

Committee Report

Application No:	DC/23/00992/COU
Case Officer	Adam Ali
Date Application Valid	20 November 2023
Applicant	Mr Jack Byron
Site:	Dalreoch Shibdon Bank Blaydon NE21 5AX
Ward:	Blaydon
Proposal:	Change of use from dwelling (use class C3) to C2 childrens' home (use class C2) for 4 children.
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site comprises of a residential property known as Dalreoch, a detached dwelling, located within a row of houses at Shibdon Bank. There are similar detached properties either side.

1.2 The dwelling has four bedrooms, a large area of hardstanding and detached double garage to the front. There is an enclosed garden to the side and to the rear of the property.

1.3 Blaydon Shopping Centre is located just over half a mile away from the application site.

1.4 DESCRIPTION OF THE APPLICATION:

Full planning permission is sought for the change of use of the existing residential dwellinghouse (Use Class C3) to a residential Children's Home (Use Class C2) which would accommodate up to four children between the ages of 6 – 16 years of age but usually between the ages of 7 – 12 years old.

1.5 The Children to be housed at the property would be children with learning disabilities. The applicant has also stated how their organisation typically tries to house siblings so that siblings can be kept with one another despite being in a care setting.

1.6 The Children would be under 24 hour supervision. As stated by the applicant, there would be a maximum of 8 members of staff. However, at any one time there would be no more than 5 members of staff at the due to the proposed operation and shift patterns. Shift patterns would run from 07:30am – 21:30pm with 4 members of staff working this shift

alongside the manager. The manager of the site would work 09:00 – 17:00.

- 1.7 From the hours of 21:30 – 07:30am there would be a maximum of up to 2 members of staff in the home overnight.
- 1.8 Due to the nature of the proposed shift patterns the applicant has stated that 8 members of staff are sufficient to cover the proposed working hours.
- 1.9 The home would be managed under the Children’s Homes Regulations (2015) and will be inspected by the regulator Ofsted.
- 1.10 No external alterations are proposed to the existing building to facilitate the change of use.

1.11 **PLANNING HISTORY**

The following planning history relates to the property:

Reference: DC/18/01228/HHA

Proposal: Double garage at the front of property

Decision: Granted

Reference: DC/03/01630/FUL

Proposal: Erection of conservatory at rear of dwellinghouse. (Drwg No. GC1898).

Decision: Granted

2.0 Consultation Responses:

Northumbria Police	No objections raised against the proposal but a recommendation made to encourage the developer to have adequate CCTV at the site in order to assist in any missing persons case that may arise from the site.
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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 A general Site Notice was also put on display outside the application site on the 22nd December 2023.
- 3.3 A total number of 19 representations were received in relation to the proposal. 11 representations in objection and 8 in support. The comments received from neighbours have been summarised below.

Objection comments summarised:

- Out of character with the Conservation Area
- Out of character with street scene
- Will attract vandals
- Impact on neighbouring residential amenity
- Inadequate car parking
- There is already one child's care home ¼ a mile away, another in Winlaton, surely these should not be clustered together if the aim is to integrate children into overall society
- Additional noise
- Disturbance in early mornings/late evenings
- Increase in traffic
- Loss of privacy
- Not enough info on staff patterns, comings and goings from the property and info on the children that would live there, mitigation measures etc
- Worried it will be used for other reasons
- Concerns in relation to what is meant by substance abuse
- Would jeopardise security
- This is a nice quiet area now and not really the place for a children's home
- Site notice pulled down by the owner of the subject property who claims he was told to put the notice up, due process has not been followed.
- The company who will be in charge of the care home state on company's house that they cater for young people who suffer from substance abuse
- Only three residents informed
- Notification letter dated 4th December but was received 17th December giving less time to comment.
- House price has been heavily reduced and for sale sign removed suggesting a done deal in terms of planning
- Council must ensure that every application is above suspicion and act on it if its not.

Response to objection comments:

- The site is not within a Conservation Area.
- The applicant has advised that the children to be housed would be children with learning disabilities not children who suffer from substance abuse.
- All necessary consultation was carried out with all neighbouring properties. Furthermore, a site notice was put on display by the case officer despite such an application not requiring a site notice. Consultation has therefore in fact gone above and beyond the requirements for consultation set out by the General Development Management Procedure Order.

- For the avoidance of doubt, no member of the public was advised to put the site notice up on display. The site notice was put up on display by the case officer. It came to light that the notice was flapping in the wind and the owner of the subject property had therefore tied the notice back up. The case officer revisited the site on the 16th February 2024 and the notice was in the same place they had put it on the 22nd December 2023.
- The price at which property sells at is not a material planning consideration
- In terms of time to comment, letters to neighbours were sent out on the 4th December 2023 and a site notice was put on display on 22nd December 2023. Both of which give a separate 21 day period for comments to be submitted. Ample time was therefore given for the public to comment on the proposal. Representations can also be made up to the point of determination.
- More than three residents were notified. 14 neighbours received a letter and a site notice captured more residents
- With regard to suspicion, the applicant has confirmed that the proposal would not cater to people who suffer from substance abuse and confirmed that the proposal is for a children's home for children that suffer from learning disabilities.
- In terms of a 'done deal' the sale of property is no indicator of planning permission being granted. The decision on the application has not yet been made.
- The remaining material planning considerations raised in the objections will be addressed in the assessment below.

Supporting comments summarised:

- Fantastic cause
- Excellent location with exposure to animals, green space and fresh air
- Wonderful idea would make a huge difference to countless numbers of children
- Beautiful detached property which would lend itself well for providing a safe space for children and somewhere they can call home
- Objectors have been misled on the proposed use
- Important that there is care provision for such vulnerable children
- The property seems perfect for such a use in a great location
- With just four residents it is unlikely the proposal would cause any harm to the local community
- The neighbourhood is stable and secure so the proposed users will be safe here
- Every child deserves a home like this

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Specialist and Supported Housing Supplementary Planning Document (SPD)

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

MSGP18 Noise

MSGP24 Design Quality

5.0 Assessment of The Proposal

5.1 The main issues to be taken into consideration in the assessment of this application are the principle of the use sought, as well as the impacts on visual amenity, residential amenity and transport and highways safety.

5.2 PRINCIPLE OF USE

Part 4 of Policy CS9 (Existing Communities) of the Local Plan for Gateshead seeks to prevent the loss of family homes (three or more bedrooms), through sub-division, change of use or redevelopment. The policy aims to retain and attract families to support economic growth. This will be achieved partly by preventing the loss of existing family homes. The loss of this family home would therefore be in conflict with part 4 of Policy CS9.

5.3 However, 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 Furthermore, the proposal would provide specialist accommodation for children and would help to increase the choice of accommodation for those with specific care needs, in accordance with Part 3 of Local Plan Policy CS11 (Providing a Range and Choice of Housing).

- 5.5 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 of the policy, 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.
- 5.6 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.
- 5.7 Policy MSGP11 (Housing for Specific Groups) of the Local Plan 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.
- 5.8 Section 4.7 of the Specialist and Supported Housing Supplementary Planning Document (SSH SPD) sets out requirements for children's homes. The SPD states that proximity to education services will be critical, as well as access to public transport, leisure facilities and medical services, while there should be well designed amenity space, internal and external, that will support learning, and enable play and activity without causing unreasonable impact on neighbouring properties.
- 5.9 The proposed development is within close proximity to education services, with easy access to public transport, as well as shops, community and leisure facilities and medical services within the settlement of Blaydon. The property has provided well designed internal space for the children and there is also a rear garden for external space.
- 5.10 It is noted that local residents have raised objections that there is currently a number of care homes in the area and that this does not promote community cohesion and how there could be potential anti-social behaviour.
- 5.11 The Council's Children's Services Team was consulted on the application and they have confirmed they have no objection to the proposal.
- 5.12 Children's Services have advised that the Council's Sufficiency Strategy for Gateshead Borough seeks to ensure enough children's homes in the local area, therefore ensuring there is capacity within Council operated children's homes and through the external market. Children's Services

advise that this is a key priority for the Council. Therefore, further provision to ensure sufficient provision is met is welcomed.

- 5.13 Childrens' Services advised that while the proposed home may be near existing homes, the provider would be contributing to addressing the need for such housing in Gateshead and they would work with the operator to manage any risks.
- 5.14 Furthermore, Northumbria Police have also been consulted and raise no objection to the planning application. Officers have discussed the concerns around other care homes in the vicinity and Northumbria Police raise no objection or evidence of anti-social behaviour relating to the other care homes in the local area.
- 5.15 Therefore, while the concerns regarding an additional care home is noted, there is no evidence to suggest that this additional Children's Care Home would cause an adverse impact to the locality in terms impact on the local community with anti-social behaviour or more generally in terms of harm to local community cohesion.
- 5.16 It is considered that the change of use from a dwellinghouse to a children's home, whilst resulting in the loss of a family dwelling, would increase the choice of specialist housing, as well as the choice of accommodation for those specific care needs. Therefore, in principle, the development is acceptable in planning terms in accordance with relevant Local Plan policies.
- 5.17 A detailed assessment needs to be made of the potential impacts upon the local area. These are considered below in the next sections of this report.
- 5.18 **VISUAL AMENITY**
Neighbour objections stated that the proposal would cause harm to the character and appearance of the street scene.
- 5.19 No extension or other external alterations are proposed to the property itself to facilitate the change of use. With no alterations or extensions, it is considered that the development would cause no adverse harm to the character or appearance of the subject site or surrounding area.
- 5.20 For the above reasons, it is therefore considered that the development would be acceptable in respect of design and visual impact, and would accord with the NPPF and policies CS15, MSGP24 and of the Local Plan for Gateshead.
- 5.21 **RESIDENTIAL AMENITY**
Policy MSGP 17 (Residential Amenity) of the Gateshead Local Plan makes clear that development will be required to provide a high-quality environment and a good standard of amenity for existing and future

occupants of land and buildings. Planning permission will be granted for new development where it:

1. does not have an unacceptable impact on amenity or character of an area, and does not cause unacceptable disturbance, through an increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses;
 2. safeguards the enjoyment of light, outlook and privacy; and
 3. ensures a high quality of design and amenity
- 5.22 Neighbour objections expressed concerns relating to anti-social behaviour, a threat to security and a harm to residential amenity through additional noise. Objection comments also raised concerns on the proposal potentially receiving permission and the dwelling then being used for another purpose that may be yet more harmful in terms of impact on residential amenity.
- 5.23 With no alterations or extensions proposed, the development would not result in any unacceptable impact on the amenity of neighbouring occupiers through a loss of light, outlook or privacy.
- 5.24 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 site circumstances, staffing levels, as well as the number of children who would live at the property, it is not considered that this level of noise would be unduly different to that associated with the existing use of the property as a four bedroomed residential dwelling.
- 5.25 Nonetheless, in the interests of protecting the amenity of the occupiers of neighbouring dwellings from unacceptable noise or disturbance at quieter morning or evening times, a condition is recommended requiring a noise management plan to be submitted and approved prior to the first use of the property as a children's home. Subject to the submission and satisfactory discharge of the condition, the Council's Environmental Health Officer has confirmed that they have no objections to the development.
- 5.26 Furthermore, in the interests of protecting residential amenity, a condition is proposed restricting the use of the property as a children's home to be occupied by no more than four children at any time. Any increase beyond the current number proposed may also necessitate an increase in staff numbers and vehicles movements associated with the use and would require a further assessment of the impact of this on neighbouring occupiers and highway users.
- 5.27 A number of objections have raised concerns that the proposed development could lead to anti-social behaviour, whilst also having the potential to exacerbate existing 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 principle of the use would accord with policy.

- 5.28 Furthermore, it is noted that the Designing Out Crime Officer at Northumbria Police has raised no objections to the proposal and in their comments they stated that it should be encouraged of the developer to install adequate CCTV at the site in order to aid in missing persons cases from the site.
- 5.29 It is considered that anti-social behaviour 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. On the basis of the information provided, Officers are satisfied that the applicant has demonstrated an operational management of the property. In addition, the ongoing management of the property would be subject to further, separate oversight and regulation through Ofsted.
- 5.30 Subject to the recommended conditions, it is not considered that the proposed use would be out of character with surrounding area or result in a detrimental impact on the amenity of surrounding residents through unacceptable noise and disturbance or a loss of privacy; and so the proposal would be in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.31 **TRANSPORT AND HIGHWAY SAFETY**
Policy MSGP 15 of the Local Plan for Gateshead addresses the transport aspect of the design of new development. Under the requirements of MSGP15, proposals will need to secure safe access to the site for all people and provide adequate servicing facilities; and provide the level of parking necessary to secure the safe and effective operation of the development by:
- providing car parking for residential development to the levels set out in the Council's parking standards (Appendix 4a of Making Spaces for Growing Places)
 - limiting car parking for non-residential development in line with the Council's parking standards (Appendix 4b)
 - providing electric vehicle charging points in line with the Council's parking standards (Appendices 4a & 4b)
 - providing motorcycle parking facilities in line with Council's parking standards (Appendix 4b)
 - providing cycle parking facilities in line with the standards set out in the Council's cycle parking standards (Appendix 5)
- 5.32 Objection comments raised concerns about parking concerns in and around the application site.

- 5.33 However, following the receipt of further information in relation to staff numbers and shift patterns, Officers consider that the proposal would have no significant impact on highway safety or the surrounding highway network generally.
- 5.34 Car parking standards for the proposed use (C2) is 1 car parking space per 3 residents for visitors, which would equate to a requirement of 2 spaces for the 4 children that would be living there. It is suggested that the maximum number of cars on the site at any one time may be 5 and there is more than enough driveway space to accommodate this number of cars, with the garages also being made available for staff use. There is also sufficient driveway space to manoeuvre a vehicle within the curtilage to allow drivers to turn and exit the site in a forward gear.
- 5.35 The proposal was assessed by Officers against relevant policies of the Local Plan and the NPPF and they raised no objection to the proposal subject to the inclusion of conditions relating to electric charging provision and bicycle storage provision. With the inclusion of such conditions the proposal is considered to be acceptable on transport and highway safety grounds, in accordance with policies CS13 and MSGP15 of the Local Plan and the NPPF.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is considered that the development complies with the relevant Local Plan policies and the NPPF. Therefore, it is recommended that the application be granted planning permission subject to the conditions below.

7.0 Recommendation:

That Planning Permission is GRANTED subject to the following conditions:

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

Location Plan
Existing Ground Floor Plan
Existing First Floor Plan
Amended 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.

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. Prior to the first occupation of the use hereby permitted, final details of a noise 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, MSGP17 and MSGP18 of the Local Plan for Gateshead.

4. The development hereby approved shall be implemented in accordance with the details of the noise management plan approved under condition 3 from the time the use commences 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 use hereby permitted, final details of the electric vehicle charging point(s) at the site shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan.

6. The electric vehicle charging point(s) approved under condition 5 shall be implemented wholly in accordance with the approved details prior to the first occupation/ use of the property as a children's home. The electric vehicle charging point(s) shall be retained thereafter for the life of the development.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan.

7. Prior to the first occupation of the use hereby permitted, final details of secure and weatherproof bicycle storage at the site shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan.

8. The bicycle storage approved under condition 7 shall be implemented wholly in accordance with the approved details prior to the first occupation/ use of the property as a children's home. The bicycle storage shall be retained thereafter for the life of the development.

Reason

In the interests of sustainable development and in order to accord with policies CS13 and MSGP15 of the Local Plan.

9. The property shall be used solely as a children's home under Use Class C2 (Residential Institutions) of the Use Classes Order 1987 (as amended) with a maximum occupancy of no more than four children at any time.

Reason

In the interests of residential amenity and highway safety and so as to accord with the NPPF and policies CS13, CS14, MSGP15 and MSGP17 of the Local Plan for Gateshead.

10. The use hereby approved shall operate with no more than 5 members of staff at the site any time in accordance with the applicant's email correspondence dated: 9th January 2024'

Reason

In the interests of residential amenity and highway safety and so as to accord with the NPPF and policies CS13, CS14, MSGP15 and MSGP17 of the Local Plan for Gateshead.



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