

**Committee Report**

<b>Application No:</b>	<b>DC/19/00833/COU</b>
<b>Case Officer</b>	<b>Rebecca Adams</b>
<b>Date Application Valid</b>	<b>21 August 2019</b>
<b>Applicant</b>	<b>Ms Naheed Akram</b>
<b>Site:</b>	<b>Blaydon Bank Works Blaydon Bank Blaydon NE21 4AU</b>
<b>Ward:</b>	<b>Blaydon</b>
<b>Proposal:</b>	<b>Change of use of former electrical works to fitness studio (use class D2 leisure) to provide instructor-led fitness classes (amended description 29.08.2019 and amended plan 15.10.2019, 21.10.2019, 22.10.2019, 04.11.2019 and 20.11.2019)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

**1.0 The Application:**

- 1.1 This application was deferred at the meeting of the Planning and Development Committee on 18 December 2019 to allow the Committee to visit the site. Members visited the site on 9 January 2020.
- 1.2 **DESCRIPTION OF THE SITE**  
The application site comprises an existing building known as Blaydon Bank Works which is located to the northern side of Blaydon Bank between the junctions of Chesmond Drive and Croftdale Road.
- 1.3 The building is currently vacant and is a two storey stone building with a pitched slate roof and window and door openings to the south and east sides.
- 1.4 The building is bordered by The Huntsman Public House to the east, separated by a linear yard/parking area which is accessed from Blaydon Bank to the south and forms part of the site. The western elevation is adjoined by the Blaydon Cadet Centre building, beyond which is a dance school and associated car park within the former Blaydon Masonic Lodge building. To the south of the site along Blaydon Bank are situated terraced residential properties (known as Bowland Crescent) with residential properties and garages to the north accessed via Chesmond Drive.
- 1.5 The site is located within Blaydon Conservation Area.
- 1.6 **DESCRIPTION OF THE APPLICATION**  
The application seeks planning permission for the change of use of the building to a fitness studio (use class D2) to provide instructor-led fitness classes and offer therapy services.

- 1.7 The plans submitted propose the creation of four fitness studios and customer facilities at ground floor level and two therapy rooms and an office/waiting area at first floor level. No external alterations are proposed as part of the application.
- 1.8 The application additionally proposes the use of the yard area to the eastern side of the building for parking and servicing associated with the development in addition to bin and cycle storage.
- 1.9 The following documents have been submitted with the application:
- Sequential Test
  - Transport Assessment
  - Planning Statement
- 1.10 The application has been amended during its course in respect of the extent of the red line boundary in order to exclude the adjoining the Blaydon Cadet Centre which had originally been included within this.
- 1.11 **RELEVANT PLANNING HISTORY**  
866/83 - Change of use of vacant office/reception area into shop (tobacconists and off-licence). This application was refused planning permission on 13.09.1983.

## **2.0 Consultation Responses:**

None undertaken.

## **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 in addition to the display of site and press notices.
- 3.2 Councillor Brain has requested that the application be reported to Planning Committee to allow for the transport and highway impacts of the scheme to be explored, having particular regard to the potential impact on Sundays.
- 3.3 Two letters of representation have been received commenting that:
- Clarification is sought as to the details of the proposed scheme;
  - The red line plan incorrectly includes the Army Cadet Force building to the west and should be amended.

## **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

RCL5 District and Local Centres

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV8 Demolition within Conservation Areas

DC2 Residential Amenity

## **5.0 Assessment of the Proposal:**

- 5.1 The key planning considerations in the assessment of this application are the principle of the development as a leisure use in this location; highway safety; impacts upon the Conservation Area; impacts upon residential amenity and CIL.
- 5.2 **PRINCIPLE (TOWN CENTRE USE)**  
The application site is not allocated for any specific purpose within the Council's Development Plan for Gateshead and is therefore to be considered accordingly.
- 5.3 The application proposes the change of use of the building to a fitness/therapy studio which is classed as a main town centre use as defined by the NPPF. Both the NPPF and local planning policies state that such town centre uses should be located in town centres first, then edge of centre sites, before out of centre sites are considered.
- 5.4 The application site is not located within a designated Local or District Centre; the closest designated Local/District Centres to the site are Winlaton Local Centre (approximately 1km to the south west) and Blaydon District Centre (approximately 400m to the north east), as identified by CSUCP Policy CS7 and as referred to by saved UDP policy RCL5. As such, information is required to explain why this business could not be located in any available units in more sequentially preferable locations.
- 5.5 The applicant has submitted a Sequential Assessment as part of the application. This explains that there are a number of operational and locational factors that are essential to the proposed use including the size of the building and internal layout.

- 5.6 The Council's latest survey of centres shows that there are no vacant units within Winlaton Centre and 5 vacant units in Blaydon. The submitted Sequential Assessment considers the sites that are currently available in Blaydon Centre, noting the absence of availability within Winlaton Centre, and concludes that there are no suitable, available premises in more sequentially preferable locations.
- 5.7 On the basis of the above Council officers accept that the sequential test has been complied with and that there are no available, suitable and viable premises/sites that are sequentially preferable based on the submitted sequential assessment and the Council's town centre survey data. The evidence submitted is considered to be sufficient to conclude that the application passes the sequential test. The application is therefore not in conflict with the aims and objectives of the NPPF, Core Strategy policy CS7 and saved UDP policy RCL5.
- 5.8 HIGHWAY SAFETY  
Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.9 As originally submitted the application proposed the use of the existing yard area (measuring 30m x 4m) for staff parking for 5no. vehicles, with additional parking to be accommodated within the car park belonging to the adjacent Huntsman Public House through private agreement with the owner or on-street within the surrounding area, as set out within the Transport Statement.
- 5.10 Following consideration of the application concerns were raised by Officers that the supporting Transport Statement which sought to establish the parking requirements for the proposed development was unsuitable for its nature and location and was therefore insufficient in order to determine the impact of the development upon the surrounding highway network. Informal arrangements for use of the adjacent Public House car park, whilst acknowledged, also could not be taken into consideration in the calculation of parking provision for the development unless secured through a legal agreement.
- 5.11 Whilst having regard for the former commercial use of the building which included use of the yard area by vehicles, highway safety concerns were also raised over the proposed use of the existing yard for vehicular parking when taking into account the increased number of vehicular movements associated with the proposed development relative to the former use together with the inability of the access to accommodate two-way traffic movements, the restricted layout of this area and the lack of pedestrian visibility as a result of its position set back from the existing building line.
- 5.12 In its amended form the application is supported by further evidence based on survey data which Officers consider demonstrates that vehicular parking generated by the proposed development could be accommodated on-street within the surrounding highway network without detriment to highway safety.

The proposed development is therefore considered to be acceptable in this respect.

- 5.13 As amended, the application proposes the use of the yard area for blue badge holders via prior arrangement, emergency services and servicing requirements only, with manoeuvring to be assisted by a trained staff member. Given the concerns previously raised by Officers in respect of the use of the existing yard and access for vehicular parking, it is considered that the use of this by blue badge holders would be unacceptable in highway safety terms and should therefore be prevented. Having regard to the previous commercial use of the building and vehicular movements likely to have been associated with this it is however considered reasonable that this area be available for use in connection with the servicing of the building and by emergency services and this would be secured by condition (CONDITION 3).
- 5.14 As amended, the application proposes the introduction of a Travel Plan to be secured through a Section 106 Agreement in order to restrict customer catchment to a 2km radius at specific peak times (0700-1000 and 1700-2000) thereby theoretically reducing private use during these periods. Whilst advocated, it is considered inappropriate to require the applicant to enter into such a legal agreement in order to secure the introduction of this mechanism as it is established within the application that the level vehicular parking generated by the development could be accommodated within the surrounding network.
- 5.15 The application maintains the proposed use of the adjacent Public House car park for at least 6no. vehicular parking spaces, to be controlled via a permit system through private agreement between the Public House and applicant. Similarly whilst advocated it is not appropriate or feasible to secure the delivery of this agreement as part of this planning approval as this car park is not included within the application site and it is established within the application that the level vehicular parking generated by the development could be accommodated within the surrounding network without the use of this car park.
- 5.16 The application indicates the proposed provision of cycle parking within the yard area as part of the development however does not give specific details of this. It is therefore recommended that further details of the specification and location of the proposed cycle parking are submitted to the Local Planning Authority for consideration prior to first use of the building in order to ensure its acceptability, which can be secured by condition (CONDITIONS 4-5).
- 5.17 Based on the above assessment, it is considered that the proposed development would not have an unacceptable impact on highway safety, nor would it have a severe impact on the surrounding road network. The proposed development is considered to be compliant with the aims and objectives of the NPPF and Core Strategy policy CS13.
- 5.18 **IMPACTS UPON CONSERVATION AREA**  
The application proposes no alterations to the exterior of the building and would involve the bringing back into use of a currently vacant building within the Conservation Area. It is therefore considered that the proposed development

would be acceptable in terms of design and impact upon visual amenity and would bring enhancement to the Conservation Area in respect of the reuse of a disused building. The proposed development is therefore considered to satisfy the aims and objectives of the NPPF, saved UDP policies ENV3, ENV7 and ENV8 and policy CS15 of the CSUCP.

#### 5.19 IMPACTS UPON RESIDENTIAL AMENITY

There are residential properties within the surrounding area, with those closest to the site located to the north and south along Chesmond Drive and Rushley Crescent and Bowland Crescent, with non-residential uses directly to the east and west.

5.20 It is considered that the proposal would not lead to any unacceptable impact upon the occupiers of the properties in terms of an unacceptable loss of outlook, privacy or light, or any overshadowing, undue disturbance, noise or overbearing impacts.

5.21 The application proposes opening hours for the development of 0700-2000 Monday to Saturday and 1000-1800 Sundays and Bank Holidays. It is recommended that a condition be imposed to restrict operation of the development to the opening hours proposed in order to ensure that no unacceptable impact upon the amenity of nearby uses occurs (CONDITION 6).

5.22 The proposal would therefore comply with the aims and objectives of the NPPF, Core Strategy policy CS14 and saved UDP policy DC2.

#### 5.23 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 not CIL chargeable development as it is not for qualifying retail or housing related. As such no CIL charge is liable.

### 6.0 CONCLUSION

6.1 Taking all of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.

6.2 It is therefore recommended that planning permission is granted subject to 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

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

Location plan (scale 1:1250) (amended 15.10.2019)  
Block plan (scale 1:200)  
Proposed ground floor final (1:100) (amended 20.11.2019)  
Proposed first floor (1:100)

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 area labelled as 'car park' on drawing title 'Block Plan' (scale 1:200) shall only be used by emergency services and for the servicing of the building, which shall be taken to include deliveries to the site and the repair and maintenance of the building and equipment.

#### Reason

To ensure safe movements to and from the site in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan.

4

Notwithstanding the information already submitted, the development hereby approved shall not be occupied for the use hereby approved until details for the provision of secure and weatherproof cycle parking facilities for the development have been submitted to and approved in writing by the Local Planning Authority.

#### Reason

To ensure adequate provision for cyclists in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

5

The cycle parking provision approved under condition 5 shall be provided in accordance with the approved details prior to first use of the development hereby permitted shall be retained as such for the lifetime of the development.

**Reason**

To ensure adequate provision for cyclists in accordance with the NPPF and policy CS13 of the Council's Core Strategy and Urban Core Plan and the Council's Cycling Strategy.

**6**

The opening hours of the premises shall be restricted to between 0700 and 2000 Monday to Saturday and between 1000 and 1800 Sundays and Bank Holidays 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 operating hours at the premises in accordance with the NPPF, Core Strategy policy CS14 and saved UDP policy DC2.



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