

**Item No:** 3  
**Application No:** 24/00374/FUL  
**Date valid:** 28 March 2024  
**Target decision date:** 23 May 2024  
**Author:** Julia Dawson  
**☎:** 0191 643 6314  
**Ward:** Monkseaton South

Application type: full planning application non major

**Location:** 23 Cauldwell Lane, Whitley Bay, Tyne And Wear, NE25 8SS,

**Proposal:** Proposed change of use from health store to micro pub

Applicant: Mr Paul Llewelyn

Agent: Lighthouse Architecture Limited

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

1.0 The main issues for Members to consider are:

- Principle of the proposed development;
- Impact on neighbouring amenity;
- Impact of the proposal upon character and appearance; and
- Impact on the highway network.

1.1 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 the ground floor of a two-storey terraced property located on Cauldwell Lane, which is the main road running through Monkseaton Village in the designated Monkseaton Conservation Area. The host site is currently vacant, but it was last in use as a retail unit trading as 'All Good in the Hood' (use class E(a)). Monkseaton Post Office adjoins the site to the southwest and Wilson Court, a residential apartment block, adjoins the site to the northeast. Residential flats are located above both the host site and the adjoining post office.

2.2 Further residential dwellings are located above commercial uses along this terraced row. Residential properties are also located to the rear facing onto Paignton Avenue. Residential properties are located opposite the site. The

application site has no external amenity space within its curtilage. A rear door provides access only to the private car park associated with Wilson Court. It is understood that the owners of the application site have a right of access across the car park to the public highway to the rear.

2.3 A bus stop is located to the front of the parade of shops which the host site is part of. No parking/stopping is permitted in this bus stop. Two parking bays are located to the front of the adjoining Wilson Court development; these were intended to be used as visitor bays for this development although there is no control of them.

### 3.0 Description of the Proposed Development

3.1 The proposal relates to the change of use of the ground floor vacant retail unit to a micro pub (sui generis use class). It is proposed that the premises will be open for business between the hours of 16:00 – 23:00 Friday and Saturday, 16:00 and 22:30 on Wednesday, Thursday and Sunday.

3.2 The proposed floor plan shows a seating area with a maximum of fifty covers at full capacity.

3.3 The nature of the proposed micropub will be to offer specialised beverages i.e. cask and keg craft selections and not highly discounted offerings.

3.3 It not proposed to prepare or service any hot food within the premises as part of the proposal. There will be no live music acts and any music will be limited to ambient recorded background music with a maximum dB level of between 40-60dB.

### 4.0 Relevant Planning History

#### 4.1 Application Site

09/01949/FUL - Change of use of lower unit to hot food take-away (use class A5) – Refused 22.09.2009. Dismissed on Appeal 19.01.2010

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

#### 5.2 Government Policy

5.3 National Planning Policy Framework (NPPF) (December 2023)

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

5.5 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 The main issues for Members to consider are:

- Principle of the proposed development;
- Impact on neighbouring amenity;
- Impact of the proposal upon character and appearance of the Conservation Area; and
- Impact on the highway network.

## 7.0 Material Planning Considerations

### 7.1 Principle of the Proposed Development

7.2 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of commercial development, and to support infrastructure in a sustainable manner.

7.3 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; or where there are no relevant development plan policies or the policies which are most important are out-of-date grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

7.4 Paragraph 85 of the NPPF 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.

7.5 Strategic Policy S1.4 'General Development Principles' 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 'Presumption in Favour of Sustainable Development' 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.

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

7.8 Policy S3.2 'Hierarchy of Centres' defines the area where the application site is located as within the 'district centre' of Monkseaton.

7.9 Policy S3.1 'Competitive Centres' states that within the Borough's defined centres the Council will seek ways to support their growth and regeneration, and support proposals for main town centre development. Specifically, policy S3.1 states that the growth of the evening economy with leisure, culture and arts activities will be encouraged.

7.10 The application site occupies a vacant ground floor unit within the District Centre of Monkseaton. Paragraph 6.1 of the Local Plan states that references in the Local Plan to town centres or centres apply to town centres, district centres and local centres. Furthermore, the Local Plan identifies that town centre uses in the food and drink areas are critical to the overall function of the centre and that other uses play an important role in creating a vibrant centre in an ever-changing retail and leisure marketplace.

7.11 A number of objections have been submitted which question the need for another drinking establishment in this location with reference to existing micropubs and food and drinks uses in this area. These are noted. However, a drinking establishment is classed as a 'town centre use' (NPPF). As such, the principle of the proposed micropub, which will be in close proximity to existing commercial uses within Monkseaton district centre, is considered to be acceptable and in accordance with the aforementioned Local Plan policies and the objectives of the NPPF.

7.12 The proposed use will result in No.23 Cauldwell Lane being brought back into active use, which will help to secure economic growth and contribute towards the vitality and vibrancy of the district centre and the local economy. This has been evidenced by the popularity and success of the nearby micropub at No.2 Cauldwell Lane, 'The Crafty Cold Well'. The proposed micropub will add to the range of alternative facilities on offer in this area and boost the growth of small businesses, encouraging the growth of the daytime and evening economy in the district centre, whilst not resulting in an over proliferation of similar uses, in accordance with policies S1.4, S2.1, S3.1, S3.2 and DM1.3, and the objectives of the NPPF.

## 8.0 Impact on Amenity

8.1 NPPF paragraph 191 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. 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 the quality of life.

8.2 Policy S1.4 General Development Principles of the Local Plan states that 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.

8.3 Policy DM5.19 Pollution states that development 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 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.

8.4 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

8.5 Objections have been submitted by local residents, some of whom live in properties immediately surrounding the application site including Wilson Court and Paignton Avenue. Concerns relate to noise from both patrons and music, opening hours, anti-social behaviour, refuse storage, external seating/smoking area and light pollution. These are noted.

8.6 Concerns have also been raised by the Council's Environmental Health (EH) team with regard potential noise, such as plant and equipment noise and customer noise, and other associated noise from the operation of the site as a drinking establishment affecting neighbouring residential properties on Cauldwell Lane and Paignton Avenue to the rear of the site. The EH Officer is concerned that the proposal will result in an intensification of this use in this area as there is already a takeaway and other existing licensed premises located on Cauldwell Lane. However, the EH Officer has not recommended refusal of the application and has recommended a number of conditions to address the concerns.

8.7 The applicant has also reviewed the objections and provided further clarification as to the way in which the premises will be operated/managed, as per the following:

- The applicant has been running The Crafty Cold Well for the last 16 months with no concerns raised to the owner regarding noise pollution or disturbance. The applicant is happy to work with local residents regarding such concerns going forwards.
- A full specification CCTV system will be installed inside and outside of the premises (both front and rear) which will act as a deterrent and peace of mind for residents and other businesses in this area, as well as security and safe wellbeing for our patrons.
- A revised plan has now been provided showing bin will be located internally meaning no parking to the rear will be affected. This will also reduce noise impacts on residents when glass bottles are recycled.
- Due to the nature of the business, clientele visiting the pub with vehicles is very limited. The parking to the rear of the adjoining flats will not be used in any circumstances.
- There will be no live music, only ambient recorded background music, and sound insulation/noise mitigation measures will be installed.
- Deliveries and collections will not be permitted between the hours 20:00 and 08:00 hours on any day, with up to two deliveries per week.
- Deliveries will be via the rear entrance so as not to obstruct the front highway.
- No external extraction or ventilation will be installed.

- There will be no brewing of any beverages on site, or the use of any brewing equipment or noise exchangers, the cooling system will be water cooled via the internal chiller.

8.8 The concerns regarding the potential for disturbance as a result of increased numbers of people coming and going to the premises, and also congregating outside to smoke are noted. However, due to the small size of the proposed micro pub it is unlikely that it will lead to a significant number of people using Cauldwell Lane as a smoking area at any one time. There will be no formal outside seating area and therefore concerns regarding this have been addressed.

8.9 Concerns relating to anti-social behaviour are noted. However, a fear of crime or anti-social behaviour is not sufficient reason to withhold planning application. There must be evidence on which to base this fear. In this case, comparisons can be made with The Crafty Cold Well. It is clear that there are no significant anti-social behaviour or crime matters associated with this use, which is in relatively close proximity to the host site and also operated by the applicants.

8.10 The Environmental Health Officer has recommended a number of conditions which will ensure that the proposed use does not result in harm to the amenity of nearby occupants. Conditions will be attached to ensure that, if any external plant or equipment is installed in the future, then full details and a background noise assessment must be submitted to the LPA for agreement. The applicant has confirmed that no external plant or equipment is to be installed at the premises, as such the condition will not need to be formally discharged unless any such equipment is to be installed.

8.11 Additional conditions will control the opening hours to those the same as The Crafty Cold Well, the hours at which deliveries can be made, internal refuse storage provision facilities and to ensure any background recorded music is low level. When any other sound reproduction equipment is operated within the application site it must not be audible outside of it.

8.12 It is considered that the suggested conditions will mitigate for any potential impact from noise. The applicant has advised that they will not be cooking any foods on the premises, as such there will be no impact from cooking smells, and this element of the operation of the proposed micro pub will be controlled via planning condition.

8.13 Subject to the above conditions the impact on residential amenity is considered to be acceptable and in accordance with policies S1.4, DM6.1 and DM5.19.

#### 9.0 Impact on Character and Appearance of the Conservation Area

9.1 The Local Planning Authority must have regard to its statutory duty to ensure the preservation and enhancement of the character and appearance of conservation areas, as outlined in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.2 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

9.3 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 139).

9.4 Paragraph 205 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.5 Paragraph.206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

9.6 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (NPPF para.201-202).

9.7 At paragraph 212 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation area....and within the setting of heritage assets to enhance or better reveal their significance."

9.8 Policy DM6.1 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.

9.9 Policy DM6.6 states that the alteration, extension or restoration of heritage assets, and development that affect their settings, will be permitted where it sustains, conserves and, where appropriate, enhances the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character; repair damaged features or reinstate missing features that contribute to the asset's significance; and remove additions or modifications that are considered harmful to the significance of the heritage asset. Any development proposal that would

detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

9.10 The application site is located within the designated conservation area. However, the only external visible alteration to the exterior will include new signage with associated lighting (new signage will be subject to advertisement regulations, which is outside the remit of this planning application).

9.11 The Monkseaton Conservation Area Character Appraisal was adopted in October 2006. This refers to Monkseaton as a predominantly residential area with an economy based on local services for the well-established population. It further describes it as a 'thriving suburban centre' and a 'combination of historic village and high-quality suburban growth'.

9.12 The application site is located in the 'village core' where it will provide an additional micropub facility alongside the existing micropubs, which will increase this type of offer available to the local community. It is not considered that it will result in harm. The proposed micropub will be a small independent business, which is acceptable in this location in terms of its impact on the conservation area. This would also bring an existing vacant unit back into use. It is undesirable to have units within a Conservation Area and a District Centre vacant for a protracted period of time, as they detract from the character and appearance of the area. Notwithstanding its replacement, minor external refurbishment of the shop front will not require planning permission.

9.13 In summary, it is not considered that the proposed development will result in any harm or detriment to the character and appearance of the conservation area in accordance with policies DM6.1 and DM6.6, the Monkseaton Conservation Area Character Appraisal and the objectives of the NPPF.

## 10.0 Highways Impacts

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 Paragraph 115 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.

10.3 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.

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



10.5 Objections have been raised on parking grounds and these are also noted. However, the Council's Highway Network Manager has raised no objection to the proposed works, noting that the application site is long-established in an existing parade of commercial, with reasonable links to public transport and parking controls in the vicinity of the site.

10.6 The proposed development is therefore acceptable with regard to the highway impact.

#### 11.0 Other Matters:

##### 11.1 Local Financial Considerations

11.2 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration 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, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

11.3 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. It is not considered that there are any local financial considerations that are material in terms of making this development acceptable in planning terms.

##### 11.4 Human Rights Act

11.5 The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

##### 11.6 Equalities and Diversities

11.7 In consideration of this application due regard has been had to Section 149 of the Equality Act with respect to the Public Sector Equality Duty and the case officer has concluded that, in so far as they are aware, the application does not cause discrimination.

#### 12.0 Conclusion

12.1 On balance, and with regard to all of the above, it is considered that the proposed micropub is an appropriate use of this vacant retail unit. It will provide an alternative use of this building and will improve the vitality and vibrancy of this part of the district centre, whilst contributing to the local daytime and evening economy. Subject to the suggested conditions the proposal will not result in a severe adverse impact on the residential amenity of surrounding residents. It is recommended that Members approve the planning application.

**RECOMMENDATION: Application Permitted**

**Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:  
- Application Form 28.03.24  
- 300-02 Block Plans, Rev.2, 11.04.24  
- 300-01 Proposed Plans, Rev.11.04.24  
Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 \*

3. Restrict Hours No Construction Sun BH HOU00 \*  
4

4. The premises shall not be open for business outside the hours of 09:00 - 23:00 hours Monday to Saturday, and; 10:00 - 22:30 hours Sundays and Bank Holidays.  
Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

5. Prior to the operation of the approved use facilities for the storage of refuse at the premises shall be installed within application site in accordance with approved drawing 300-01 Proposed Plans, Rev.2, 11.04.24. The facilities shall thereafter be permanently retained and used for this purpose. No refuse bins from the application site may be stored on any part of the public highway apart from for collection purposes and these must always be returned to the incurtilage refuse storage area after this has been undertaken.  
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.

6. There shall be no deliveries to the premises or collections from the premises outside of the hours of 07:00 - 19:00 hours Monday to Saturday.  
Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

7. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

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.

8. There shall be no live music in the form of DJ's, bands, solo and duo artists, and no amplified music in the form of discos and karaoke played at the premises at any time.

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

9. Only low-level recorded background music may be played within the premises at any time.

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

10. No plant and equipment (including extraction flue/vents, air conditioning equipment/air ventilation system/external refrigeration equipment etc.) shall be installed to the approved development unless full details have been provided in writing to the Local Planning Authority and approved prior to installation. Such details must also include a noise scheme, which must be in accordance with BS4142, and which shall determine the current background noise levels at the nearest residential property for the times when the plant and equipment is to be operated, details of the noise levels expected to be created by the combined use of plant and equipment and details of all mitigation measures, including sound insulation materials to all plant and machinery, in order to ensure compliance with the noise rating level. Thereafter, all equipment must be installed and maintained in accordance with the approved details and the rating level for all plant and equipment (including the combined noise created by use of all plant and equipment) shall not at any time exceed the agreed levels and the plant and machinery shall not be used until the approved soundproofing has been implemented.

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.

11. Within one month of the installation of any external plant and equipment acoustic testing shall be undertaken to verify compliance with condition no.10 of this approval and the results submitted in writing for the approval of 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.

12. The rear access door shall not be used by any members of the public for access/egress to/from the site apart from in the case of an emergency.

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.

13. The external pavement/public highway to the front of the application site shall not be used as an external amenity space/seating/drinking/smoking area in connection with the approved use at any time and there shall be no tables or chairs placed in this location at any time.

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. There shall be no cooking of foods in any form or reheating of hot foods permitted at the premises at any time. Only cold food provisions and hot and cold beverages shall be served to customers at the premises.

Reason: To safeguard the occupiers of adjacent properties from associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

16. Prior to the installation of any external lights full details of the location and design must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details. 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.

17. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order), the land and/or building(s) shall be used only for the purpose of a micropub (sui generis) and for no other purpose.

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

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

## **Informatives**

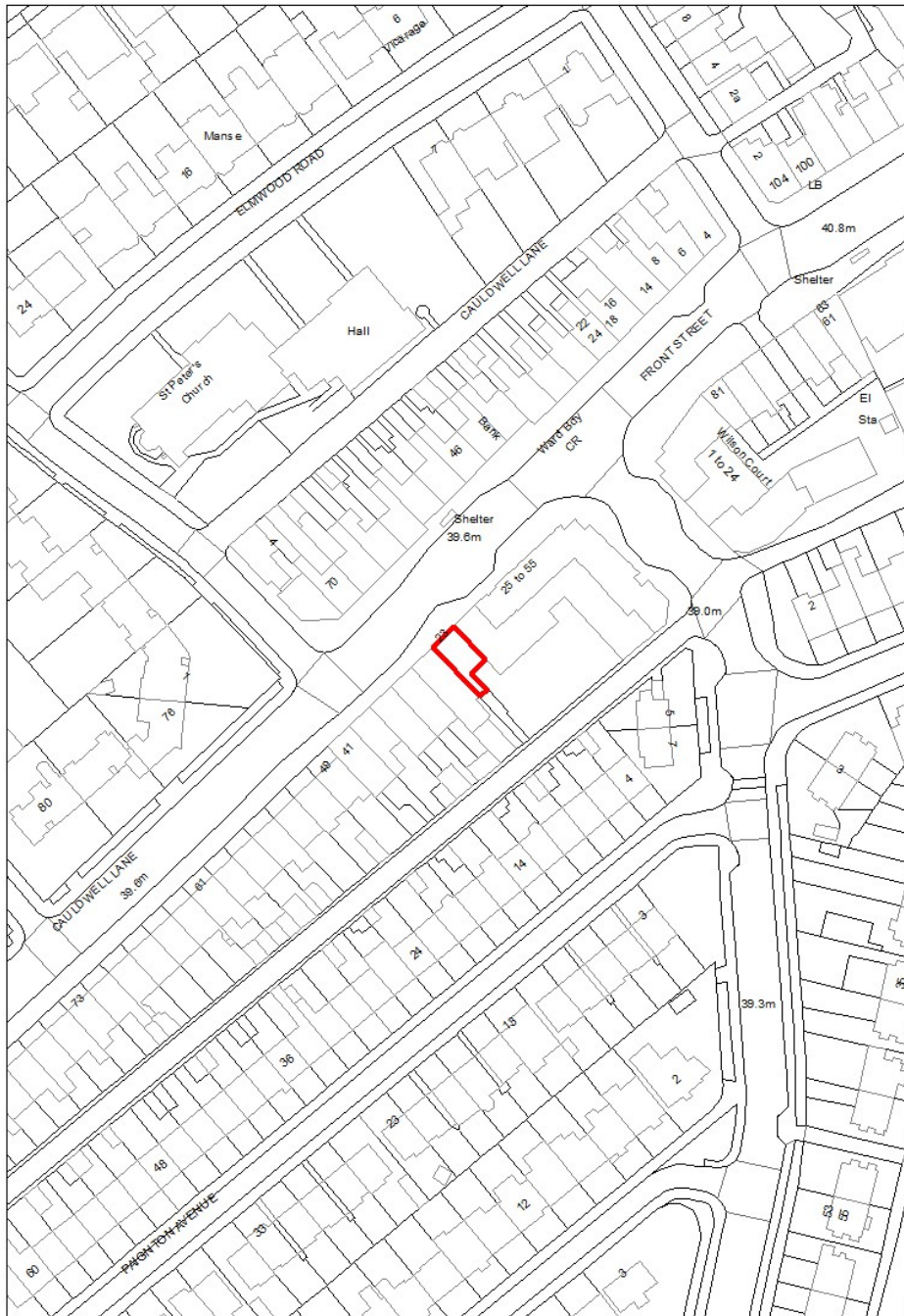
### **Building Regulations Required (I03)**

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 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 that they should 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.

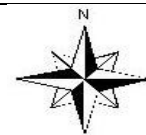


**Application reference: 24/00374/FUL**  
**Location: 23 Cauldwell Lane, Whitley Bay, Tyne And Wear, NE25 8SS**  
**Proposal: Proposed change of use from health store to micro pub**

Not to scale

Date: 23.05.2024

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**Appendix 1 – 24/00374/FUL  
Item 3**

**Consultations/representations**

1.0 Representations

1.1 Objections

1.2 28no. objections have been received, these are summarised below:

1.3 Residential amenity

- Noise from customers leaving and walking streets during the later evening hours. Road noise does not provide mitigation, this quiets down around 7pm.
- Another pub will increase and prolong nuisance noise.
- Music will exacerbate noise problems, particularly for adjoining/adjacent flats and residential properties to the rear.
- The pub will be less than 100 yards from Crafty Cold Well, resulting in more noise.
- Noise from customers leaving Crafty Cold Well already impacts residents.
- Noise from customers from entering and leaving premises, as well as hanging outside and/or smoking.
- Late license of 00:30 hrs will make the immediate residents lives very unpleasant when trying to get to sleep.
- I've lived here nearly five years. Properties are not soundproof. We hear everything - conversations on the street, neighbours talking in their homes, laughing, coughing etc. Noise from the pub, with people not realising their noise levels, will disturb residents. Cauldwell Lane is loud enough with cars driving up and down the road all night long. Cauldwell Lane does not need another pub, we need peace and quiet and a good night's sleep.
- Proposal will bring further light pollution to an extremely populated area.
- The rear fire exit will lead onto a secure car park (Wilson Court. Loss of privacy for those flats/properties facing the car park.
- Noise of bottles getting thrown into a bin frequently with it being a pub will be particularly loud for residents nearby
- It would cause major disruption/noise, and prevent local residents from being able to quietly enjoy their homes.
- The addition of yet another pub will just increase and prolong the amount of nuisance noise the late staggering back of loud drunken people.
- We don't need more noise within 100 yards of the applicant's current micropub.
- We currently hear noise from the existing micro-brewery on the street, their customers are not quiet

1.4 Refuse Storage Facilities

- There is no allocated space for a large bin to be placed in that car park without blocking access to someone's car parking space (which they own).

1.5 Anti-social behaviour

- The applicant's current pub started slowly but has grown to become a nuisance
- tables and chairs on the pavement of a busy junction with drinkers and smokers hanging outside and, on several occasions, nearly being run over whilst falling out drunk.
- Potential for anti-social behaviour from proposed pub.

## 1.6 External areas

- Concerns that outside areas to the front and rear may be used for seating/outdoor drinking, as is the case at The Crafty Cold Well.

## 1.7 Demand

- There are more than enough licensed premises in Monkseaton.
- The high street has two existing microbreweries and three pubs largely within walking distance.
- I'm all for making Monkseaton a vibrant and thriving area but I think the last thing it needs is another pub.
- There are better alternative uses which the site could be.

## 1.8 Highways

- Are there plans for parking as it's already a nightmare to park around here.
- Private car park needs to be accessible at all time.
- Will exacerbate existing parking problems.
- Rear lane is in disrepair, this will be made worse by delivery vehicles.

## 2.0 Support

113no. letters of support have been received, these are summarised below:

- The clientele that comes with craft beer is always very friendly and non-disruptive.
- The Crafty Coldwell draws people into the area. An additional location with different beers will mean more people bringing their business to the area.
- Being local, I can attest that noise isn't an issue, customers are considerate when leaving the pub.
- It is good to see more vibrancy within Monkseaton. This is a second micro pub operated and run by local people whose initial micro pub has been well received and is known for its friendly community valued experience being managed professionally, with due care taken in respect of not only the environment but also the wishes of nearby residents in relation to noise, mess etc.
- Great idea, will breathe life into the area.
- Great addition to our community.
- This can surely only help bring the local community closer together.
- A chance for people to meet up socialise and be less socially isolated.
- This will bring more local business to the area, not everyone likes to visit big pubs these days due to noise and behaviour. Micro pubs are amazing for a quiet drink and chat amongst friends.
- This will be a great addition to the village so long as owners and those socialising respect the community I have no concerns in the slightest.
- A great idea, the Micro pubs are helping to rejuvenate the area and with the restaurants and coffee shops it's bringing Whitley Bay back.
- Wholeheartedly support this application. A local family run business who want to bring fabulous products to the local community. They are committed to the area and want only the best. I have only heard positive comments in regards to the establishment and think that this can only be another well run establishment.
- Warm cheerful environment to socialise,
- Better than another empty run down property.



- It is great to see local people growing and expanding their own brand. It will bring custom to the Borough and also create employment.
- More small, locally run businesses are an asset to North Tyneside. It is important for local authorities to foster a culture of community and allow local residents to bring trade to the borough where they live. This style of establishment is not one of rowdiness, more of community spirit mixed with local people and creating relationships that will support other small businesses - such as suppliers.
- Competition is good. Lifts the businesses in the area.
- A great addition to the regrowth of respectful profitable businesses in the area.
- Living nearby and visiting most weekends and weekdays, I have never witnessed any rowdy, drunken or unacceptable behaviour, in fact the complete opposite.

### 3.0 Internal Consultees

#### 3.1 Environmental Health (Pollution)

3.2 I have concerns with regard to potential noise, such as plant and equipment noise and customer noise, and other associated noise from the operation of the site as a drinking establishment affecting neighbouring residential properties on Cauldwell Lane and Paignton Avenue to the rear of the site. The premise will result in an intensification of use of the area as there is already a takeaway and other existing licensed premises located in the area on Cauldwell Lane and this will result in additional noise from customers late evening.

3.3 The proposed use requests late evening opening hours and weekend opening hours which will give rise to associated customer noise late evening and at weekends, which will result in an intensification of noise in the street from customers. The applicant is proposing opening hours until 23:00 hours, which is likely to be a significant change on the current opening hours used for the retail class use and will give rise to customer noise, plant noise and noise in the street when customers are likely to stand outside smoking, as there does not appear to be a designated smoking area specified on the layout plan for the site. It is not clear from the application whether any amplified music is to be played at the site or whether any external seating areas are to be provided.

3.4 No noise assessment has been provided to verify if the proposed change of use will not give rise to disturbance for nearby residential properties. Noise complaints have historically been received regarding amplified music and customer noise from similar premises that open late in the evening. I have concerns that any external plant, such as compressors and air conditioning units etc will result in additional noise during the late evening. A noise scheme would be necessary to ensure no increase in the existing background noise levels for the area. A noise verification assessment will be necessary to confirm that all new plant and equipment is compliant with the requirements of the noise scheme.

3.5 I would also be concerned about noise arising from deliveries and collections and if planning consent is to be given I would recommend a condition to restrict the hours for this activity to 07:00 and 23:00 hours Monday to Saturdays only.

3.7 Any new external lighting installed as part of the scheme an assessment will be required to ensure it is compliant with the Lighting Professionals lighting guidance.

3.8 If minded to approval, I would recommend the following conditions:

3.9 Noise condition for plant and equipment installed:

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for the time when the plant and equipment is to be operated. The rating level for all plant must not exceed the existing background noise level for the daytime, evening and night time in accordance with BS4142.

3.10 NO104 this will include details of the noise levels expected to be created by the combined use of plant and equipment to ensure compliance with the noise rating level.

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 and thereafter maintain in working order.

3.11 NOI02 (no external tannoy noise)

3.12 HOU03: opening hours to those on the application

3.13 Submit for approval and implement a noise management scheme for the drinking establishment with regard to any external seating areas or smoking areas to be provided at the premises, and agreed, to minimise external noise late at night. Any external seating areas to be restricted for use to between 08:00 to 21:00 hours.

3.14 Non-standard condition: Entertainment Restrictions

No live music in the form of bands, solo and duo artists and no amplified music in the form of discos, DJ's and karaoke. Only recorded background music to be permitted to be played at the premises at any time.

3.15 Deliveries and collections shall be restricted to between 07:00 and 23:00 hours Monday to Saturdays only.

3.16 EPL02; EPL03; REF01 refuse bin storage in accordance with submitted information.

3.17 Non standard condition: Cooking of foods

There shall be no cooking of foods in any form or reheating of hot foods permitted at the premises at any time. Only cold food provisions and hot and cold beverages shall be permitted to be served at the premises.

3.18 LIG01 for any new external lighting.

3.19 Team Leader (New Developments) – Highways

3.20 This application is for a change of use from health store to micro pub. The site is long-established in an existing parade of commercial, with reasonable links to public transport and parking controls in the vicinity of the site. Approval is recommended.

### 3.21 Informatives:

3.22 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.

3.23 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

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

3.25 The applicant is advised that they should 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.

3.26 The applicant is advised that it is an offence under the Highways Act 1980 to store refuse or refuse bins on the highway other than on designated collection days. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

### 3.27 Contaminated Land Officer

3.28 As the existing footprint will unaltered, I have no objection.