

Committee Report

Application No:	DC/18/00525/FUL
Case Officer	David Morton
Date Application Valid	6 June 2018
Applicant	Trafalgar Leisure Ltd
Site:	L G Coffee Bar The Gallery Church Chare Whickham Newcastle Upon Tyne NE16 4SH
Ward:	Dunston Hill And Whickham East
Proposal:	Proposed variation of Condition 1 (Approved Plans) of DC/16/01137/FUL to enable alterations to roof, windows and parking (amended 11/07/18).
Recommendation:	GRANT
Application Type	Full Application

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

The application relates to the The Hall located on Church Chare, Whickham. The application site lies within Whickham Conservation Area and within Whickham District Centre. The building is Grade II Listed.

1.2 The building consists of two distinct components; the western block (former stables), and which most recently housed a gym, a dwelling and a café. The eastern block formerly housed a gym.

1.3 The property formerly provided stabling for Whickham Hall. The property dates from the late 18th century and has sandstone ashlar wall with plinths and quoins and a Welsh slate roof.

1.4 DESCRIPTION OF THE APPLICATION

The application seeks consent for the conversion of the premises to create four dwellings, while retaining the existing residential unit.

1.5 The application proposes the variation of an extant planning permission (DC/16/01137/FUL), the previous application allowed for *the 'conversion of commercial premises to create four dwellings'*, permission was granted under delegated powers in December 2016. Listed Building Consent was also approved for the works (DC/16/01138/LBC).

1.6 The application proposed the installation of a staircase, treatment of the existing arches (within the existing café), removal of part of roof to create

internal courtyard area, the reopening of windows and the addition/removal of rooflights.

- 1.7 The current application proposes several amendments to the previously approved scheme including;
- South elevation - alterations to fenestration details including additional rooflight and alteration to porthole window to become vent;
 - North elevation - replacement of existing lean-to extension (which was previously proposed to be demolished);
 - West elevation - A rooflight into the bathroom in Unit 3 has also been included but this is hidden from view behind the roof of Unit 4
 - East elevation - amendment to the existing large openings, alteration to treatment of carriageway entrances and alteration to proposed number of rooflights.
 - Parking arrangements have been amended to include parking on Coalway Lane and omit parking to the rear of the application site.

1.8 PLANNING HISTORY

- 1.9 The planning history associated with the application site is summarised as follows;
- 00467/83; Planning application refused for 'Change of use from bingo club to wine bar.' Date; 18 August 1983.
 - DC/13/00821/LBC; Listed building consent approved for 'Conversion of commercial premises to create four dwellings with associated car parking (amended 09/08/13).' Date; 10 September 2013.
 - DC/13/00820/FUL; Planning permission granted for 'Conversion of commercial premises to create four dwellings with associated car parking (amended 09/08/13).' Date; 18 October 2013.
 - DC/16/01137/FUL; Planning permission granted for 'Conversion of commercial premises to create four dwellings.' Date; 21 December 2016.
 - DC/16/01138/LBC; Listed building consent granted for 'Proposed conversion of commercial premises to create four dwellings.' Date; 21 December 2016.

2.0 Consultation Responses:

None

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. A single individual objection and a petition with six signatories has been received, the issues raised are summarised as follows;

- Church Chare is extremely busy owing to the number of activities which take place at St Mary's Centre and Rectory Hall owing to parking issues;
- The access to the proposed parking (off Church Chare) would lead to conflicts between vehicles using the access and pedestrians and other vehicles;
- The proposed bin stores would lead to a lack of visibility for vehicles leaving the access lane onto Church Chare;
- The proposed gravel access would lead to issues with wheeling bins;
- The windows outlined on the eastern elevation are not in keeping with the existing building and;
- There are discrepancies within some of the information submitted by the applicant.
- The planning application fails to take account of a right of access to properties located on Church Chare.
- Vehicles using the access to the rear of the application site could cause damage to the Church Hall.
- The density of the development is out of character with Church Chare.
- The application does not provide information on construction methodology.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

H4 Windfall and Small Housing Sites

H15 Play Areas in Housing Developments

RCL5 District and Local Centres

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV11 Listed Buildings

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

CS10 Delivering New Homes

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment:

5.1 The main planning issues to be considered are the principle of the development, impact on heritage assets, visual amenity, highway safety, amenity, open space/play provision and any other matters arising.

5.2 PRINCIPLE

5.3 Housing demand and policy

As the application site is not specifically allocated for housing in the UDP, proposals for housing would need to be considered in terms of windfall housing under policy H4 of the UDP. Policy H4 of the UDP gives a number of criteria that need to be assessed.

5.4 The site forms a windfall site. The NPPF states that "*... housing applications should be considered in the context of the presumption in favour of sustainable development.*"

5.5 There is no policy objection to housing development within the boundary of the retail centre. The application would not lead to the loss of any A1 (retail) floorspace within a centre, thus it is considered that the development accords with policy RCL5 of the UDP.

5.6 It is considered that the site meets the saved criteria set out in policy H4 in relation to its sustainable location within an established housing area, close to local services and public transport routes, and it would help to sustain the local community. The application seeks to vary an existing extant permission (DC/16/01137/FUL) and there is no change in the number of dwellings to be created, as such the principle of a residential conversation and this quantum of development has been established and is considered to be acceptable, subject to all other material planning considerations being satisfied.

5.7 Housing choice

Policy CS11 of the Core Strategy and Urban Core Plan requires 60% of new private housing across the Plan area to be suitable for and attractive to families, defined as dwellings of three or more bedrooms. The application would result in the creation of three, three-bedroomed dwellings and one two-bedroomed dwelling and as such the development is considered appropriate in the context of the NPPF, saved policy H4 of the UDP and policies CS10 and CS11 of the CSUCP.

- 5.8 Residential space standards
Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". It is considered based upon the submitted information that the application meets the above requirements.
- 5.9 VISUAL AMENITY/HERITAGE ASSETS
Policies ENV7 and ENV11 of the Council's Unitary Development Plan and The National Planning Policy Framework (NPPF) are most relevant to this proposal.
- 5.10 Heritage specific policies are contained within the NPPF at paragraphs 126 to 141. The objective of the policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances its significance. That significance is the value of a heritage asset to this and future generation because of its heritage interest, which may be archaeological, architectural, artistic or historic. This significance may derive not only from its physical presence but also from its setting.
- 5.11 The application site is Listed and is therefore a Heritage Site of National significance.
- 5.12 When determining applications, the authority should take into account the Government objectives as expressed in the overarching definition of sustainable development and particularly NPPF (paragraph 131):
- the desirability of sustaining and enhancing the significance of all heritage assets (whether designated or not) and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.13 Designated heritage assets are subject to specific policies within the NPPF that require (paragraphs 132 and 139):
- great weight to be given to their conservation in all decisions;
 - clear and convincing justification for any harm to significance however slight and whether through direct physical impact or by change to the setting;
 - substantial harm (direct or by change in the setting) to or total loss of Grade II listed buildings and registered parks and gardens is expected to be 'exceptional'; and
 - substantial harm to or total loss of Grade I or II* listed buildings and registered parks and gardens, protected wreck sites, battlefields, World Heritage Sites, scheduled monuments and undesignated sites of equivalent importance to scheduled monuments is expected to be 'wholly exceptional'.
- 5.14 Further, the LPA have a duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.15 Saved UDP Policy ENV11 relates to listed buildings and states that alterations must preserve or enhance the buildings special architectural of historic interest.
- 5.16 Saved policy ENV7 (Development within a Conservation Area) of Gateshead Council's UDP states that development within Conservation Areas must preserve or enhance the area's special architectural or historic character and appearance.
- 5.17 A number of external alterations to the building have taken place e.g. insertion of windows and door opening. These alterations are most prevalent within the existing dwellinghouse (on the eastern elevation), further several alterations have taken place within the café area of the building.
- 5.18 The applicant sets out within their heritage statement that extensive amendments have taken place on the western elevation, therefore it is proposed to limit any further insertion of window openings to the original building to this elevation only. To reflect this, this scheme proposes a single additional rooflight on the west elevation that would not be visible from the public realm. Further to this, and where possible, the scheme continues to reuse openings to the eastern elevation, with just additional rooflights compared to the approved scheme.
- 5.19 The only other significant alteration to the eastern building block is the removal and replacement of the lean-to extension to the north and create new openings to the resulting gable.
- 5.20 Based on the nature of the work, it is considered that the proposal deals with the proposed conversion in a sensitive manner, the alterations where possible utilise existing openings on all elevations and would result in the removal and replacement of a lean-to extension which is of poor design. It is considered that any residual impact could be dealt with through the imposition of planning conditions (as set out below).
- 5.21 It is considered given the relatively minor nature of the proposed works, especially when compared to the extant scheme, that the proposed works would not lead to any harm to the special character and appearance of the Grade II listed building. All works have been proposed with minimal intervention into historic fabric. In addition, it is considered that the proposed conversation (if implemented) would aid in securing the long term future of the building.
- 5.22 The proposed alterations to the layout (in terms of the parking arrangement) and externals of the premises are minimal in the context of both the host property and the wider Conservation Area. It is considered that the works, taken either individually or a whole as a result of their minor nature, would not have any harm to the established character of the Whickham Conservation Area.

- 5.23 However, officers consider that further information is required (via conditions) in regard to some of the detailing of the application including;
- Final details of bin storage (Conditions 3 and 4);
 - Final details of proposed rooflights (Conditions 5 and 6) and;
 - Final details of timber cladding (Conditions 7 and 8).
- 5.24 Based on the above assessment it is considered that the overall effect of the proposal would be of long term benefit to the listed building while preserving the character and appearance of both The Hall and Whickham Conservation Area. Like the approved scheme, the changes now proposed results in development that is considered to comply with the requirements of the NPPF, saved UDP Policies ENV7, ENV11, Policy CS15 of the CSUCP and the requirement to the desirability of preserving the building in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.25 HIGHWAY CAPACITY AND SAFETY
The application site is located within Whickham District Centre in a highly sustainable location, the site benefits from excellent public transport links within a short walking distance.
- 5.26 The current lawful use of the application site is as a gym and café, both uses have currently ceased owing to the development aspirations of the applicant. It is considered that the proposed development would lead to a decrease in vehicle movements when compared with the current lawful use of the site.
- 5.27 The application seeks to create a total of seven spaces in total (five allocated spaces and two visitor spaces). It is considered that the level of parking is entirely appropriate for the scale and nature of development proposed. The parking arrangement has been amended from the approved scheme with parking spaces shown to the front of the building and on Coalway Lane; the previous application proposed all parking to the rear of the building.
- 5.28 While concerns have been raised by objectors regarding the level of parking currently taking place on Church Chare, it is considered that the proposal would not worsen this existing situation considering the parking levels proposed and the sustainability of the application site.
- 5.29 Concerns have also been raised regarding the access to the parking to the rear of the application site, with residents citing potential conflict between vehicles and pedestrians. Previously all four parking spaces were accessed from Church Chare, with no parking proposed off Coalway Lane. It is the view of officers that the potential for conflict (with vehicles and pedestrians on Church Chare and the associated access) is extremely limited, this view is formed owing to the reduced level of movements which would be associated with the access and the fact pedestrian access is limited to emergency access only (via a fire door).
- 5.30 Officers are of the view that the storage of bins adjacent to the private access could result in a visibility issue and as such it is required that the final details

(including location) of bin stores should be secured by condition (Conditions 3 and 4).

5.31 The proposal (subject to conditions) satisfies the aims and objectives of the NPPF and policy CS13 of the CSCUP.

5.32 AMENITY

Given the nature and scale of the proposed works and use, it is considered they will not have a detrimental impact upon the existing residential properties to the west and east of the premises in terms of overlooking or loss of privacy or noise and disturbance. This is because, there are no new windows proposed that would increase the potential for overlooking than the approved scheme and the number of dwellings isn't proposed to increase either.

5.33 The proposed units would provide a good level of residential amenity, offering spacious internal living space while also benefiting from good levels of natural light. The proposal would also provide a good amount of shared external amenity space to the rear of the property.

5.34 Therefore, it is considered that the proposed development is considered to comply with the aims and objectives of the relevant paragraphs in the NPPF, policy CS14 of the CSUCP and policy DC2 of the UDP.

5.35 OPEN SPACE/PLAY PROVISION

The NPPG (Paragraph: 031 Reference ID: 23b-031-20160519) is clear that tariff style contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.

5.36 While it cannot be concluded that the proposed development would comply with saved Policies CFR20, CFR28, CFR29 and CFR30 of the UDP it is considered that it is not possible to require any contribution for either play or open space provision in this case, based on the above assessment.

5.37 CIL

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 CIL chargeable development as it is for housing related development. The development is located within a charging zone with a levy of £30 per square metre for this type of development.

5.38 Planning legislation is clear that the only floor area of a variation of condition application which liable for CIL are those areas of additional liability i.e. where there has been an increase in floor spaced proposed compared to the original approved planning permission which was granted prior to CIL.

5.39 OTHER MATTERS

Concerns have been raised by objectors regarding discrepancies between the submitted plans and the information supplied by the applicant. The applicant's Parking and Refuse Report has now been superseded ensuring there is no longer any discrepancies within the application.

- 5.40 The issue of the right of access to properties on Church Chare is not a material planning consideration and is therefore not afforded weight in making the recommendation to committee.
- 5.41 It is considered that all material considerations raised by objectors have been addressed within the main body of the report.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is recommended that planning permission be approved.
- 6.2 The application proposes what officers consider to be relatively minor changes to extant planning permission DC/16/01137/FUL, all of which are considered to be acceptable. Further, the application does not propose any increase in the number of dwellings proposed and would result in an improving parking arrangement.
- 6.3 The application would secure the long-term future of a Listed Building, while responding positively to constraints of the site. Further, the application would create four new, good quality residential units adding to the housing stock in Gateshead.
- 6.4 The planning application has satisfactorily addressed the issues of the principle of the development, visual amenity, conservation, highway safety, residential amenity and open space/play provisions and on that basis, is considered to accord with national and local planning policies.
- 6.5 The recommendation is made taking into account all material planning considerations including objections from local residents.

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 shall be carried out in complete accordance with the approved plan(s) as detailed below -
2075-GA-PA-01 Rev 2 - Site plan
20700-1040 - As Existing Elevations and Sections
2075-ELE-E-601 - East Elevation
2075-ELE-N-601 - North Elevation
2075-ELE-S-601 Rev 2 - South Elevation

2075-ELE-W-601 Rev 2 - West Elevation
2075-SEC-AA - Sections through the site

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 20 December 2019.

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

Notwithstanding the submitted plans, prior to the occupation of any dwelling hereby approved a scheme for the provision of bin storage facilities within the site, for that unit shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include the location and appearance of the bin stores and surface finish.

Reason

To ensure that the development presents a satisfactory appearance and in the interests of highway safety in accordance with the NPPF, Policies CS13 and CS14 of the CSUCP and saved UDP Policies ENV3, ENV7 and ENV11.

4

The bin storage facilities approved under condition 3 shall be implemented in full prior to the occupation of the dwelling hereby approved, that it relates to and thereafter they shall be retained as approved for the lifetime of the development.

Reason

To ensure that the development presents a satisfactory appearance and in the interests of highway safety in accordance with the NPPF, Policies CS13 and CS14 of the CSUCP and saved UDP Policies ENV3, ENV7 and ENV11.

5

Notwithstanding the submitted plans, prior to the undertaking of any works pertaining to the installation of rooflights final details of all rooflights shall be submitted to and approved in writing by the Local Planning Authority.

The details shall demonstrate that they are flush fitting to the roof covering.

Reason

To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS14 of the CSUCP and saved UDP Policies ENV3, ENV7 and ENV11.

6

All rooflights shall be installed in full accordance with the details approved under Condition 5.

Reason

To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS14 of the CSUCP and saved UDP Policies ENV3, ENV7 and ENV11.

7

Notwithstanding the submitted plans, prior to the commencement of any works pertaining to the large arched openings (on the eastern elevation) details of the timber cladding to be used on the eastern elevation shall be submitted to and approved in writing by the Local Planning Authority.

Reason

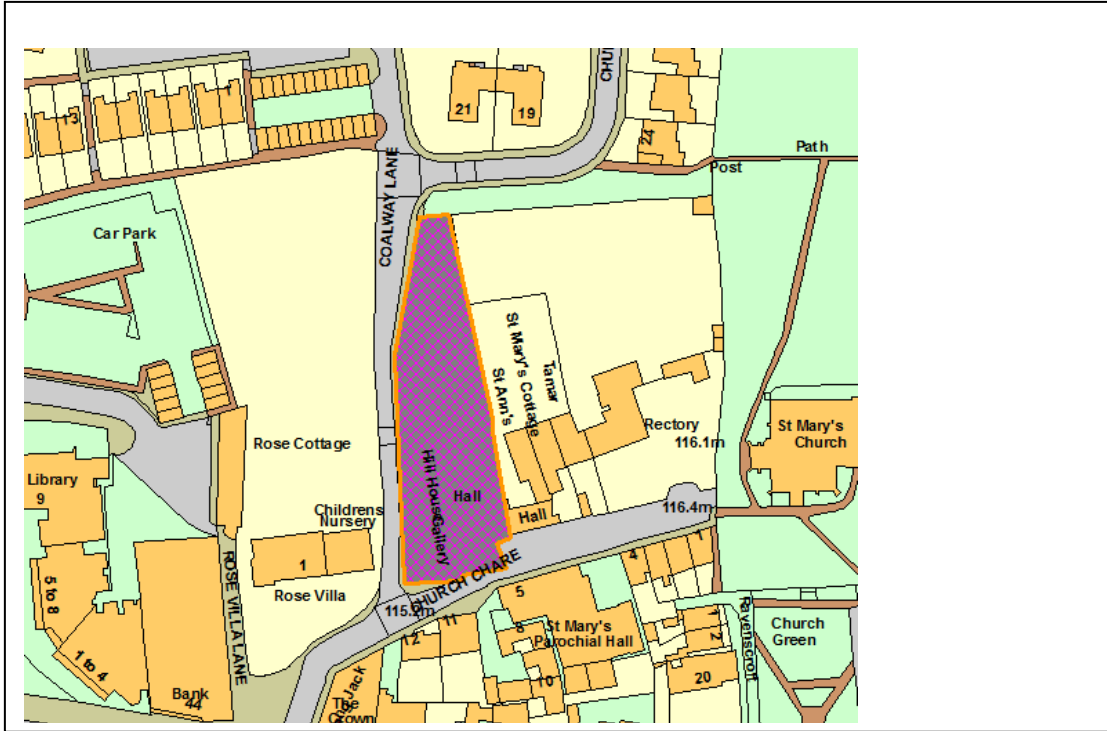
To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS14 of the CSUCP and saved UDP Policies ENV3, ENV7 and ENV11.

8

All works to the large openings on the eastern elevation shall be undertaken in full accordance with the details approved under Condition 7.

Reason

To ensure that the development presents a satisfactory appearance in accordance with the NPPF, Policy CS14 of the CSUCP and saved UDP Policies ENV3, ENV7 and ENV11.



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