

Committee Report

| | |
|-------------------------------|---|
| Application No: | DC/19/01090/FUL |
| Case Officer | David Morton |
| Date Application Valid | 25 October 2019 |
| Applicant | Mr Gary Tremlett |
| Site: | 9 Derwent Street Chopwell NE17 7HU |
| Ward: | Chopwell And Rowlands Gill |
| Proposal: | Change of use vacant premises to two residential units including alterations to shopfront and roof, and erection of first floor rear extension (description amended 20/04/20 and amended plans received 18/03/20). |
| Recommendation: | GRANT |
| Application Type | Full Application |

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

The application relates to an existing property located on Derwent Street, Chopwell. The building itself is currently in a commercial use and was most recently used as a gym (Use Class D2). The property itself has two floors, is of flat roof construction and has a typical shopfront made up of brick and glazing.

1.2 The application site is located within Chopwell Local Centre as defined by the Local Plan.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks full planning permission for the change of use of the property from a gym to two flats. In addition, the application seeks consent for physical changes to the building including the erection of a first-floor rear extension and amendments to the existing shop front.

1.4 RELEVANT PLANNING HISTORY

The relevant planning history is summarised as follows:

- 00798/87; Planning permission granted for 'Change of use from vacant shop to office use for the provision of financial and professional services. (Class A2).' Date; 07 September 1987.
- 1153/87; Advertisement consent granted for 'Display of two internally illuminated hanging window signs size 4'0" x 9" reading "NEWCASTLE BUILDING SOCIETY" and "NORTHERN FINANCIAL CONSULTANTS" and one internally illuminated double sided projecting box sign size 2'6" x 2'6" reading "NEWCASTLE BUILDING SOCIETY".' Date; 26 November 1987.

- DC/13/01089/COU; Retrospective planning permission granted for 'Proposed change of use from shop to gym (use class D2) and tattoo studio (use class Sui Generis) (retrospective application).' Date 23 October 2013.

2.0 Consultation Responses:

None

3.0 Representations:

3.1 A total of four letters of objection have been received, including one from a Ward Councillor (Councillor Dave Bradford), the letters are summarised as follows:

- There is insufficient infrastructure to deal with additional housing;
- There isn't anywhere for residents to park;
- There are already a number of vacant flats within the area;
- The proposed development would lead to an increase in traffic;
- The proposed development will lead to a loss of retail units;
- The building has previously been used for illegal purposes;
- The change of use could 'close off' further commercial redevelopments within the street; and
- There is likely to be a significant increase in residents in the village and as such more varied retail will be required.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

H4 Windfall and Small Housing Sites

CFR20 Local Open Space

CFR21 Neighbourhood Open Spaces

CFR22 Area Parks

CFR23 Protecting and Imp Existing Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

RCL5 District and Local Centres

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP Making Spaces for Growing Places

5.0 Assessment:

5.1 The key planning considerations in the assessment of this application are the principle of the development in this location; highway safety; impacts upon visual amenity; impacts upon residential amenity; open space and play provision and CIL.

5.2 PRINCIPLE

5.3 Retail Policy

As referenced above the lawful use of the premises is as a gym (Use Class D2), which is defined as a main town centre use by the NPPF.

5.4 The application site is located within Chopwell Local Centre as defined by the Local Plan. The 2015 retail centre health check report and 2017 update concluded that Chopwell is a centre at risk (underperforming but with potential to improve), noting the need for improvement in the quality of shops and the centre's environment.

5.5 Annual retail surveys have recorded the following:

| | <i>Total Units</i> | <i>Vacant</i> | <i>Vacant %</i> |
|-------------|--------------------|---------------|-----------------|
| 2019 | 19 | 9 | 47% |
| 2018 | 19 | 8 | 42% |
| 2017 | 19 | 9 | 47% |
| 2016 | 20 | 8 | 40% |
| 2015 | 21 | 7 | 33% |
| 2014 | 21 | 7 | 33% |

5.6 While it is noted that the application would reduce vacancy, it would also reduce further the number of commercial properties in the centre. Similar changes have occurred elsewhere in the centre at 44-46 Derwent Street (DC/08/01273/COU), at the former curtain factory in the north of the village (DC/16/00865/FUL) and more recently at 19-21 Derwent Street (DC/17/01296/FUL).

- 5.7 It is accepted within the NPPF that residential use is an appropriate use within a town centre - other than where a primary retail frontage restriction applies which isn't the case at Chopwell. There isn't a policy within the local plan which requires a minimum number of commercial units to be retained or which restricts numerically the potential number of permitted conversions.
- 5.8 This said, the property is identified as part of the village's area of special character (Gateshead Placemaking Guide 2012 and MSGP24) where the recommended approach includes resisting the conversion of shop units to residential; this does not extend to all commercial or town centre uses. Further, the NPPF refers to the need to support economic growth in rural areas to create jobs and prosperity, including through the retention and development of local services and community facilities.
- 5.9 In addition to the above, the Council has recently embarked on the development of a sustainable communities plan for Chopwell to address some of the socio-economic issues affecting the village, and in December 2017, a report to Cabinet set out the outputs of a consultation exercise undertaken, including:
- The need for greater support for local businesses to improve choice and offer, including bringing properties back into commercial use; and
 - The need to improve the appearance of the village including through shop/building frontages.
- 5.10 Having regard to the above, it is considered that the proposed development would not significantly harm the vitality and viability of the local centre. Further, while the proposal would lead to the loss of a commercial unit (albeit not a retail unit), it is considered that the vacancy levels within the centre, the number of years the property has been vacant and the improvements the proposal will bring (both visually and through the proposed use) must weigh heavily in the assessment of the application.
- 5.11 On the basis of the above, it is considered that the application is acceptable on balance having regard to the NPPF, Core Strategy policy CS7, saved UDP policy RCL5 and emerging policies MSGP7 and MSGP24.
- 5.12 Housing Policy
- 5.13 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.
- 5.14 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."

- 5.15 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. As a result the principle of developing this site for residential use is considered acceptable should all other material planning considerations be satisfied.
- 5.16 **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 proposes the creation of two family homes and as such the development is considered appropriate in the context of the NPPF, saved policies H4 and H5 of the UDP and policies CS10 and CS11 of the CSUCP.
- 5.17 **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 this requirement providing adequate space internally and while external space is limited this is accepted given the nature of the development i.e. a conversion.
- 5.18 It is considered that the principle of residential development of this site is acceptable, subject to all other material planning considerations being satisfied and would be in accord with saved UDP policies H5 and H9 of the UDP, policy CS11 of the CSUCP as well as the NPPF.
- 5.19 **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.
- 5.20 It is considered that the proposed development would not lead to any additional vehicle movements when considered against the existing use. Further, the application site is capable of accommodating four vehicles to the rear of the premises, in addition to refuse and cycle storage and is located within a highly sustainable location.
- 5.21 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.
- 5.22 **VISUAL AMENITY**
The NPPF at Paragraph 124 makes it clear that *'the creation of high-quality buildings and places is fundamental to what the planning and development*

process should achieve.' It goes on to make clear that *'good design is a key aspect of sustainable development...'*

- 5.23 Further, Paragraph 130 states that;
"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."
- 5.24 The CSUCP reflects the general aims of the NPPF encouraging economic growth and identifying the importance of quality of place. Policy CS15 refers specifically to Place Making and the need for new development to demonstrate high and consistent design standards in line with the Council's design guidance contained in the Gateshead Placemaking SPD.
- 5.25 The design of the proposed development demonstrates a well-considered and respectful response to the site. The proposed development seeks to maintain the appearance of a retail frontage while seeking to replicate the local vernacular i.e. window proportions and styles. It is considered that the utilisation of a simple palette of limited materials would work well within what is considered to be a varied streetscene.
- 5.26 On this basis, it is considered that the proposed development represents a good design solution which is sympathetic to the surrounding area and would not appear out of keeping with the existing housing stock and other buildings as a result. It is considered necessary to condition that the final details of materials be submitted to the Council (Conditions 3 and 4).
- 5.27 **IMPACTS UPON RESIDENTIAL AMENITY**
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.
- 5.28 Further, it is considered that the proposed development would replicate similar residential conversation within the immediate area. Given the application site is located within a local centre it is considered reasonable to suggest that any future occupiers would expect an amount of disturbance over and above that experienced within solely residential areas.
- 5.29 The proposal would therefore comply with the aims and objectives of the NPPF, Core Strategy policy CS14 and saved UDP policy DC2.
- 5.30 **OPEN SPACE/PLAY PROVISION**
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.

- 5.31 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.
- 5.32 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.
- 5.33 Therefore while it cannot be concluded that the application would comply with saved policies H13, H15, CFR20, CFR28, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for either off site open space or play provision in this case based on the above assessment.
- 5.34 **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 housing related development. The development is located within a charging zone with a levy of £0 per square metre for this type of development.
- 5.35 **OTHER MATTERS**
It is considered that all material planning considerations raised by objectors have been addressed within the main body of the report.

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:

- 7.1 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:

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -
Proposed Elevations (5), Proposed Tech Plans (3) and Site Plan (3).

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

No individual external materials shall be used on site until a sample of the relevant material to be used has been submitted to and subsequently approved in writing by the Local Planning Authority.

Reason

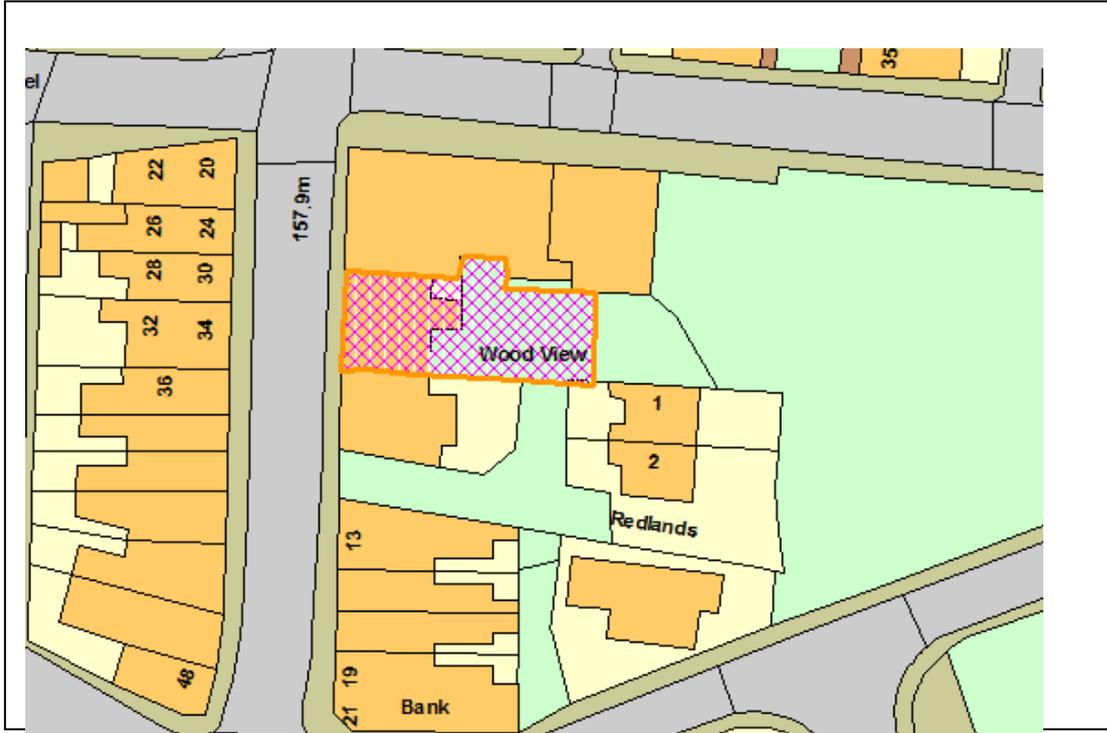
To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

4

The development shall be completed using the materials approved under Condition 3, and retained as such in accordance with the approved details thereafter.

Reason

To safeguard the visual amenities of the area in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X