

Committee Report

Application No:	DC/18/01107/FUL
Case Officer	Joanne Munton
Date Application Valid	26 October 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 ten assisted living units (use class C3 dwellings)(revised) (Description amended 07.02.2019) (amended plans received 18.01.2019, 07.02.2019 and 04.03.19 and additional information received 04.03.19).
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 ten residential flats (five on the ground floor and five on the first floor) with one bedroom, dedicated storage, a separate bathroom and living/kitchen area each.

1.4 The application proposes that the ten 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, with two access points, one from the rear yard (west) and one from the northern elevation. An office and WC are also shown on plans, which are understood to be a call-in point for the company managing the premises and visitors.

- 1.6 Plans also show the provision of four parking spaces dedicated to the property, at the rear (west) of the site.
- 1.7 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, and a new gated entrance to the back yard on the north elevation.
- 1.8 This proposal follows the refusal by Planning Committee of the previous application DC/18/00623/FUL for twelve flats, for reasons relating to inadequate internal space, inadequate parking provision and safety concerns for residents accessing the building. The decision to refuse the application on unsuitable living conditions was upheld at appeal, but the Inspector found that safe access could be provided via a lighting condition and that any additional parking demand could be accommodated in the vicinity of the building.
- 1.9 This amended scheme differs from the previously refused application in the following main ways:
- Reduction from twelve flats to ten and subsequent increase in proposed floor areas and reconfiguration of the indicative floorplans;
 - Dedicated storage areas proposed in each flat;
 - Provision of four parking spaces dedicated to the property at the rear (west) of the site;
 - Provision of additional pedestrian access point on the northern elevation so there would be two accesses to communal stairs, one on the western elevation and one on the northern elevation;
 - Installation of 'dusk til dawn' security lighting serving the rear yard and parking area. The supporting statement submitted with the application also refers to the installation of CCTV, but this is not shown on proposed plans.

1.10 RELEVANT PLANNING HISTORY

DC/18/00623/FUL - Change of use from public house to twelve assisted living units (use class C3) (description amended 07/09/18) - Refused 28.09.2018 and Appeal Dismissed 18.02.2019

2.0 Consultation Responses:

Northumbrian Water

No objection

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 Councillor Michael McNestry has objected to the application.

- 3.3 A petition representing local residents has been received, objecting to the application. However, it appears that a number of the signatures pre-date this application submission. These can therefore not be considered against the current application as it appears they were submitted against an earlier scheme that was materially different from that which is the subject of this application. Where the signatures are post submission, it is recommended that they be considered in the determination of the planning application in the usual way.
- 3.4 The letter accompanying the petition comments 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 and question ability to provide care;
 - 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/alternative use for the building;
 - The building has been accepted by the Council as an Asset of Community Value.
- 3.5 The petition was sent by Chopwell Regeneration Group.
- 3.6 12 objections from residents have been received, raising concerns regarding:
- Concerns raised in previous application not addressed in this revised application;
 - No demand for single person/this type of accommodation in area, but there is demand for family housing;
 - Inappropriate use in the commercial location and given the existing drug and alcohol abuse issues in the area;
 - Potential increase in anti-social behaviour;
 - Proposal will deter potential families and businesses moving into the area and will have a negative impact on the regeneration of the area;
 - Insufficient information on the proposed use and occupants of the building, and potential to exacerbate existing issues in the area;
 - There should be more community involvement and there are other more appropriate uses for the building;
 - Inappropriate proposed layout and design;
 - Inadequate car parking provision, 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, carers);
- Safety concerns for potential future occupiers;
- Insufficient landscaping and impact on quality of life of occupants;
- Impact on economic regeneration of area.

3.7 Additionally, 2 letters of support for the application have been received, commenting that it would be beneficial to bring the building back into use, and that there is a potential for social benefits in providing accommodation for people who need assistance.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

RCL5 District and Local Centres

H4 Windfall and Small Housing Sites

H5 Housing Choice

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS7 Retail and Centres

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.' Previous application DC/18/00623/FUL was refused at Planning Committee for reasons relating to inadequate internal space, inadequate parking provision and safety concerns for residents accessing the building. The decision to refuse the application on unsuitable living conditions was upheld at appeal with the inspector giving weight to the day to day living arrangements of the future occupiers rather than the nationally described space standards.

5.8 This revised scheme, following amendments, proposes the reduction from twelve to ten flats and there is a subsequent increase in the proposed floor areas, reconfiguration of the indicative floorplans and dedicated storage areas proposed in each flat. It is considered that the amended floor plans show that

the proposal would provide adequate space for the day to day living requirements of future occupiers, and suitable living conditions for them.

5.9 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.

5.10 VISUAL AMENITY

It is considered that bringing 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.

5.11 The host building is widely visible from the public domain and 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, and a new gated entrance to the back yard on the north elevation.

5.12 It is recommended that conditions 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. (Conditions 3 and 4)

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

5.14 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.

5.15 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.

5.16 Also, it is considered that the proposal would provide an appropriate level of residential amenity for future occupiers of the dwellings. In terms of living conditions for future occupiers, each flat would provide more than 37sqm floorspace and, whilst internal layouts shown on plans are indicative, it is considered that the size and configuration of the dwellings would provide adequate space for circulation and storage for items not in everyday use.

- 5.17 It is recommended that a condition be imposed requiring all bathroom windows to be obscurely glazed (condition 5). It is also recommended that a condition be imposed requiring that the external lighting proposed at the rear of the building, to provide an inclusive built environment, be installed before occupation of the flats as suggested by the inspector on the previous appeal (condition 8). Further, it is considered that conditions requiring the details and installation of CCTV would not be necessary to make the application acceptable in planning terms, although the owner may wish to install this in any event.
- 5.18 The proposal would comply with the aims and requirements of saved policy DC2 of the UDP, policy CS14 of the CSUCP and the NPPF.
- 5.19 HIGHWAY SAFETY AND PARKING
The scheme in the previous application DC/18/00623/FUL proposed no dedicated car parking provision for twelve flats. The scheme was refused by Planning Committee and one of the reasons was inadequate parking provision. The decision was appealed and whilst the Inspector dismissed the appeal (upholding the refusal of the application), this was only in relation to unsuitable living conditions. The Inspector was satisfied that any additional parking requirement created by the proposal in that scheme could be accommodated in the vicinity of the appeal building.
- 5.20 This current application proposes four dedicated parking spaces for the dwellings, located at the rear of the building. The scheme has also been amended to reduce the number of proposed flats to ten.
- 5.21 Consideration is given to the revised improved scheme for parking provision, the former use of the building, the site location being accessible to public transport and local amenities and, importantly, the recent Inspector's appeal decision. It is considered that the proposal would not have an unacceptable impact on highway safety in terms of parking demand/provision.
- 5.22 Cycle parking is indicated on submitted plans, but the provision would need to be secure and fully weatherproof. Therefore, conditions 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 (conditions 6 and 7).
- 5.23 The proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.
- 5.24 OTHER MATTERS
The proposal is for the change of use to dwellings (C3) and is therefore assessed as such in this report.
- 5.25 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.

- 5.26 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.
- 5.27 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.
- 5.28 The representation submitted by Chopwell Regeneration Group gives evidence that the building has recently been added to the Council's list of Assets of Community Value. This affects the responsibility of the owner when they decide to dispose of the building as community interest groups would have the opportunity to make a bid to buy the building on the open market.
- 5.29 As in the DCLG Assets of Community Value - Policy Statement, September 2011:

'The provisions do not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide that listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.'

- 5.30 The application is considered on its planning merits in the main body of the report above and granting of this application would not impact on the required procedure is the owner intended to dispose of the site and/or planning applications for other uses of the site being submitted for consideration.
- 5.31 **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, and the recent appeal decision, 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 rev A

3141_C-01

3141_C-02 rev B

3141_C-03 rev A

3141_C04 rev E

3141_C-05 rev B

3141_C-06 rev B

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.

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.

5

The new window 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.

6

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.

7

The details approved under condition 6 shall be implemented before the dwellings are occupied and retained in accordance with the approved details for the lifetime of the development.

Reason

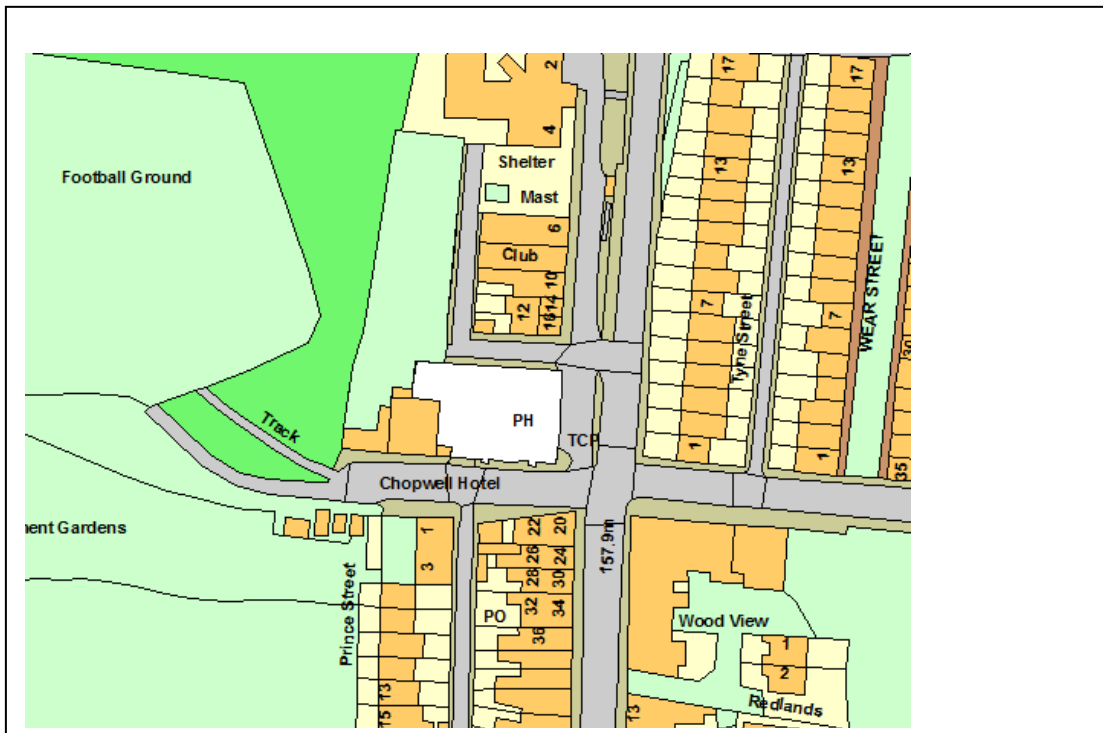
To ensure there is adequate cycle storage provision on site, in accordance with policy CS13 of the CSUCP and the NPPF.

8

The dwellings hereby approved shall not be occupied until the lighting scheme as shown on drawing 3141/C-02 rev B has been implemented in full accordance with the submitted details.

Reason

To ensure the development would create an inclusive built environment in the interests of residential amenity, in accordance with Saved Policies DC2 and ENV3 of the UDP, Policies CS14 and CS15 of the CSUCP and the NPPF.



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