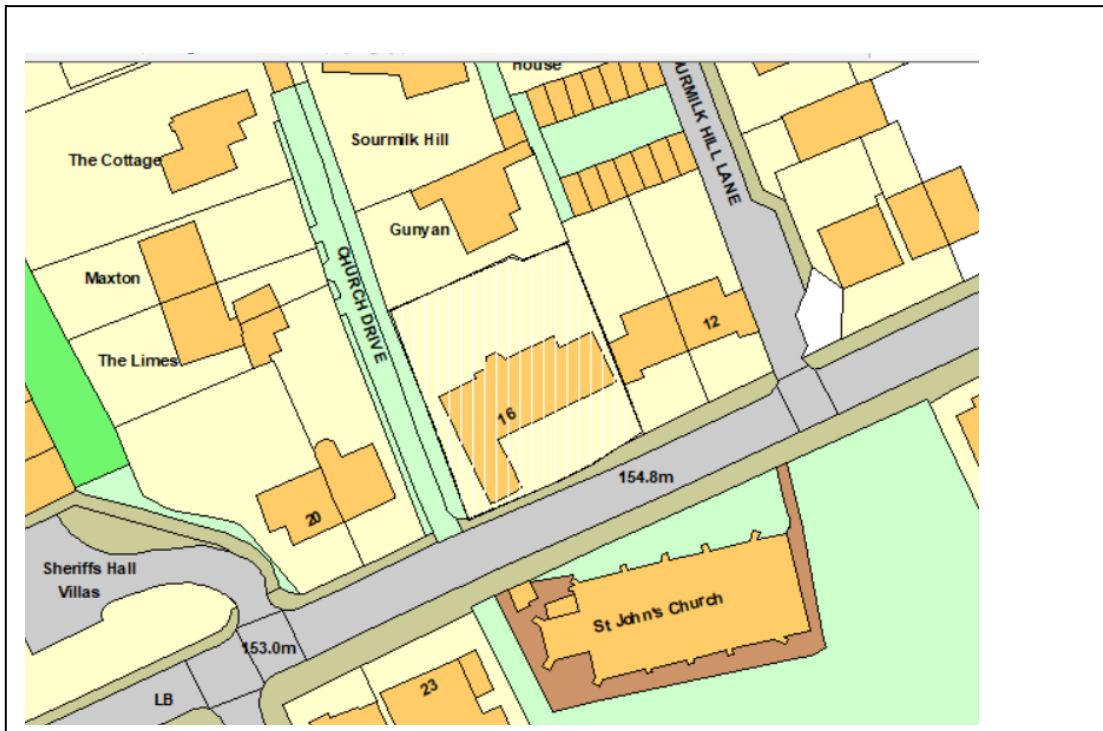
To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.

4

Prior to the first use of the premises, secure and weatherproof cycle storage with the capacity to store four bicycles, shall be provided on site and thereafter permanently retained.

Reason

To promote the use of sustainable transport and in order to ensure adequate provision for cyclists in compliance with 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