

Committee Report

Application No:	DC/18/00623/FUL
Case Officer	Joanne Munton
Date Application Valid	2 July 2018
Applicant	Excell Property Developments Ltd
Site:	The Chopwell Derwent Street Chopwell NE17 7AA
Ward:	Chopwell And Rowlands Gill
Proposal:	Change of use from public house to twelve assisted living units (use class C3) (description amended 07/09/18)
Recommendation:	GRANT
Application Type	Full Application

1.0 The Application:

1.1 DESCRIPTION OF SITE

The application site is an existing detached, two storey, brick built building. The Chopwell is a former public house, which is now vacant and has not traded as a pub since 2013.

1.2 The site is in the Chopwell Local Centre, where Derwent Street runs north to south, and the building is on the western side of Derwent Street, set back from the road with an access road to the front.

1.3 DESCRIPTION OF APPLICATION

The application proposes the change of use of the public house to dwellings (C3). Submitted plans show twelve residential flats (six on the ground floor and six on the first floor) with one bedroom, a separate bathroom and living/kitchen area each.

1.4 The application proposes that the twelve flats would be assisted living units, so there could be an element of care available to residents, but this would be within the C3 (dwellings) use class and is therefore assessed as such in this report.

1.5 Plans show separate external doors to access each flat on the ground floor and communal stairs and landing for access to the flats on the first floor. An office is also shown on plans, and the applicant has confirmed that this would be a call-in point for the company managing the premises and visitors such as a handyman.

1.6 Externally, the application proposes the addition at ground floor level of one window on the west (rear) elevation and one on the north (side) elevation, a

new gated entrance to the back yard on the north elevation and a new door from the back yard to the communal staircase.

1.7 RELEVANT PLANNING HISTORY

There is no relevant planning history.

2.0 Consultation Responses:

Disability Equality Service User Involvement Forum	No response received
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Gateshead Access Panel	No response received
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Northumbrian Water	No objection
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Tyne And Wear Fire and Rescue Service	No response received
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3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 A petition of 500 signatures representing local residents has been received, objecting to the application, commenting that the building should be used by the local community instead, and raising the following concerns:

- No demand for single person/this type of accommodation in area;
- Proposed design is inappropriate for the proposed use, in terms of internal and external movement, facilities for staff and residents and location of some access doors at the rear of the building;
- Inadequate parking provision;
- There would be a more appropriate use for the building, and a cycle hub is suggested.

The petition was sent by Chopwell Regeneration Group.

3.3 18 objections from residents have been received, raising concerns regarding:

- No demand for single person/this type of accommodation in area, but is demand for family housing;
- Insufficient information on the proposed use and occupants of the building, and the potential occupants could jeopardise work to improve the area;
- Potential to attract vandals and increase anti-social behaviour, and the area would become more undesirable due to increased crime;

- No benefits to existing residents;
- There should be more community involvement and there are other more appropriate uses for the building;
- Resentment towards occupants from local community and impact of such treatment on occupants;
- Concern over health issues;
- Additional noise/Disturbance on early on a morning and late at night;
- Inadequate car parking provision, subsequent impact on employment opportunities and reduction in parking space available for existing users of shops/facilities, impacting on highway safety;
- Amount of cycle parking provision is inappropriate due to the lack of use by potential users and the steepness of the area;
- Inappropriate facilities and space for staff (eg. kitchen, toilet) and occupants (eg. lift, fire escape, communal areas);
- Do not want to see the building decay due to delays;
- Insufficient landscaping and impact on quality of life of occupants;
- Impact on economic regeneration of area.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H4 Windfall and Small Housing Sites

H5 Housing Choice

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

DC2 Residential Amenity

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are the principle of the proposal in terms of retail and housing policy, visual amenity, residential amenity, and highway safety and parking.

5.2 RETAIL POLICY

The site is within Chopwell local retail centre as defined by saved policy RCL5 of the UDP and policy CS7 of the CSUCP. The proposal would not result in the loss of retail provision and would bring a currently vacant building back into use. Therefore, the proposal would comply with the aims and requirements of these policies.

5.3 HOUSING POLICY

Paragraph 11 of the NPPF states that:

'At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

5.4 Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.

5.5 The site would be considered as a housing windfall site under policy H4 of the UDP. Given the choice of nearby local amenities and that the site is not in an isolated location, it is considered that the location of the proposal is sustainable. The additional requirements of policy H4 are addressed later in the report.

5.6 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that a range and choice of housing is provided. The proposal is for the development of twelve flats with one bedroom each, the proposal would contribute to range of housing stock in the borough.

5.7 Policy CS11(4) of the CSUCP requires that new residential development provides "adequate space inside and outside of the home to meet the needs

of residents." It is considered that the proposal would provide appropriate space internally and externally.

5.8 It is considered that the proposal does not conflict with saved policies H4 and H5 of the UDP, policy CS10 of the CSUCP and the NPPF. Additionally, the proposal would contribute to housing stock in the borough.

5.9 VISUAL AMENITY

It is considered that bring the vacant building back into use would have the potential to provide more regular maintenance of the building, which would enhance the building's positive contribution to the character of the area.

5.10 The host building is widely visible from the public domain and the application proposes minor amendments to the external appearance of the building, namely:

- the addition of one window on the west (rear) elevation;
- the addition of one on the north (side) elevation (where it appears there once was a window);
- a new gated entrance to the back yard on the north elevation; and
- a new door from the back yard to the communal staircase.

all at ground floor level.

5.11 It is recommended that Conditions 3 and 4 be imposed requiring final details of the rear gate (including height) to be submitted to the LPA for consideration, implementation of the approved details, and requiring that the new windows and doors would be of similar appearance to those at the existing building.

5.12 The proposal would comply with the aims and requirements of saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.

5.13 RESIDENTIAL AMENITY

The building is detached with access roads on the north, east and south sides. To the west (rear) of the site there is a commercial building and yard, to the east across Derwent Street at terraced dwellings on Tyne Street, to the east across the access road is a retail unit with residential accommodation above, and to the north across the access road is a vacant property that is boarded up.

5.14 Given the building is existing, it is considered that the proposal for the change of use and minor external alterations would not result in an unacceptable overbearing impact or unacceptable loss of outlook or light. Similarly, given the former use and as most windows are existing and the proposed new windows would be on the ground floor, one at the rear and one on the side facing the boarded up property, it is considered that the proposal would not result in an unacceptable impact on privacy at neighbouring properties. Additionally, particularly given the last use as a public house, it is considered

that the proposed use would not result in an unacceptable level of noise or disturbance at neighbouring properties.

- 5.15 Also, it is considered that the proposal would provide an appropriate level of residential amenity for future occupiers of the dwellings, and it is recommended that Condition 4 be imposed requiring all bathroom windows to be obscurely glazed.
- 5.16 The proposal would comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.17 **HIGHWAY SAFETY AND PARKING**
It is considered that there would also be scope to park in the immediate vicinity without unacceptable detriment to highway safety for any parking likely to be generated. Consideration is also given to the former use of the building as this would have also generated parking, and that the location is accessible to public transport and local amenities.
- 5.18 Three parking spaces are shown on submitted plans in the area between the host building and Derwent Street, however, this land is adopted highway and not within the application boundary. Therefore, there would not be allocated parking associated with the development.
- 5.19 Cycle parking is indicated on submitted plans, but the provision would need to be secure and fully weatherproof. Therefore, Conditions 5 and 6 are recommended to be imposed requiring final details of secure and weatherproof cycle parking provision to be submitted to the LPA for consideration, and implementation of the approved details.
- 5.20 The proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.
- 5.21 **OTHER MATTERS**
The proposal is for the change of use to dwellings (C3) and is therefore assessed as such in this report.
- 5.22 NPPG at Paragraph: 015 Reference ID: 21a-015-20140306 advises that it is rarely appropriate to use conditions to limit the benefits of the planning permission to a particular person or group of people. As in any application for dwellings, planning is not able to control the type of individual who would occupy the properties within that use class.
- 5.23 The applicant has confirmed that the office shown on plans would be a call-in point for the company managing the premises and visitors such as a handyman, not facilities for visitors to the dwellings.
- 5.24 Further, in considering an application, the merits of that proposal are to be assessed and not potential alternative uses, which, to be considered would need to be proposed in a separate application.

5.25 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 CIL chargeable development as it is for qualifying housing related. The site is within Residential CIL Zone C, which has a charge of £0 per sqm.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, the proposal would bring a vacant site back into use and would contribute to housing stock in the borough. It is considered that the development is acceptable in terms of visual and residential amenity, and highway safety and parking, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

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

Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below -

3141_C-00

3141_C-01

3141_C-02

3141_C-03

3141_C04 rev A

3141_C-05

3141_C-06

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

Notwithstanding the approved plans, the new entrance gate on the northern elevation shall not be installed until final details of the gate have been submitted to and approved in writing by the local planning authority.

Reason

To ensure the proposal would respect the character of the area in accordance with saved policy ENV3 of the UDP, policy CS15 of the CSUCP and the NPPF.

4

The new entrance gate on the northern elevation shall be installed in full accordance with the details approved under condition 3.

The new window and door on the western elevation and the new window on the northern elevation shall be installed before the dwellings are occupied and shall be of similar appearance to the materials used in the existing building.

All windows serving bathrooms, en-suites and WCs shall be glazed with obscure glass at a level three or greater (in accordance with the levels set by Pilkington). The obscure glazing shall be installed prior to occupation of the respective dwellings hereby approved and retained as such for the lifetime of the development.

Reason

To ensure the proposal would respect the character of the area and in the interests of residential amenity, in accordance Saved Policies DC2 and ENV3 of the UDP, Policies CS14 and CS15 of the CSUCP and the NPPF.

5

The dwellings hereby approved shall not be occupied until final details of secure and weatherproof cycle storage for residents have been submitted to and approved in writing by the local planning authority.

Reason

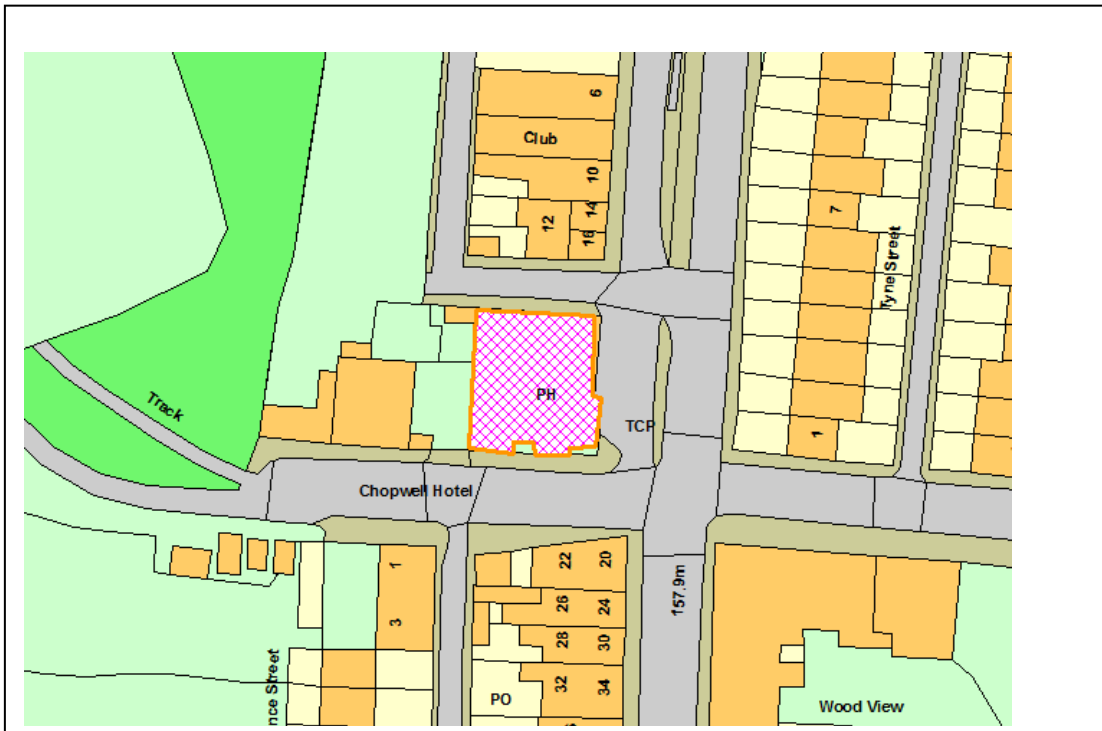
To ensure there is adequate cycle storage provision on site, in accordance with policy CS13 of the CSUCP and the NPPF.

6

The details approved under condition 5 shall be implemented before the dwellings are occupied and retained in accordance with the approved details for the lifetime of the development.

Reason

To ensure there is adequate cycle storage provision on site, in accordance with policy CS13 of the CSUCP and the NPPF.



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