

Committee Report

Application No:	DC/22/00297/COU
Case Officer	Amy Dunbar
Date Application Valid	21 March 2022
Applicant	Action For Children
Site:	Ayton Villa Galloping Green Road Gateshead NE9 7XA
Ward:	Lamesley
Proposal:	Change of use from dwellinghouse (Use Class C3) to Children's Home for up to four children in care (Use Class C2), with new link structure to the conservatory and the addition of two new windows (parking layout received 13.05.2022).
Recommendation:	GRANT
Application Type	Change of Use

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

Ayton Villa is 4-bedroom, detached residential dwelling. The property is a two-storey house which also features a detached double garage and detached conservatory set in a spacious plot.

1.2 The property is entirely bound by a stone wall varying in height above ground level with part of the wall on the west facing boundary featuring railings. Vehicle access to the site is via a set of iron gates, that are set back from Galloping Green Road.

1.3 The front (east facing) boundary fronts onto Galloping Green Road with open fields beyond this, the north, south and west boundaries are shared with adjacent residential properties on Galloping Green Road.

1.4 DESCRIPTION OF APPLICATION

The application proposes to change the use of Ayton Villa from a 4-bedroom residential dwelling (use class C3) to a 4-bedroom residential children's home (use class C2), with additional facilities for staff. The proposed children's home would accommodate up to four children at any one time with staff providing 24-hour care on a shift basis.

1.5 Three members of staff would be on site during the daytime with two members of staff being present overnight.

1.6 The application also proposes to construct a small, single storey side extension which would provide a link between the main dwelling and the conservatory as well as inserting two new windows at first floor level, one in the north and one in the south elevations.

1.7 RELEVANT PLANNING HISTORY

452/94 planning permission refused for erection of two-storey extension at rear of dwelling- house to provide office and additional bedroom, increase in height of existing two-storey offshoot at rear and erection of porch at front (already commenced). Dated 7th July 1994.

207/95 planning permission granted for Erection of two -storey extension at rear of dwellinghouse to provide playroom with additional bedroom above and increase in height of existing two-storey off-shot at rear to provide study (revised application). Dated 1st May 1995

499/95 Planning permission granted for Installation of 2m high ornamental gates and erection of 2.7m high stone pillars and new 1.82m high wall, and increase in height of existing wall to 1.82m high, at entrance to drive of dwellinghouse. Dated 20th July 1995

188/98 Planning permission granted for erection of replacement detached double garage in south-west corner of garden, and new 2.3m high stone wall with steel railings along part of western boundary. Dated 29th April 1998

DC/05/01894/FUL Planning permission granted for Erection of conservatory at side of dwellinghouse. Dated 25th January 2006.

2.0 Consultation Responses:

Northumbria Police Response pending

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. In addition to direct notification letters, a site notice has also been displayed.

3.2 5 letters of objection have been received which are summarised below:

- Additional noise
- Disturbance during early mornings/ late evenings
- Concerns over health issues
- Inadequate parking
- Increased traffic
- Highway safety
- Loss of privacy
- Loss of natural light
- Overbearing
- Out of character with conservation area
- Proposal will attract vandals

3.3 In addition, prior to the submission of the planning application, the applicant conducted their own consultation exercise with neighbouring properties. Representations received during this exercise are summarised below:

- Highway safety
- Inadequate parking
- Density of development
- Loss of privacy
- Noise disturbance
- Anti-social behaviour
- Property value

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

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

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 and potential impacts on 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 the 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 **VISUAL AMENITY**
The application proposes to carry out external alterations that would have a very limited impact on the character and appearance of the property therefore it is considered that the scale and design of the external alterations are appropriate to the host property and surrounding area.
- 5.8 To ensure that the proposed development does not have an adverse effect upon the appearance of the existing building a condition relating to the proposed materials has been attached to the application. It is considered that the development is in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.9 **RESIDENTIAL AMENITY**
Objections have been raised regarding the potential increase in noise disturbance and disturbance during early mornings and late evenings.
- 5.10 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 residential dwelling.
- 5.11 With regard to internal space standards, the NDSS is specifically used where new residential dwellings (C3 use) are proposed. If planning permission is given, the property would remain in residential use however the technical

requirements of the NDSS cannot be directly applied to a residential children's home as the NDSS wasn't designed nor intended for that purpose. As such the NDSS has been used, in this case, as a benchmark value, to allow comparison to the proposed single bedrooms.

- 5.12 The proposed floor plans demonstrate that the additional bedrooms, along with the existing bedrooms, would comply with the minimum space standards for a single bedroom as set out in the NDSS. Consequently, while there is no policy requirement to demonstrate compliance with the NDSS for the proposed C2 use, it is considered that there would be adequate internal living accommodation provided for residents.
- 5.13 The application also proposes to add two new windows at first floor level to serve bedrooms. To ensure that acceptable levels of privacy are achieved, The Council's Household Extensions and Alterations Supplementary Planning Document requires that a minimum distance of 21 metres is achieved between main facing elevations containing habitable room windows and 13 metres between such elevations and a gable elevation. Although only strictly applicable to when houses are to be extended, these dimensions can be helpful in providing a benchmark for the placement of windows.
- 5.14 The proposed window serving the staff bedroom on the north elevation would have a separation distance of approximately 19 metres from the side elevation of 44 Galloping Green Road. No.44 does not appear to host any habitable room windows on this side elevation furthermore, the two elevations are positioned at an angle to one another therefore it is not considered that the addition of a window on the north elevation of Ayton Villa would result in overlooking and loss of privacy to residents occupying 44 Galloping Green Road.
- 5.15 The proposed window serving bedroom 2 would face south towards 15 (The Cottages) Galloping Green Road. This window would be positioned at a 90-degree angle to the rear elevation of this property therefore would not directly overlook habitable room windows. It is accepted that there would be some level of overlooking into the private garden of No.15 however this view would be somewhat interrupted by the detached garage associated with Ayton Villa. Given this above assessment, it is not considered that the addition of a window on the south elevation of Ayton Villa would overlook adjacent properties to an unacceptable degree.
- 5.16 Given the position of the host property in relation to the surrounding residential dwellings, main facing elevations containing habitable room windows would not directly face one another and it is considered that adequate separation is afforded between habitable room windows at Ayton Villa and nearby dwellings to ensure the privacy of existing and future residents would be preserved.
- 5.17 The proposed link extension between the dwellinghouse and conservatory would replace an existing canopy structure which is positioned approximately 3.1 metres above ground level. The proposed extension would have a maximum height of 2.9 metres above ground level and would be largely screened by the adjacent stone wall therefore it is not considered that this

extension would have harmful impact on the amenity of residents occupying 29 Hazelwood Close.

- 5.18 In terms of the development as a whole, it is not considered that the use of the site as a children's home and the associated external alterations would have an overbearing impact on neighbours.
- 5.19 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, MSGP12 and MSGP17 of the Local Plan for Gateshead.
- 5.20 **TRANSPORT/ HIGHWAY SAFETY**
The proposed parking layout demonstrates that 3 spaces (including the garage) would be accommodated within the site which would ensure that vehicles can enter and leave the site in forward gear. This is particularly important due to the limited visibility at the entrance to the site.
- 5.21 Taking into consideration the number of staff members and potential visitors, Highways Officers are satisfied that the proposal would satisfy the minimum car parking requirement for a development falling within use class C2.
- 5.22 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.
- 5.23 Objections have been raised concerning parking, traffic and highway safety. 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.
- 5.24 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.
- 5.25 **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 their comments are awaited. It should be noted that the planning system deals with the use and development of land rather than the identity and background of any particular future resident.
- 5.26 Objectors have also suggested that the use of the site as a residential children's home (use class C2) would encourage a further application for C2(A) use (secure residential institution). This is a speculative comment however a

formal application for such a change of use would be necessary and would be appropriately assessed.

5.27 Despite objections received from neighbours, the property is not located in a Conservation Area.

5.28 **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 (Revision P2)

Proposed Site Plan (Revision P1)

GA Elevations (Revision P2)

Proposed GA Plan Level 00 (Revision P2)

Proposed GA Plan Level 01 (Revision P2)

Proposed Parking Layout (submitted 13.05.2022).

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

All external surfaces shall be completed in materials to match those of the existing building.

Reason

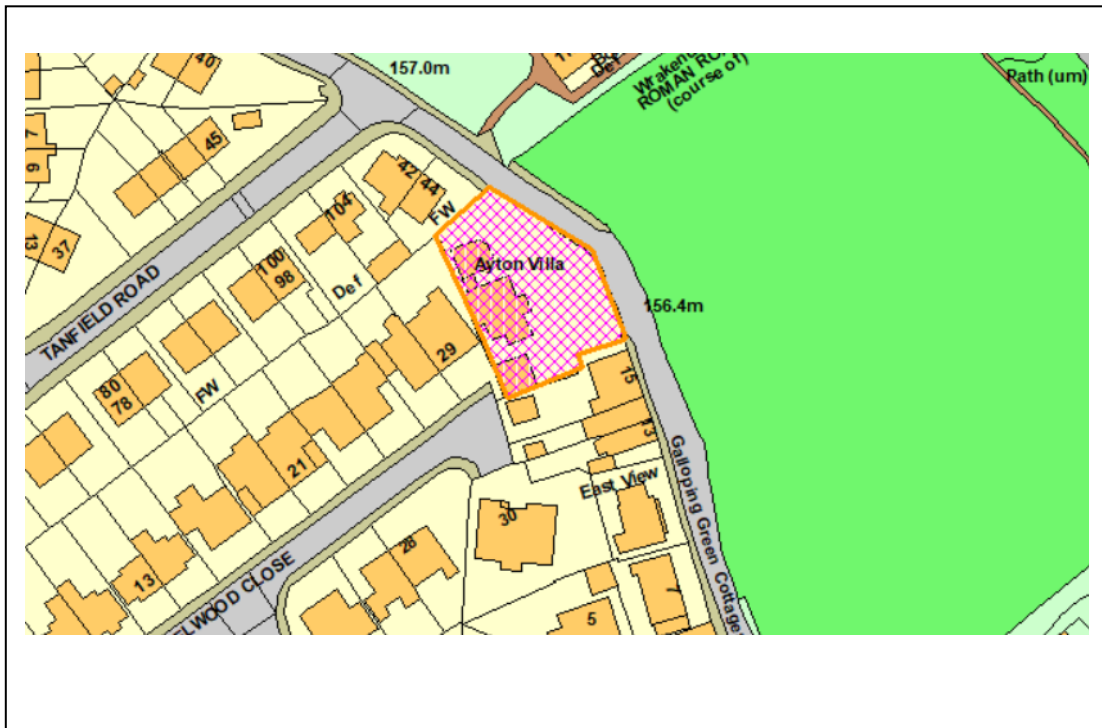
To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF and Policies CS15 and MSGP24 of the Local Plan for Gateshead.

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.



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