

Committee Report

Application No:	DC/19/00519/COU
Case Officer	Lois Lovely
Date Application Valid	5 June 2019
Applicant	Avreichim Gateshead
Site:	172 174 174A Prince Consort Road Gateshead NE8 4DU
Ward:	Bridges
Proposal:	Change of use from retail (Use Class A1) at ground floor and residential above (Use Class C3) to place of worship (Use Class D1) (Revised Application)
Recommendation:	GRANT
Application Type	Change of Use

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

The property the subject of this planning application is located on Prince Consort Road and comprises a vacant shop unit (172 and 174 Prince Consort Road, and a flat 174A at first floor) in a terrace of shops that includes a fish and chip shop to the south and a dog grooming parlour to the north, otherwise the properties are residential on both sides of Prince Consort Road. The area is predominantly residential in character. An existing residential maisonette (flat 172A) is located above part of the application property (over the proposed service room).

1.2 The property does not lie within a local shopping centre. Nor does it lie within a conservation area.

1.3 There is uncontrolled parking in a layby to the front of the shops.

1.4 BACKGROUND

The Applicant, Avreichim Gateshead has been operating a successful place of worship for some time at an existing premises on 106 / 106A High West Street in Gateshead, located between a shop and a function room with residential flats above. No complaints have been received in respect of noise and disturbance arising from the existing operation. The current premises are only rented by the Applicant and as such they wish to relocate to the application property to provide an environment for their congregation over which they have control and long term surety of tenure.

1.5 The congregation has 80 participants.

1.6 DESCRIPTION OF THE PROPOSAL

The proposal is to change the use of the vacant shop and flat to a place of worship.

- 1.7 The proposals include use of a ground floor room for services. For the proposed place of worship, a typical service is led by a cantor, with no use of amplification or music. A service is either responsive (the congregation reciting from a text in response to the cantor's voice) or each person reading sections to him/herself. As well as prayers, the proposed place of worship is likely to host quiet afternoon and evening study sessions. These activities are the same as at the Applicant's current premises on High West Street.
- 1.8 The services do not involve any wailing or loud chanting. At times, especially during festivals, a song will be sung by the congregation in unison. The times of use will primarily be at weekends during the following periods:
 - Friday evening: approximately 1 hour between 1600 to 2000, depending on season; and
 - Saturday morning: for three hours between 0800 to 1100.
- 1.9 In addition, the premises will also be in use during the weekdays for small group gatherings and discussions, as well as periodically for Jewish festivals.
- 1.10 There will be no functions or parties, and no food being cooked on premises. On Saturdays after morning services there will be a small sit down over coffee and cake for socialising.
- 1.11 At 1st floor level it is proposed that a library be created, where any noise generated would be of typically low level.
- 1.12 **PLANNING HISTORY**
DC/19/00005/COU Change of use from shop (A1 retail use) to place of worship (D1) Withdrawn 15.03.2019

2.0 Consultation Responses:

None

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) 2015.
- 3.2 20 letters of support have been received. The reasons given for the support are:
 - It would serve the local community;
 - needed as congregation does not fit in current premises;
 - The majority of members are young families who live locally and wish to pray and study

- Only minimal parking would be required for older or disabled users, members of the Jewish Community do not drive at all on the Sabbath and Jewish festivals.

3.3 One letter of objection has been received. The main concerns raised are:
- noise and disturbance late in the evening;
- lack of parking and impact on business;
- complaints from customers who are unable to park near premises; and
- crowds gathered on pavement in January when approximately 40 people visited such that customers could not get to fish and chip shop and telephone orders could not be heard.

3.4 A 36 signature petition has been received raising concerns in respect of parking issues, noise and that there are already enough places of worship.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CFR6 Jewish and Minority Group Education

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

MSGP Making Spaces for Growing Places

Assessment of the Proposal:

5.0 ASSESSMENT

The main issues to be considered are the principle of the change of use, any impact it has upon amenity, including any noise implications and highway safety.

5.1 PRINCIPLE

The NPPF promotes the provision of places of worship. Paragraph 92 states "to provide social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as places of worship) and other local services to enhance the sustainability of communities and

residential environments". The proposed change of use would assist in delivering this and be entirely consistent with adopted local and national planning policy as well as emerging local planning policy. CSUCP policy CS14 explains that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity and wider public safety from noise. In this context, a noise assessment has been undertaken and assessed below.

- 5.2 Saved UDP policy CFR6 states support will be given for the use of any appropriate sites or premises which may become available in the Bensham area for the expansion of Jewish education facilities. The application property is located on the edge of the Bensham area, and although the proposal is for a place of worship, the property will also be used for educational sessions prior to services.
- 5.3 Draft policy MSGP44 of the emerging Making Spaces for Growing Places will supersede CFR6 and it states "proposals for use of appropriate sites or premises in suitable and accessible locations for Jewish community needs, including the use of premises for teaching and student halls of residence, will be supported, subject to consideration of their impact on residential amenity and other local community needs". This emerging policy supports proposals in suitable and accessible locations for Jewish community needs.
- 5.4 Given the above and in light of the above policies, there is no objection in principle to a religious use at this site, providing there is no detrimental impact on the design of the building, highway safety or residential amenity.
- 5.5 **AMENITY**

There is a residential property, 172A Prince Consort Road, above the application premises. Also, there are flats above the adjacent fish and chip shop and the dog grooming parlour. There are a number of long-established uses operating during noise sensitive parts of the day in the vicinity, including the fish and chip shop.
- 5.6 There are two situations that might result in noise and disturbance to the detriment of residential amenities of nearby neighbours. Firstly, the coming and going of members of the congregation; secondly from the services themselves.
- 5.7 The nature of the services is such that participants do not arrive and leave the premises en masse, rather they arrive and leave in ones and twos over a period of time. The occasion where a large number of people congregated outside of the application property referred to by an objector, has been explained by the Applicant as a one off event that was a celebration by the congregation of securing the property.
- 5.8 As mentioned above the application is supported by a noise assessment that has been conducted at the Applicant's existing premises to measure the noise levels of a typical service. The assessment advises that with noise mitigation measures it will be possible to sufficiently reduce noise from activity such as

singing, to prevent any adverse impact to structurally attached residential neighbours.

5.9 The proposed mitigation is potentially possible through acoustic measures to the void space between the ground and first floor or potentially via measures to the first floor if the owner of the flat was willing to cooperate. The assessment also acknowledges that the existing ground floor /ceiling to first floor structure is an estimate and that there should be a planning condition re detailed acoustic design/measures. Therefore, it is recommended that conditions should be imposed relating to:

- Operating/opening times as detailed in the application 08:00 to 23:00 everyday(CONDITION 3).

- Noise mitigation measures to be approved and installed prior to operation (CONDITIONS 4 and 5).

- Post installation testing of the measures to demonstrate acoustic performance and, if justified, a condition secure further mitigation measures (CONDITION 6).

- No amplification equipment to be used (CONDITION 7).

5.10 No physical changes to the external fabric are proposed and hence visual amenity is safeguarded.

5.11 Given the above, subject to the recommended conditions, the development is considered to safeguard amenity in accordance with the NPPF, policies CS14 and CS15 of the CSUCP and saved policies ENV3 and DC2 of the UDP.

5.12 **HIGHWAY SAFETY**

The proposed use is not expected to generate much traffic as most of the congregation live within a ten minute walk of the premises. In contrast, the traffic generated by the previous use "Angel Delights" that included two uses; a sandwich shop with the majority of the business providing helium balloon displays for functions such as weddings and 21st birthday parties that would by their very nature require collection by vehicle. As such it is not considered that the proposal would have a detrimental impact upon the existing road network nor create any unacceptable demand for on street parking.

5.13 The activity would be in use during the weekends and off peak times with between 30 and 80 participants attending any one service.

5.14 The premises would also be in use during weekdays for small group gatherings and discussions, as wells as for Jewish festivals.

5.15 Given the modest nature of the proposed use, it is considered the proposal would not create any significant highway safety implications. Therefore, the development is considered to accord with the NPPF and policy CS13 of the CSUCP in that regard.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is recommended that planning consent be granted, as the application has satisfactorily demonstrated that the principle of the development is acceptable, and it does not raise any amenity or highway safety implications. It is considered that the development does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant.

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 -

1:1250 location plan
A4 ground floor plan
A4 first and second 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

The opening hours of the premises shall be restricted to between 08:00 until 23:00 hours each day of the week unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable opening hours at the premises in accordance with the NPPF, Saved Policy DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

4

Prior to occupation of the use hereby permitted a detailed acoustic design scheme, to include noise mitigation measures to protect occupants of 172A and 176 Prince Consort Road, shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable opening hours at the premises in accordance with the NPPF, Saved Policy DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

5

The acoustic mitigation measures approved under condition 4 shall be implemented wholly in accordance with the approved details prior to first occupation of the use hereby approved and retained for the life of the development

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of unreasonable opening hours at the premises in accordance with the NPPF, Saved Policy DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

6

Prior to the use hereby permitted being brought into use; post installation testing of the acoustic mitigation measures shall be undertaken, in accordance with a post installation monitoring scheme to be submitted to the Local Planning Authority for consideration and written approval. The testing shall demonstrate acceptable performance of the mitigation measures.

Should the testing fail to demonstrate this a scheme of further acoustic measures shall be submitted to the Local Planning Authority for consideration and written approval and thereafter implemented in accordance with the approved details and timetable and retained thereafter. The further acoustic measures shall be tested to demonstrate acceptable performance of the mitigation measures in accordance with the approved monitoring scheme.

Reason

To ensure that no disturbance is caused to neighbouring properties as a result of the use at the premises in accordance with the NPPF, Saved

Policy DC2 of the Unitary Development Plan and Policy CS14 of the CSUCP.

7

No music, singing or other forms of live entertainment shall be permitted outside the host premises nor shall any equipment for the amplification of music and/or other sound be installed in the premises.

Reason

To ensure that no disturbance is caused to the neighbouring occupiers of residential property in accordance with Saved Policies DC2 and ENV61 of the Unitary Development Plan and CSUCP policy CS14.



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