DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0850/23/FUL
Proposal: Change of use from C3 (Private Dwelling Home) to C2 (Residential Institution), to develop the 7 bedroom dwelling house at St Michaels Vicarage to a Residential Children's Home for a maximum of five children and young people.
Location: St Michaels And All Angels Church, Vicarage
Westoe Road
South Shields
NE33 3PD

Site Visit Made: 05/03/2024

Relevant policies/SPDs

LDF

1 LDF CS ST1 - Spatial Strategy for South Tyneside (E)

2 LDF CS ST2 - Sustainable Urban Living (F)

3 LDF CS SC1 - Creating Sustainable Urban Areas

4 DM1 - Management of Development (B & G)

5 DM6 – Heritage Assets & Archaeology

6 SPD6 - Parking Standards

7 SPD10 – Westoe Conservation Area Management Plan

Emerging local plan

1 Policy SP1: Presumption in favour of Sustainable Development

2 Policy 17: Specialist Housing – Extra Care & Supported Housing

3 Policy SP24 – Heritage Assets

4 Policy 43 – Development Affecting Designated Heritage Assets

5 Policy SP26: New Development

The NPPF is also a relevant consideration.

Description of the site and of the proposals

The proposal relates to the change of use of the vicarage dwelling (use class C3) to a residential children's home for a for a maximum of five children and young people (use class C2).

The vicarage dwelling is located to the south of St. Micheals and all Angels Church. The application site for the proposal includes vehicular access off Mowbray Road to the north, and car and cycle parking within the site. The vicarage has a large enclosed garden, with a roller shutter access to it from the northern side of the vicarage building and there is a garage building to the north of that. There is another

vehicular access that can serve the church off Westoe Road to the east, independently to the access from Mowbray Road.

The application site lies within the Westoe Conservation Area whilst St.Michaels and all Angels Church (but not the vicarage) is Grade II Listed.

No operational development is proposed, with the application being solely for the proposed change of use.

The immediate surrounds, beyond the church / church grounds, include predominantly residential land uses. Properties on the northern side of Mowbray Road are terraced dwellings, as is the terraced block immediately to the west (although there is South Sheilds Catholic Club at 170-180 Westoe Road to the south at the start of that block). Housing at Ingham Grange is to the south. There is a care home and its grounds to the northeast (Garden Gill Care Home, 32 St Micheals Avenue North) and to the south of that is a detached residential bungalow (30 St Micheals Avenue North).

Publicity / Consultations

1) **Neighbour responses:**

18 Marina Drive – objection, to a proposed HMO.

Case officer comment: The author of the representation was contacted (in writing) to explain that this planning application relates to a residential children's home, not an HMO, and so might it be the case that their representation is meant to be about to another planning application and where that does relate to a proposed HMO (i.e. ref. ST/0018/24/FUL). No response was received to that contact and so the representation has been summarily reported.

2) **Other Consultee responses:**

Highway Authority - no objection.

Environmental Health Private Sector Housing Team - no observations / representations to make on this application.

Community Safety No crime and disorder concerns.

Children's Residential Service - no objection. The response included the following commentary:

The Care Standards Act 2000 says that 'an establishment is a children's home… if it provides care and accommodation wholly or mainly for children'. Children are defined as people who are aged under 18. Young people aged 18 and over may also live or stay in a children's home, but they must be in a minority.

In order to open a children's home, the provider must satisfy Ofsted that they meet a number of legal requirements, including those in: Care Standards Act 2000, The Care Standards Act 2000 (Registration)(England) Regulations 2010 and The Children's Homes (England) Regulations 2015. Compliance with all Health and Safety requirements is also a requirement.

The provider must have both a Responsible Individual, who represents the organisation to Ofsted and a qualified Registered Manager to run the home. Both will require registration with Ofsted. In addition, the home must also be registered with Ofsted under the conditions set out in it's Statement of Purpose.

The home must have a Statement of Purpose that sets out the overall aims of the children's home and the objectives for children who live there or those provided with short breaks – the law sets out the information that the statement must contain in regulations; you can find these in schedule 1 of 'the Children's Homes (England) Regulations and Quality Standards 2015

A Locality Risk assessment must be undertaken to show the steps that have taken to make sure that the home is needed locally, is in the right place and is safe, and that the provider promotes positive opportunities for children.

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise. The NPPF represents a material consideration.

A Regulation 19 version of the South Tyneside Local Plan was recently subject to consultation from 15/01/2024 to 03/03/2024 and this marked the second of two statutory consultation periods in the plan-marking process. While the draft Local Plan is now at a more advanced stage of preparation, with the Regulation 19 consultation completed, the extent to which there are unresolved objections to particular policies is currently being assessed and therefore only very limited weight can be afforded to policies in the emerging local plan at the current time having regard to paragraph 48 of the NPPF. As such, any relevant emerging local plan policies that were listed earlier in this report are not appraised in detail in the assessment set out below.

The proposed use, as a residential children's home is a niche form of residential development. It is considered that the proposed use, as a matter of general land use planning principles, is one that is acceptable within a predominately residential setting / built environment and where a dwellinghouse could be reasonably used to provide it.

However, use class C2 also includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. It is therefore suggested that a planning condition limiting the use to that applied for be imposed, for the reasons the suggested condition sets out.

The day-to-day management of the proposal is not something that the planning process can control. However, as is set out above in the Children's Residential Service consultee response, there are separate regulatory provisions that would apply to it. The applicant's supporting letter includes commentary that they are aware of these. It also included that there would be three / four members of staff during the day / evening with two persons on wakened nights, and additional management presence will be provided by the registered manager and a wider on-call team who are available to offer support 24/7 (evenings, weekends and holidays).

In terms of the consideration of the proposal upon local amenity (including residential amenity) or in relation to crime or fear of crime, the Council's Community Safety Team have no issues with it from a community safety/crime and disorder perspective. Having regard to their response, that the proposal must be managed (in the manner as set out above) and the position of the dwelling relative to its surroundings, it is not considered that it would materially harm local amenity or residential amenity.

No operational development is proposed and it is not envisaged that more than 4 staff will be on duty at any one time. Having regard to the above, it is considered that the proposal would preserve the character and appearance of the Conservation Area and the setting of the listed church. In terms of SPD10 the site lies within Character Area 2 – St.Michael's and All Angels. With regard to actions for this character area these state, inter alia, that the Local Authority will seek to maintain the established uses of the church and ancillary buildings. Alternative uses may be considered, providing the architectural integrity and historic interest of the buildings and their setting are preserved. The proposals are considered to be accordance with the above.

In terms of parking, the proposal includes provision for both car parking on existing hard surfaced areas to the immediate north east of the vicarage and cycle storage within an existing garage outbuilding. There is no objection from the Highway Authority (and nor have they recommended any planning conditions) on highway safety / capacity grounds or in relation to inadequate provision of parking (and where the car parking could be used by staff and or visitors). Refuse could be stored and collected from the proposal in the same manner as it is for the existing use of the property as a dwelling.

Conclusion

The proposal is considered to accord with relevant LDF policies and SPDs (and NPPF where relevant), and there are not considered to be any material considerations which demonstrably and significantly outweigh that from being the case, and importantly; to the extent whereby they would represent clear and cogent reasons to justify refusal.

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The proposal has been eliminated from requiring further consideration in terms of habitats regulations assessment as there is no increase in the number of residential units arising out of the proposed change of use.

Recommendation

Grant Permission with Conditions

Conditions

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The premises shall be used for a residential children's home (Use Class C2) only and for no other purpose (including any other purpose within Class C2 of the Town & Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The Local Planning Authority would wish to carefully examine any alternative use of the premises and whether it would be acceptable in terms of planning policy, highway safety, parking, access and amenity; in accordance with South Tyneside Local Development Framework Policy DM1 and the NPPF.

Informatives

1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

List of plans for standard note

Plan Reference
Site location plan received 15/01/2024
Proposed floor plans drawing SM101 received 15/01/2024
Parking / cycle parking plan received 15/01/2024

Case officer initials: Garry Simmonette
Date: 14/03/24

Authorised Signatory: G.Horsman
Date: 14/03/24

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