

**Committee Report**

<b>Application No:</b>	<b>DC/21/00989/COU</b>
<b>Case Officer</b>	<b>Richard Smith</b>
<b>Date Application Valid</b>	<b>12 August 2021</b>
<b>Applicant Site:</b>	<b>Mr John Hinton The Shakespeare Fife Street Gateshead NE8 3RR</b>
<b>Ward:</b>	<b>Deckham</b>
<b>Proposal:</b>	<b>Change of use of public house (sui-generis) to community hub (sui-generis) comprising cafe, kitchen, workshop, meeting spaces at ground floor, and 4no. one bedroom flats at first floor, including minor changes to the existing facades comprising new main entrance and 1no. additional window (amended plan received 29.09.21).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

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

The application site is a public house located on the junction of Fife Street and Split Crow Road within the Deckham area of Gateshead.

1.2 The application site is still currently operating as a public house, and has a main entrance located to the south elevation and an additional entrance to the east elevation.

1.3 There is a vehicular access to the site located along the southern boundary with an area of hardstanding which abuts the western elevation with a garage located towards to the northern boundary of the site.

1.4 There is an area of on street parking located along the eastern boundary of the site, however this is not restrictive to the visitors of the public house, whilst there is a shop located to the north of the application site along Split Crow Road.

1.5 The area around the public house is mainly residential, however there is a retirement housing complex (Lynnholme Court) located to the south of the application site.

1.6 The public house currently operates with a lounge/bar area, function room, kitchen and toilet area to the ground floor and a 4no bedroomed flat to the first floor with a lounge, kitchen and bathroom.

## 1.7 DESCRIPTION OF APPLICATION

The application under consideration seeks permission for a change of use from a public house (sui generis) to a community hub (sui generis), which comprises of a café, kitchen, workshop and meeting spaces to the ground floor and 4no one bedroomed flats at first floor level, as well as minor external alterations.

1.8 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, planning is not able to control the type of individual who would utilise the properties within that use class.

1.9 The submitted plans show the ground floor will be converted to include a workshop area, kitchen, café, meeting room, activity room, a quiet room and an office to be used by staff. At first floor the existing flat will be converted into 4no one bedroomed flats all of which consist of an open plan living room and kitchen area, 1no single bedroom and a bathroom.

1.10 A management plan has been submitted in support of the planning application confirming that the ground floor will operate Monday - Friday 9.00am to 4.00pm with staff on site throughout those hours.

1.11 The management plan also states the 4no flats will be managed by Handcrafted as housing for clients, with a complaints procedure in place for residents and neighbouring residents, if needed. A copy of this has also been submitted in support of the application.

1.12 The external changes proposed, includes a new main entrance and 1no additional window to the east elevation.

1.13 The proposed residential flats will be accessed via a private entrance to the west elevation of the building, with access to the site via a pedestrian gate on the southern boundary.

## 1.14 PLANNING HISTORY

No relevant previous planning history

## 2.0 Consultation Responses:

Northumbria Police	No objection to change of use but recommended the residential access is separate to the ground floor commercial use.
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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 In addition, 5no letters of objection were received, raising concern with regards
- Anti-social behaviour
  - Drug use
  - Loss of pub
  - Personal Safety - feeling intimidated
  - Criminal Activity
  - Lack of consultation
- 3.3 17no letters were received in support of the application raising the following points
- Well established company
  - Proven record in training people in new skills
  - Good for local community
  - Good benefit to neighbourhood
  - Easily accessible
  - Great community hub
  - Excellent charity
  - Provide an assisted housing solution to vulnerable residents
- 3.4 A petition of 152 names representing local residents has been received, objecting to the loss of the pub.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS7 Retail and Centres

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

## CS9 Existing Communities

### **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 use, housing delivery, residential amenity, visual amenity, highway safety and parking.
- 5.2 Policy CS7(2) of the CSUCP states that the vitality and viability of centres in the retail hierarchy will be maintained and enhanced. Outside the retail hierarchy local community facilities and small shopping parades, including single shops, will be retained where they provide an important service to the local community and remain viable
- 5.3 Given the above, it is important to establish whether the Shakespeare PH, is a community facility located outside a defined centre and if so whether it provides an important service to the community and remains viable. If it is, policy CS7(2) would seek its retention.
- 5.4 Paragraph 9.31 of the CSUCP states "Community facilities can include community centres, childcare facilities, cultural venues, village halls, religious meeting places, learning and training establishments, health and social care facilities, recreation, civic and administrative facilities. It may also include uses whose primary function is commercial but perform a social or community role, such as a café. The importance of retaining such facilities where these meet the day-to-day needs of the community is recognised in national policy. In the case where a change of use is proposed which would result in the loss of the only remaining facility in an area, a justification will be required including evidence of marketing for a similar use."
- 5.5 It has been demonstrated that there is a strength of feeling, among existing patrons of the pub and sections of the local community, expressed through the individual representations and a petition with a large number of signatories; that a large number of people would lament the closing of the Shakespeare PH. However, a significant number of support letters have been received for the proposed development and asset the proposed development could have on the community.
- 5.6 It is acknowledged that the pub has served as important service over the years and would have generated some economic and social benefits to the local community, however, the proposed development can also offer similar economic and social benefits through employment generation and the inclusion of the café and training facilities for example. The pub is not registered as an Asset of Community Value, nor would this change of use result in the loss of the only remaining facility in an area.
- 5.7 Given the above, it is not considered that the proposal would be contrary to policy CS7(2) of the CSUCP.

- 5.8 Paragraph 87 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The application site is not located within a District or Local Centre and a community hub is not included within the definition of main town centres uses located within the Annex of the NPPF. It is therefore considered that the principle of the use in this location is acceptable subject to all other material planning considerations being satisfied.
- 5.9 The latest results of the Housing Delivery Test (HDT) show that only 63% of Gateshead's Local Housing Need (LHN) is being delivered in the Borough. The addition of 3no flats would help to increase delivery in the borough.
- 5.10 Policy CS9 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010 - 2030 (CSUCP) states that existing communities will be sustainable places of quality and choice. This will be achieved by preventing the loss of family homes, through the sub-division, change of use or redevelopment and by preventing an over concentration of shared accommodation. Whilst the proposed development will see the removal of 1no four bed roomed flat given, the nature of the proposed development and the additional 3no flats created it is considered the loss of a family home is offset by the increase towards housing delivery.
- 5.11 Policy CS11 indicates that 60% of new private housing across the plan area and within the plan period will be required to be of 3 or more bedrooms. The proposal will not help to meet the above target. However, it is appreciated that the conversion of the building may not lend itself to providing family housing.
- 5.12 In terms of Nationally Described Spacing Standards (NDSS), for a one bed roomed one person dwelling the NDSS sets a floor area of 37sqm where a shower room is included instead of a bathroom. With a floor area of 37sqm, the proposed 4no flats are considered to accord with the NDSS.
- 5.13 Furthermore, paragraph 92 of the NPPF, states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social integration... through mixed-use developments. Paragraph 93, then goes on to state that planning decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. Whilst paragraph 60 states, that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.
- 5.14 It is therefore considered that the change of use from a public house to a community hub and the conversion of 1no flat to 4no flats would, in principle, accord with the above policies; albeit that detailed consideration needs to be given to potential impacts upon the local area. These are given consideration below.
- 5.15 VISUAL AMENITY

Minor external alterations are proposed including a new main entrance and additional window to the east elevation. The changes proposed are not considered to impact upon the character and appearance of the property and thus the development does not conflict with the aims and objectives of the relevant paragraphs in the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

#### 5.16 RESIDENTIAL AMENITY

Officers are aware that there have been representations on the basis that there could be antisocial behaviour and in particular drug use, due to the nature of the charity that has submitted the planning application. Officers would, however, draw to attention that the planning system deals with the use and development of land, rather than the identity and background of any particular occupiers of existing and proposed buildings. As noted above, officers consider that the use of the building would accord with policy.

5.17 It is considered that anti-social behaviour (including noise) is a matter for the management of the building in connection with the Police and the Council's Environmental Health section and should not preclude granting planning permission in this case for the reasons cited above. The applicant has provided information to state that they intend to have 2no staff members on site during the working day 9.00am to 4.00pm, with no staff on site after 5pm. Officers are satisfied that the applicant has demonstrated an operational management of the property, through the management and complaints procedure, a condition (condition 4) will be imposed to ensure the day-to-day operation of the use is ran in accordance with the management plan.

5.18 The building is located on the corner of Split Crow Road and Fife Street. Residential properties are located to the east to the property on Fife Street, however given the existing use of the property it is not considered the change of use proposed will intensify the use of the building and as such would not lead to an impact upon residential amenity above that of which currently exists.

5.19 Therefore, it is considered the proposed dwellings will comply with the requirements of the NPPF and policies CS14 and MSGP17.

#### 5.20 HIGHWAY SAFETY AND PARKING

Paragraph 111 of the NPPF states 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.

5.21 Policy CS13 of the Local Plan for Gateshead ensures any new development provides safe, secure and direct pedestrian links.

5.22 The original scheme put forward by virtue of the number of car parking spaces would have resulted in conflict between the vehicles parked within the site. As one space would obstruct access to the other.

- 5.23 An amendment was subsequently submitted removing 1 no parking space. The amended scheme put forward is no longer considered to lead to an impact upon highway safety.
- 5.24 Whilst the on-street parking along Fife Street is not exclusive to the application site, it is considered that there is adequate parking in and around the application to ensure that the development would not lead to an unacceptable impact upon parking in the area. Furthermore, the building is well located in terms of accessibility, benefiting from excellent pedestrian links and good access to public transport.
- 5.25 It is noted that short term and long-term cycle parking is proposed, which would accommodate visitor and staff requirements. Due to the residential element of the development, a condition (conditions 5-6) will be imposed for a fully enclosed, secure and weatherproof provision for the residents of the site.
- 5.26 Therefore, it is considered that the proposed development is acceptable in terms of highway safety as it complies with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.27 **OTHER MATTERS**  
The Council's Community Safety Team should be made aware of any anti-social behaviour issues that arise as a result of the development.
- 5.28 There have also been representations submitted regarding the sale of the existing public house. The sale of a property is not a material consideration in determining this planning application.
- 5.29 **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 not a CIL chargeable development.

## **6.0 CONCLUSION**

- 6.1 Taking all the relevant issues into account, it is therefore recommended that planning consent be granted, as the development has been able to demonstrate that it is acceptable in principle and subject to suitable conditions would not cause significant harm to amenity or highway safety. 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 and third parties.
- 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 Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary

1

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.

2

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

L-1001 Rev A

L-1250

L-010

L-011

L-013

L-014

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.

3

The development hereby permitted shall be constructed entirely of the materials detailed on the application form and L-013 and L-014.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.

4

The development hereby approved shall be carried out in accordance with the Management Plan (received 12.08.21) for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of residential amenity and so as to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

5

Prior to the first occupation of the residential element of the development hereby approved, details of secure and weatherproof cycle parking, capable of storing at least two cycles, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure adequate provision for cyclists and in compliance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.

6

The details approved under condition 5 shall be implemented in accordance with the approved details before the residential element of the development hereby approved is occupied and retained as such for the lifetime of the development.

Reason

In order to ensure adequate provision for cyclists and in compliance with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.



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