

**Application No:** 23/00469/FUL

Author: Julia Dawson

Date valid: 5 April 2023

☎: 0191 643 6314

Target decision date: 5 July 2023

Ward: Battle Hill

Application type: full planning application

**Location: Buzz Bingo Club, Middle Engine Lane, Wallsend, Tyne And Wear, NE28 9NT**

**Proposal: Proposed change of use of existing bingo hall (Sui Generis) to retail (Class E(a)) together with external works to the building and alterations to the service yard and car park**

Applicant: BMW (UK) Trustees Ltd C/o LGIM

Agent: Rapleys LLP

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues in this case are;

- The principle of the proposed development;
- The impact upon residential amenity;
- The impact on the character and appearance of the site and the surrounding area; and
- The impact on the highway.

1.2 Consultation responses and representations received as result of the publicity given to this application are set out in the appendix to this report.

#### 2.0 Description of the Site

2.1 The site to which the application relates is Buzz Bingo in Wallsend. The site comprises approximately 1.85 acres (0.75 ha) and is located on the southern edge of Middle Engine Lane. Buzz Bingo occupies a large, detached building, with an overall floor area of approximately 3,169sqm (arranged across ground level (2,605 sqm) with a first-floor mezzanine (564 sqm)). 158 car parking spaces, including 20 disabled spaces, are laid out to the north and east of the building. Access to the site is via an opening onto Middle Engine Lane.

2.2 Residential dwellings are located to the north of the site on Bewick Park. Large commercial units are located either side of the application site and the Coast Road is located to the south.

## 2.0 Description of the Proposed Development

2.1 The proposal relates to the change of use of the site from a bingo hall to a non-food discount retail unit. The works will include the removal of the majority of the first-floor mezzanine, reducing the total floorspace to 2,606sqm (GIA) over the ground floor. Of this, 2,345sqm (NIA) will be front of house sales area, with the remaining space dedicated to back of house storage and staff utility facilities.

2.2 External alterations will include the following:

- New signage zone behind the existing frontage above the unit's main entrance;
- Removal of existing glazed canopy;
- New single height glazed shopfront to the main entrance;
- Removal of existing outdoor sheltered area in the car park;
- Replacement of the existing Means of Escape doors on the eastern and western elevations; and
- Reconfiguration of car park and improved pedestrian connectivity.

## 3.0 Relevant Planning History

3.1 94/01284/FUL - Erection of 33000 square feet leisure development for bingo, social club with ancillary bars, catering and amusement facilities, car parking and landscaping – Approved 09.06.1987

## 4.0 Development Plan

4.1 North Tyneside Local Plan (2017)

## 5.0 Government Policy

5.1 National Planning Policy Framework (NPPF) (July 2021)

5.2 National Planning Practice Guidance (NPPG) (As amended)

5.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 6.0 Main Issues

6.1 The main issues in this case are;

- Whether the principle of the proposed retail use is acceptable;
- The impact on the character and appearance of the site and the surrounding area;
- The impact upon the living conditions of neighbours; and
- The impact on the highway network.

## 7.0 Principle

7.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

7.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

7.3 The NPPF (para.81) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

7.4 Para. 90 of the NPPF states that when assessing applications for retail and leisure

development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace).

7.5 Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence-based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

7.6 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

7.7 Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

7.8 Policy DM3.4 of the Local Plan states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;
- b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;

- c. There is flexibility in the business model and operational requirements in terms of format; and
- d. The potential sites are easily accessible and well connected to town centres. Proposals for retail development outside a town centre will require an impact assessment where they would provide either:
  - e. 500m<sup>2</sup> gross of comparison retail floorspace, or more; or
  - f. 1,000m<sup>2</sup> gross of retail floorspace for supermarkets/superstores, or more.

7.9 The proposal would be supported when the necessary Impact Assessment has shown that:

- g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

7.10 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

#### 7.11 Sequential and Retail Impact Assessment

7.12 Objections have been received in relation to the proposed use of the application site as a retail unit, citing the lack of need for a further retail unit in this location, particularly when there are retail units in close proximity and many of these are vacant, e.g. at the Silverlink retail park. These concerns are noted.

7.13 The NPPF and Policy DM3.4 require a sequential assessment to be submitted for main town centre uses on sites not within the town centres. The purpose of the sequential assessment is to establish whether there any sites which are available, suitable and viable in existing centres and then on edge of centre sites. If there are none, then sites such as the application site can be considered.

7.14 The NPPF and Policy DM3.4 also require an impact assessment where the proposed development will provide 1000sqm or more of retail floorspace outside a town centre. The purpose of the impact assessment is to ensure that new retail development does not have an impact on existing, committed and planned public and private investment in the centre or centres in the catchment area and on the vitality and viability of existing centres.

7.15 The applicant has submitted a Planning and Retail Statement in support of the application. This contains both a sequential and impact assessment.

7.16 The sequential assessment considered 15 different in-centre, edge-of-centre and out-of-centre sites that are located in and around the seven defined centres in the Borough. It concluded that none of the 15 sites/locations are suitable, viable or available within a reasonable period of time.

7.17 The impact assessment considered a catchment area within a seven-minute drivetime of the application site, undertaking the impact analysis on Wallsend Town Centre, North Shields Town Centre, Killingworth Town Centre, Northumberland Park District Centre, Battle Hill Local Centre, Howden Local Centre and Preston Grange Local Centre. The assessment also includes a health check assessment of all seven retail centres. The assessment concluded that the proposal will not have a significant adverse impact on the vitality and viability of any one centre, with the highest impact being 4.95% on Battlehill Local Centre.

7.18 The Planning Policy Team have reviewed the submitted assessments and advised that each assessment provides sufficient evidence that the proposed development would not have a significant adverse impact on the centres within the catchment area of the development and that no suitable, available, or viable sites were sequentially preferable. Therefore, the applicant has demonstrated that the development would not have a significant adverse impact on the viability or vitality of the relevant town centres. Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with Policy S2.1, DM2.3 and DM3.4 of the Local Plan (2017) in this respect.

7.19 With regard to the concern raised by Buzz Bingo that the applicant's sequential assessment demonstrates that there is no floorspace in the Borough which could accommodate a large floorplate business (like Buzz Bingo), meaning that there is unlikely to be any other location in the Borough that Buzz Bingo could relocate to, this point is noted. However, planning permission cannot be withheld on this basis. Furthermore, the applicant has advised that the sequential assessment was undertaken specifically for the proposed retail use, which has completely different requirements and characteristics to that of a bingo facility. Additionally, only sites within a 7-minute drive time were assessed as part of the sequential assessment. The results of the sequential assessment cannot therefore be used as a basis to justify that there are no alternative sites within the entirety of the Borough that could meet the requirements of a bingo hall operator.

7.20 Concerns have also been raised with regard to the loss of the 21 jobs and associated supply chain jobs. Whilst these concerns are noted, the applicant has advised that it is typical for discount retailers who operate across similarly sized floor plates to employ around 60-80 staff (comprising a mix of full-time and part-time positions). The proposed Class E(a) use would therefore significantly increase the number of jobs at the site when compared against the existing position.

7.21 Members must determine whether the specific offer proposed would have a significant adverse impact upon the vitality and viability of town centres within the catchment area identified, bearing in mind the economic benefits that the proposal would bring in terms of the creation of new jobs. Officer advice is that the proposal would accord with the advice in NPPF and LP policies S2.1, DM2.3 and DM3.4.

## 7.22 Community Infrastructure and Public Sector Equality Duty

7.23 A significant level of objection has been submitted by members of the public in relation to the loss of the bingo hall and the impact this will have on the community as a result of the loss of the bingo hall as an accessible and safe place to meet and socialise, in particular the elderly, women and disabled people. These concerns are noted.

7.24 The current occupier of the application site, Buzz Bingo, have also submitted a detailed objection citing the loss of social infrastructure (contrary to NPPF para.93 and LP policy S7.10), the lack of suitable alternative premises in the Borough if they have to relocate and the local authority's (LA) public sector equality duty to ensure that its decision making takes account of the impact on groups with 'protected characteristics'. Buzz Bingo have also pointed out that their lease does not end until 2025 and they have no plans to close, whereas the applicant has advised that the bingo hall will close regardless of the outcome of the current application. These points are also noted.

7.25 Firstly, with regard to the issue of whether a bingo hall is a community use/facility it is noted that paragraph 10.76 of the Local Plan states that community infrastructure provides for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community provided through a wide range of venues, and include places of worship, schools, heritage venues, libraries, museums, cinemas, shopping centres, pubs and cafés, streets and town squares, industrial and business premises, community centres (including health centres and hospitals), parks and open spaces, and other public venues. A bingo hall, which in this case is a members-only (albeit free membership) commercial business, is not included within this list of venues.

7.26 Whilst a bingo hall is a leisure facility, which could be enjoyed by groups within the community it does not accord with the part of the framework relating to enhancing the sustainability of communities and residential environments (NPPF paragraph 93a). In addition, a bingo hall is not considered to be essential to health and well-being (NPPF paragraph 93b) and could be detrimental to this purpose in some cases given it is form of gambling. Lastly, it is not considered that a bingo hall is a facility or service that is critical to meeting the day-to-day needs of the community (NPPF paragraph 93c).

7.27 In light of the above, LP policy S7.10 is not considered to be applicable to the determination of this application.

7.28 With regard to the LA's public sector equality duty (PSED), Members are advised that in determining this application, they must have regard to PSED under section 149 of the Equality Act 2010. This means that the Council must have due regard to the need (in discharging its functions). The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149, it is only one factor that needs to be considered and may be balanced against other relevant factors.

7.29 Buzz Bingo have submitted evidence within their objection, which they state shows that groups with 'protected characteristics' (women and older people) will be adversely impacted by the loss of the bingo hall. It should be noted that,

regardless of the current application, the LPA has no control over whether the bingo hall remains open and operating as such and cannot control this. Notwithstanding this, whilst it is acknowledged that the closure of the bingo hall will likely have a deeper impact on the specified groups, this is not considered to be a reason that planning permission could be withheld.

7.30 The applicant has also considered this point and advised that they do not consider there to be a disproportionate impact on groups with protected characteristics in this instance given that there are a range of venues close to the site that could provide similar opportunities for the groups to regularly meet, socialise and interact, pointing out that such venues (within 1km of the site) meet the LPA's definition of community infrastructure (LP para.10.76), i.e. three pubs, three cafés, a place of worship, two health centres, a social club, and open spaces. These provide a range of informal and social meeting places that are accessible to the aforementioned groups and the local community.

7.31 Whilst many objectors have stated that there are no other accessible bingo halls in the district, it is noted that the Ritz Bingo and Social Club is located in Forest Hall. This is also a members-only (free membership) bingo hall which is located in North Tyneside and is approximately 4.6 miles from the application site. It is accessible by car and bus, and it provides similar facilities to Buzz Bingo, including a bar, café serving hot food and drinks, on site car parking and access and facilities for disabled people.

7.32 The LPA has therefore fully considered the loss of the bingo hall in terms of community/social infrastructure and the impact on groups with specially protected characteristics with regard to its responsibilities to PSED. Members must determine whether the proposed development is acceptable in each of these regards. Officer advice is that it is.

## 8.0 Character and Appearance

8.1 The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute to making places better for people.

8.2 Policy DM6.1 'Design of Development' of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,

f. A good standard of amenity for existing and future residents and users of buildings and spaces.

8.3 LDD11 'Design Quality' states that commercial developments, regardless of location, should be a focus to promote high quality design in order to enhance the overall quality of the built environment, both aesthetically and functionally.

8.4 The proposed external works will consist of:

- New signage zone behind the existing frontage above the unit's main entrance;
- Removal of existing glazed canopy;
- New single height glazed shopfront to the main entrance;
- Removal of existing outdoor sheltered area in the car park;
- Replacement of the existing Means of Escape doors on the eastern and western elevations; and
- Reconfiguration of car park and improved pedestrian connectivity.

8.5 It is considered that the above works will improve the appearance of the application site. They are appropriate for this commercial site and will result in any harm to the character and appearance of either the application site or the surrounding area.

8.6 Members must determine whether the proposed development is acceptable in terms of its impact on the visual amenity of the application site and surrounding area. Officer advice is that the proposal would accord with the advice in NPPF and policy DM6.1 of the North Tyneside Local Plan 2017 in this regard and it is therefore acceptable.

#### 9.0 Impact upon Neighbours

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 Policy DM5.19 of the Local Plan states that proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment. Development that may be sensitive (such as housing, schools



and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.3 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of the Plan. Development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.4 Policy DM7.9 'New Development and Waste' states that all developments are expected to:

- a. Provide sustainable waste management during construction and use.
- b. Ensure a suitable location for the storage and collection of waste.
- c. Consider the use of innovative communal waste facilities where practicable.

9.5 Concerns have been raised by local residents with regard to the impact on their amenity in terms of disturbance from noise at the site (deliveries and increased traffic and activity). These concerns are noted.

9.6 The nearest residential dwellings are located to the north on the opposite side of Middle Engine Lane. These properties are located a significant distance from the site and existing building and associated car park. Due to the significant separation distance, the proposed external works will not result in any adverse impact on the existing levels of outlook, daylight, sunlight or privacy currently enjoyed by the occupants of these properties.

9.7 The proposed development is unlikely to give rise to any significantly increased adverse impacts in terms of noise, subject to the conditions suggested by the Environmental Health Officer.

9.8 Members must determine whether the proposed development will be acceptable in terms of its impact on neighbours living conditions and whether the proposal would accord with the advice in NPPF and local plan policies S1.4, DM5.19 and DM7.19. Officer advice is that subject to the suggested conditions, the proposed development will not result in an adverse impact and is acceptable.

#### 10.0 Highway Impact

10.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

10.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

10.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

10.4 Local Plan Policy DM7.4 New Development and Transport states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

10.5 Concerns have been raised by local residents with regard to deliveries, an increase in traffic, congestion and the impact on highway safety. These are noted.

10.6 The Transport and Highways SPD sets out the parking standards for new development.

10.7 The applicant has submitted a Travel Plan and a Transport Assessment in support of the application. The Highway Network Manager has reviewed the application and raises no objection to the proposal, subject to a number of conditions and informatives.

10.8 The impact on the highway network is therefore considered to be acceptable and in accordance with Policy DM7.4.

#### 11.0 Local Financial Considerations

11.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

11.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. There are no local financial considerations that could help make this development acceptable in planning terms.

#### 12.0 Conclusions

12.1 This proposal seeks permission for the change of use of the application site in order to provide a new non-food retail discount unit. It is considered that the proposal will improve the appearance of the application site. It will improve the retail offer at this location, which will support the neighbouring units (Wickes, Smyths Toy Superstore and The Walls End Public House) and the residential population in this part of the Borough. It will not result in harm to the viability and vitality of the Borough's town centres, as demonstrated by the applicant's Planning and Retail Statement.



approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

5. Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. These parking areas shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. Notwithstanding the details submitted, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. These EV charging areas shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. Notwithstanding the details submitted, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. This cycle storage shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. Notwithstanding the details submitted, the Delivery, Servicing and Waste Management Plan shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

9. Prior to the commencement of the use hereby approved details of a taxi and private hire servicing plan shall be submitted to and approved in writing by the local planning authority. This plan shall include details of drop off and pick up points and allocated parking bays as necessary. Thereafter the taxi and private

hire servicing plan shall be implemented prior to commencement of the approved use in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

10. Prior to the commencement of the approved use details of a car park management plan shall be submitted to and approved in writing by the local planning authority. This plan shall be implemented prior to commencement of the use in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

11. The premises shall not be open for business outside of the hours of 08:00 to 22:00 Monday to Saturday and 08:00 to 18:00 hours on Sundays and Bank Holidays.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

12. Notwithstanding the approved details, deliveries shall be restricted to between 07:00 and 23:00 hours Monday to Saturday and 07:00 to 17:00 hours on a Sunday.

Reason: In the interest of the residential amenity of the occupiers of surrounding dwellings having regard to policies S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

13. Prior to the installation of any external plant and equipment in connection with the approved development, a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme, which shall be carried out in accordance with BS4142, must determine the current background noise levels for the representative times of the day or night when the external plan is to operate and must ensure that the rating level from plant and equipment, as measured one metre from façade of nearest residential property, does not exceed the background noise level. Thereafter, the development must be carried out in completed accordance with the approved details, maintained in working order and retained at all future times.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

14. Within one month of the installation of any external plant and equipment in connection with the approved development testing shall be undertaken to verify compliance with approved noise scheme and the results submitted to and approved in writing by the Local Planning Authority. Thereafter, the plant and equipment shall be operated in complete accordance with the approved details and maintained in working order.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. Notwithstanding the submitted details and prior to the installation of any

external lighting in connection with the approved development, full details of its location and design must be submitted to and approved in writing by the Local Planning Authority. Such details must provide clarification of the lighting levels all neighbouring sensitive receptors. All external lighting must be installed in accordance with the approved details and retained thereafter.

Reason: In order to protect the residential amenity of the nearby residents and the character and appearance of the host site and surrounding area having regard to policies DM6.1, DM6.2, and DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the land and/or building(s) shall be used only for the purpose of a retail unit falling within Use Class E(a) and for no other purpose including any other purpose within Use Class E.

Reason: To enable the Local Planning Authority to retain control over the use and to protect the amenity of surrounding occupiers having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

**Informatives**

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

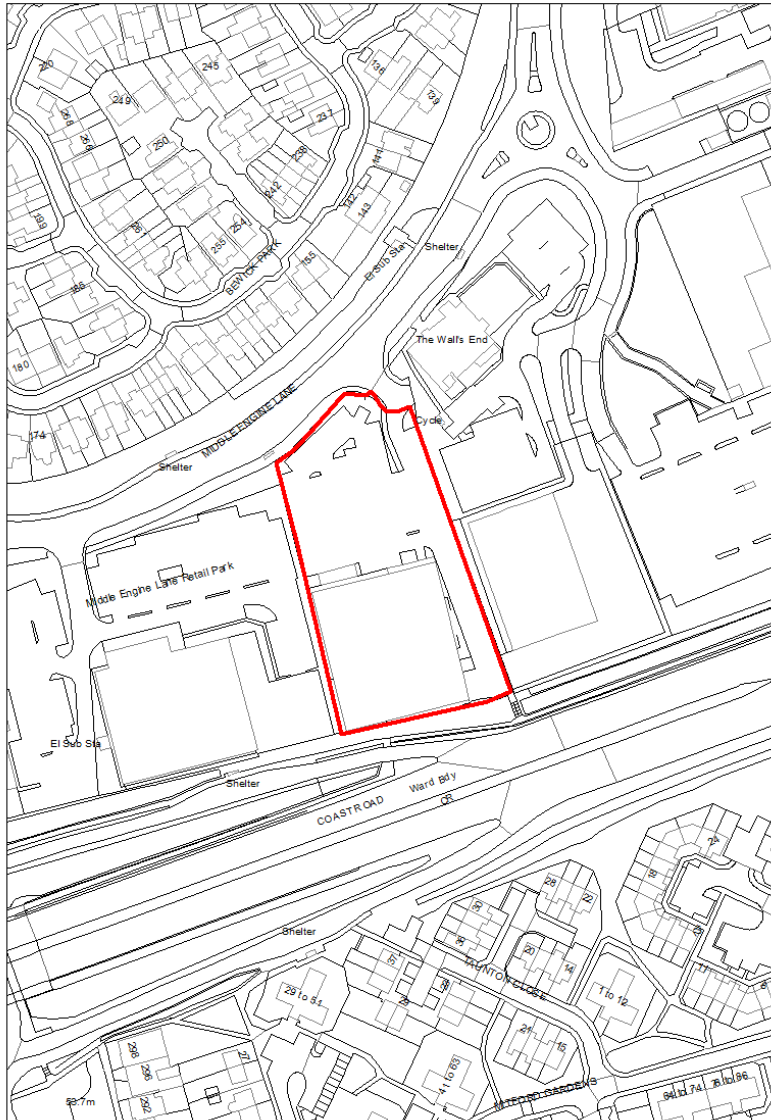
The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised to contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Advice All Works Within Applicants Land (I29)



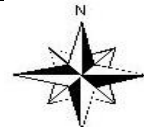
**Application reference: 23/00469/FUL**

**Location: Buzz Bingo Club, Middle Engine Lane, Wallsend, Tyne And Wear**  
**Proposal: Proposed change of use of existing bingo hall (Sui Generis) to retail (Class E(a)) together with external works to the building and alterations to the service yard and car park**

Not to scale

Date: 22.06.2023

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**Appendix 1 – 23/00469/FUL  
Item 3**

**Consultations/representations**

**1.0 Representations**

394no. objections and 6no. expressions of support have been received. The main objections are set out below:

- Loss of bingo hall.
- Disproportionate harmful impact on elderly/disabled.
- Loss of vital meeting place for socialising, will result in social isolation and loneliness.
- Harmful impact on physical and mental health.
- No other accessible bingo halls in North Tyneside.
- Loss of jobs.
- Massive loss to the local area.
- Loss of safe space and community hub.
- No need for more retail in this location, Silverlink is nearby where there are empty units.
- Harmful impact on nearby residential amenity.
- Increased traffic along Middle Engine Lane will lead to congestion, noise, fumes, pedestrian safety.
- Noise from HGV's during deliveries.
- No safe provision made for deliveries leading to danger to public safety and well-being.

**1.1 Buzz Bingo (Property Director)**

1.2 A detailed objection has been submitted by Buzz Bingo, the current occupier of the application site. This is summarised below:

- Proposed development will result in the loss of Buzz Bingo's premises and no alternative provision is proposed. North Tyneside residents will not be able to access alternative facilities nearby and needs will be unmet.
- The application states that the site is "soon to be vacant", however, Buzz Bingo have a lease agreement in place until August 2025 and the landowner has not sought to terminate that lease.
- The bingo hall is very well utilised with a large membership base and performs an important social function for the local community in Wallsend particularly for older residents and women.
- The club supports local employment and contributes to the local economy.
- Planning policy and legal framework seeks to protect social infrastructure and promote equal opportunities for all.
- The business has long-term aspirations to retain the Wallsend club and the applicants own sequential test shows that there is no floorspace in the District with which to accommodate a large floorplate business (like Buzz Bingo), such that there is unlikely to be any other location in the District that Buzz Bingo could relocate to.
- Buzz Bingo club is only one of two bingo halls left in the District, and it is one of the most successful Buzz Bingo clubs in the north east.
- The club employs 21 people in total, the majority of whom are North Tyneside residents. 21 jobs will be lost, as well as supply chain jobs.

- The proposal will result in the loss of the club, which is an important piece of social infrastructure. This is contrary to NPPF paragraph 93 and LP policy S7.10.
- Local authorities have a public sector equality duty (PSED), which means that they should take account of the potential impacts of their decision-making on groups with “protected characteristics”. These include age, sex (gender) and disability and the proposal will have a disproportionate adverse impact on parts of the community that rely on the bingo hall as a social outlet – women and older people, particularly older women.

## 2.0 Internal Consultees

### 2.1 Highway Network Manager

2.2 This application is for a change of use of the existing bingo hall to retail, together with external works to the building and alterations to the service yard and car park.

2.3 A Transport Assessment (TA) was submitted as part of the planning application that analysed junctions in the vicinity of the site as well as the proposed site accesses and the impact of the development on the adjacent highway network is not considered to be severe.

2.4 The site will be accessed from the existing bingo hall access on Middle Engine Lane and parking will be provided to meet the needs of the site. Cycle parking will also be provided, along with a Travel Plan and servicing will take place via a service yard to the east of the site.

2.5 Recommendation - Conditional Approval

2.6 Conditions:

2.7 Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. These parking areas shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

2.8 Notwithstanding the details submitted, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. These EV charging areas shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

2.9 Notwithstanding the details submitted, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. This cycle storage shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

2.10 Notwithstanding the details submitted, the Delivery, Servicing and Waste Management Plan shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

2.11 Prior to the commencement of any part of the development hereby approved above damp proof course level details of a taxi & private hire servicing plan shall be submitted to and approved in writing by the local planning authority. This plan shall include details of drop off & pick up points and allocated parking bays as necessary. Thereafter the taxi & private hire servicing plan shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

2.12 Prior to the commencement of any part of the development hereby approved above damp proof course level details of a car park management plan shall be submitted to and approved in writing by the local planning authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

2.13 Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

2.14 Informatives:

2.15 The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such

obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

2.16 The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

2.17 The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

2.18 The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

2.19 The applicant is advised to contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

#### 2.20 Contaminated Land Officer

2.21 This application is for proposed change of use of existing bingo hall (Sui Generis) to retail (Class E(a)) together with external works to the building and alterations to the service yard and car park.

2.22 As there is no alteration to the building footprint or hardstanding I have no objection.

#### 2.23 Biodiversity Officer

2.24 There are no objections and no further information required for the above scheme to change the use of the existing bingo hall to retail.

#### 2.25 Planning Policy

2.26 The site is within the main urban area of North Tyneside, currently occupied by Buzz Bingo, and forms part of a collection of commercial premises that have variety of different uses on Middle Engine Lane. Safestore Storage is to the east and Wickes DIY store is to the west of the site, but there is also a pub, Smyths toy store and B&Q DIY store within close proximity to the unit. Residential development is to the north and the A1058 is to the south. The building is set back from the roadside with a large area of a level parking to the front of the unit, which has high degree of visibility from the highway.

2.27 The current use of the site is sui generis and the application is for a change of use to retail (Use Class E(a)). The proposed development would be for 2,345m<sup>2</sup> net retail floorspace and the total gross internal retail floor area is 2,606m<sup>2</sup> (existing gross internal floorspace is 3,169m<sup>2</sup>).

2.28 The application for the development of a retail unit in an out of centre location requires the applicant to submit a sequential, and because it is over 1,000m<sup>2</sup> also an impact assessment, in accordance with paragraph 87 and 90 of National Planning Policy Framework (NPPF) and Policy DM3.4 of the Local Plan (2017).

2.29 The applicant has submitted both and it is the officer's opinion that each assessment provides sufficient evidence that the development would not have a significant adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable.

2.30 Conclusion:

2.31 The proposal has not been able to identify any sequentially preferable sites within the catchment area and the impact assessment has proven the development would not have a significant adverse impact on the viability or vitality of the relevant town centres. Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with Policy S2.1, DM2.3 and DM3.4 of the Local Plan (2017).

2.32 There are no objections raised.

### 2.33 Environmental Health (Pollution)

2.34 I have viewed the application and note that there will be an external plant room and new service door to side of the unit. A noise survey has been carried out to review the impact of delivery and plant noise. The noise survey involved measurement of the current background noise levels taken on the northern side of Middle Engine Lane on the grass verge. The background noise levels for daytime were averaged as 64 decibels however evening background noise level was 56 to 57 decibels for period between 20:00 and 22:00 hours while night time background noise level was 38 decibels.

2.35 The noise report considered typical noise levels from the arrival loading and unloading and departure of HGVs. It is not clear if the arrival or departure considered the use of reversing alarms on the vehicles and it is also not clear if the assessment considered whether the premises will be able to control the type of delivery vehicles. The noise impact from reversing alarms can be an issue at night due to its intermittent impact noise. Vehicle reversing alarm noise can be mitigated by the use of white sound reversing alarms with the ability to vary the level of noise dependant on background noise levels. However, this would not be possible if the company use independent delivery companies.

2.36 I would therefore suggest that no night time deliveries are permitted due to the potential impact on residents from reversing alarms from HGV vehicles. I have viewed the background noise levels obtained and would suggest for the

purpose of amenity to residents that prior to operation of the external plant a noise scheme is submitted and thereafter implemented and maintained to ensure the overall rating level of external plant operating does not exceed the background evening noise level as this is a more sensitive time of day when considering impact. The evening background noise levels between 20:00 and 22:00 hours varied between 57 and 58 decibels.

2.37 I would recommend that in order to protect residents from the impact of external plant noise prior to operation of plant a noise scheme is submitted for written approval by the planning authority and thereafter implemented and maintained to ensure the rating level does not exceed the background noise level of 58 decibels for daytime and a background noise level of 38 decibels for night time measured in accordance with BS4142.

2.38 I would have no objections subject to the following conditions to protect neighbouring residential premises from noise from new plant, delivery noise and general construction noise and light pollution from new illuminated signage:

2.39 HOU04 Standard construction hours

2.40 HOU03 business opening times as set out in report 08:00 to 22:00 hours Monday to Saturday, 08:00 to 18:00 hours on a Sunday.

2.41 Delivery times shall be restricted to between 07:00 and 23:00 hours Monday to Saturday and 07:00 to 17:00 hours on a Sunday.

2.42 Submit for approval in writing to the Local Planning Authority a noise scheme for the external plant in accordance with BS4142 to determine the current background noise levels for the representative times of the day or night when the external plant is to operate. The rating level for the plant must not exceed the current background noise levels measured at the nearest noise sensitive residential premises. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant.

2.43 If the signage is to be illuminated or additional lighting installed within car park I would request a condition for light: LIG01