

Application No: 20/00123/FUL Author: Julia Dawson
Date valid: 27 January 2020 Tel: 0191 643 6314
Target decision date: 23 March 2020 Ward: Whitley Bay

Application type: full planning application

Location: 207 Park View, Whitley Bay, Tyne And Wear, NE26 3RD,

Proposal: Change of use from A1 (shops) to A4 drinking establishment to premises that have been granted a drinks license

Applicant: Mr Chris Wilson, 37 Waterloo Road Wellfield Tyne And Wear NE25 9JE

Agent: Rycroft Design Associates, 41 Sinfonia House Jesmond Vale Sandyford Newcastle Upon Tyne NE2 1PG

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 the character and appearance of surrounding area; 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 end terraced property located within Whitley Bay Town Centre. The host site is north eastern facing onto Park View, and it is located within the designated Secondary Shopping Frontage of the Primary Shopping Area (North Tyneside Local Plan 2017 designation). It is currently vacant having last been used as 'Jam' Gallery. A residential flat is located immediately above the application site at first floor level. Adjoining the site to the south west is Eden's Caf  (at ground floor) with two flats located across the upper floors (at No's 205A and 205B Park View). Adjoining the application site to the north west is Park View Court, a three-storey development of residential flats.

Within the block which the host property is located ground floor units are occupied by Pattinson's Estate Agents (A2), Pulp Fiction (A3), Gilbert and Smith's (A4), Namaste Taste of India (shop/café), and Eden's Café (A3). Further commercial units are located directly opposite the site, these include Decke (interior design A1), Ticketyboo hairdresser's (A1), Ahar restaurant (A3), Papa Ganoush (A3), Velo (D2), SO1OS hairdresser's (A1) and Ironhand tattoo studio (sui generis). Residential dwellings are located to the rear along The Avenue.

3.0 Description of the Proposed Development

3.1 The proposal relates to the change of use of the existing ground floor retail unit into a drinking establishment (use class A4).

4.0 Relevant Planning History

4.1 Application Site:

07/02564/FUL - To erect black electronic remote controlled shutters to shop front – Approved 27.09.2007

4.2 146 Park View:

19/01411/FUL - Cafe/coffee shop to building to create dual use with the existing property agency, including a full internal refurbishment, attic conversion, and forming a mezzanine level to the front of the building. Two storey extension to the rear of the building. New window details and dormer are proposed to the Beach View elevation along with a planted terrace area with new low level walls and railings; replacing the original walls. The new walls and railings will contain the external seating area to the cafe/coffee shop – Approved 14.02.20

4.3 161 Park View:

19/01525/NOTIFY - Notification of commencement of flexible use from A1 to A3 under Class D of the General Permitted Development Order 2015 (as amended) – 11.11.2019

4.4 155 - 157 Park View:

18/01524/PRIOTH - Prior Notification to change the use from class A1 to class A3 cafe/bar/bistro - 21.12.2018

4.5 46 - 60 Park View:

18/01144/FUL - Renovation and subdivision of the existing vacant unit into two units and change of use from A1 (retail) to A3 (cafe/restaurant) and A4 (drinking establishment) – Approved 02.10.2018

4.6 28 Park View:

18/00878/PRIOTH - Notification for Prior Approval for a Change of Use from shop (Class A1) Finlays Decor to coffee shop/Cafe (Class A3) – Approved 21.08.2018

4.7 111 Park View:

19/00862/PRIOTH: Change of Use from Shop (A1) to Restaurant/Cafe (A3) – 21.08.2019

4.8 133 Park View:

18/00101/FUL - Change of Use from Shop/Retail (A1) to Cafe (A3) – Approved
26.03.2018

4.9 201 Park View (Gilbert & Smiths):

17/00044/FUL - Change of use from shop (A1) to drinking establishment (A4) – Approved 09.03.2017

4.10 36 Park View (The Dog & Rabbit):

16/00099/FUL - Change of use from retail unit to mixed use retail unit and micro brewery/pub – Approved 30.03.2016

4.11 193 Park View (Pulp Fiction):

15/00553/NOTIFY - Notification of commencement of flexible use from A1 (shop) to A3 (restaurants and cafes), to form a Juice Bar under Class D of the General Permitted Development Order (Amendment) 2013 – Notification that use was to commence on 23.04.2015 – Expired 23.04.2017

4.12 195 Park View (Namaste Taste of India):

10/02485/FUL - Change of use of to use premises A3 (cafe) as a cupcake/delicatessen shop and sandwich bar with seating – Approved 23.11.2010

4.13 203 Park View (Eden's Caf  ):

09/03183/CLEXIS - A3 use (cafe) – Approved 25.01.2010

5.0 Development Plan

North Tyneside Local Plan (2017)

5.1 Government Policy

National Planning Policy Framework (NPPF) (February 2019)

National Planning Practice Guidance (NPPG) (As amended)

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 the character and appearance of the surrounding area; and
- Impact on the highway network.

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

7.0 Material Planning Considerations

7.1 Principle of the Proposed Development

7.1 The NPPF sets out the core planning principles which should underpin decisions and that planning should amongst other matters proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

7.2 Paragraph 85 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 85 (b) states that local authorities should define the extent of town centres and primary shopping areas and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre.

7.3 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.

7.4 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. This includes supporting economic growth as follows:

- a. Town Centres and Tourism
 - i. Attract a range of innovative and creative businesses to retail, leisure and office development within the Borough's town centres.

7.5 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, appropriate residential and mixed-use schemes that would:

- a. Contribute to the protection and enhancement of the vitality and viability of the centre.
- b. Capitalise upon the character and distinctiveness of the centre, while sustaining and enhancing its heritage assets.
- c. Support the improvement in the range and quality of shops, services and facilities.
- d. Boost the growth of small and medium sized businesses that can provide unique and niche services.
- e. Encourage the growth of the evening economy with leisure, culture and arts activities.
- f. Enhance accessibility by all modes including public transport, walking, cycling and by car.

g. Introduce measures that reduce crime and the fear of crime and any other disorder issues

7.6 Policy DM3.5 states that proposals for development will be permitted in the Secondary Shopping Frontage where they would:

- g. Enhance or complement the principal role of the location for town centre activity.
- h. Promote the vitality and viability of the centre, including proposals for residential development and conversion of upper floors.
- i. Avoid an accumulation of uses that can undermine the centre's overall function and character.
- j. Deliver high quality active ground floor frontages.

7.7 Policy AS8.15 'The Coastal Sub Area' states that within the Coastal Priority Investment and Regeneration Area, as shown on the Policies Map:

- a. Create a vibrant Whitley Bay town centre - with an appropriate mix of shopping and other town centre uses to support local businesses.

7.8 Whilst considerable support has been submitted for the proposed use, there have also been objections submitted with regard to the principle in terms of the introduction of a drinking establishment in this location in close proximity to existing premises which also sell alcohol. It has been suggested that approval of the application would greatly weaken North Tyneside Council's stance against excessive drinking in North Tyneside and have a negative synergistic effect to the local community that pertains the over provision of alcohol. These concerns are noted.

7.9 However, whilst planning policies do seek to enable and promote healthy lifestyle choices, they do not specifically offer provision to refuse planning permission for an A4 unit on health grounds and it is noted that the application site is located outside of the area covered by Licensing's 'Cumulative Impact Policy', which aims to help reduce alcohol related crime and disorder by making it more difficult to grant new licences for pubs and clubs within that particular area. It is noted that an alcohol licence has already been granted by the Council (this is entirely separate to planning permission) and the issues raised would have been considered prior to the granting of the licence.

7.10 In terms of this planning application it must be pointed out that the proposed A4 use is classed as a 'town centre use' (NPPF) and that the North Tyneside Local Plan 2017 states that secondary frontages provide opportunities for a greater diversity of uses such as pubs, banks, cinemas and other businesses. Whilst it is acknowledged that there are existing A3 uses in the same block (i.e. Eden's Cafe, Namaste Taste of India, Pulp Fiction) and one drinking establishment (Gilbert and Smith), the cafes are generally daytime establishments and do not regularly add to the evening economy. There are only a small number of establishments along this stretch of Park View which offer alcohol in the evening and these are mainly A3 uses (Papa Ganouch (restaurant), Fox and Finch (which is a bar/bistro), Ahar Restaurant). The proposed drinking establishment will contribute to both the daytime and evening economy.

7.11 The Local Planning Authority is required to ensure that appropriate uses are permitted in this location and that Park View does not reach saturation point in terms of the number of A3 and A4 units (in order to protect the character of the area and the amenity of surrounding residents), but it is not considered that the existing number of A4 or A3 units in this location is currently so high (or will be so high on approval of this particular application) that the proposal will result in a negative effect to the local community .

7.12 As such, it is considered that the proposed loss of a vacant A1 unit will have a minimal impact on the retail sustainability of the primary shopping area. Indeed, the proposed A4 use will ensure that the vacant application site is brought back into active use, which will assist in the on-going regeneration, vitality and viability of Whitley Bay town centre. For the purposes of this application, the applicant is not required to demonstrate a need for the proposed drinking establishment.

7.12 Members need to determine whether the principle of the change of use to a drinking establishment (Use Class A4) is acceptable. It is Officer advice that, in planning policy terms, the proposal is in accordance with the provisions of the NPPF and Local Plan policies. It will ensure the continued active use of the host site helping to secure economic growth and contributing towards the vitality and vibrancy of the town centre and the local economy.

8.0 Impact on Surrounding Amenity

8.1 NPPF paragraph 180 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 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 DM5.19 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 Whilst the significant level of support for the proposed change of use is noted, it is also noted that the majority of the support does not come from the residents of the dwellings in the immediate vicinity of the application site. The main impact of the proposed use will be on the people who live close to the site and it is noted

that there have been objections from a number of these residents with regard to the impact of the proposal on their residential amenity. In particular, concerns relate to disturbance as a result of noise from customers, music, bottle emptying, deliveries, the use of the rear entrance (and customers congregating here) and the potential for tables and chairs to be placed to the front and rear of the site resulting in further disturbance.

8.5 The owners of the first floor flat above the application site have also raised significant concerns with regard to the impact of the proposed micro-pub on their business. They currently rent the flat out as a holiday apartment (aimed at families) and consider that the proposed drinking establishment will result in a reduction in bookings due to its harmful impact. The lawful planning use of the first floor flat (whether it be used as holiday rental) is as a dwelling (use class C3) and the impact of the proposed drinking establishment on the residential amenity of the occupants of this flat (whether they be holiday makers or permanent residents) is considered below.

8.6 The Council's Environmental Health Officer has also raised 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 the first floor flat and surrounding residential properties. She has also noted that it is not clear whether amplified music is to be played, whether there are to be any external seating areas and that a noise assessment has not been submitted. However, she does not object.

8.7 The applicant has noted the content of the objections and the concerns which have been raised and has provided a response, which is summarised below:

- The holiday let at first floor level above the application site promote the bars and restaurants on the street as a selling point (in their online profile/advertisement), making recommendations. It appears as though it's ok to have these establishments, as long as it's not below their holiday apartment.
- We will be installing extensive sound proofing measures within the refit of the premises and have already indicated this to the owner of the holiday apartment.
- We will not provide an outside seating area or allow outside drinking to the front or back of the premises.
- The back lane is not unusable due to bins being located everywhere. The bins (mostly residential) are congregated at the end of the alley in front of an old wooden garage door which is not in use (our landlord owns the garage and it is used as a storage area) and cause no obstruction at all to the back lane. The lane has parking and permit restrictions so only residents are able to park there.
- We do not plan to put a kitchen in for a while. This will be in a 2nd phase determined by the demand for food and the type of food desired by our customers, either hot or cold offerings. If the need is there we will of course apply and abide by all the usual planning and environmental health objectives and needs before and during our 2nd phase.
- Due to the angle of the rear yard walls it is difficult to fit a car in. We will have a maximum of one or two staff cars parking at the rear. There will be no public or customer access to the rear of the premises.
- We are keen to reduce carbon footprint. We have opted for carbon neutral electricity and will encourage walking and the use of public transport. We have also had interest in jobs from locals.

- We have written a Waste strategy plan to address public concern about bottle drop and waste collection noise. (We will be using North Tyneside Council for our waste collection as we can confirm to you that collections will be carried out during reasonable working hours.)
- We have followed the process set out by planning and licensing we have not kept anything a secret, we have no underlying agenda we simply want to be a small micro bar.
- We have spoken to local establishments and people, although not everyone in Park View and Whitley Bay. We are overwhelmed with the support given to this application and, regarding assumptions (made by some objectors) I do not know all those people and businesses within the comments. We have not canvassed (for support) via meetings, verbal, written or leaflet drops. We have stayed respectively quiet to let the process run.
- We have never wanted to be a nightspot open to 1am and will not in the future. We have simply asked for an extension on New year's Eve.
- I reassure you that we take our responsibilities to the community, environment, neighbours, employees and patrons very serious. Although a small company we have produced a Statement of Intent and signed by all three directors. We are, and will continuously risk assess our work processes and their impact on others, evaluate and review our method statements and actively seek best working relationships to all parties and advice from regulating bodies.

8.9 The concerns regarding the potential for disturbance as a result of increased numbers of people coming and going to the premises, and also congregating to the front to smoke are noted. However, due to the small size of the micro pub it is unlikely that it will lead to a significant number of people using the pavement as a smoking area at any one time. It is noted that the applicant has advised that there will be no external seating area and no customers will be permitted to use the rear entrance.

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. These include the submission of a background noise assessment to ensure that any plant equipment and background music does not result in disturbance to neighbouring properties, particularly the first floor flat. The assessment must be undertaken and submitted for approval prior to the operation of any such equipment. Further conditions will control the opening hours, hours at which deliveries can be made, refuse storage provision, and the location of any plant/equipment (i.e. air conditioning unit).

8.10 The concerns relating to the impact on the residential amenity of nearby residents, particularly the upstairs flat at No.209 are noted. However, it is considered that the suggested conditions will mitigate for any potential impact from noise. Conditions relating to odour and extraction will also ensure that the occupants of the first floor flat do not experience disturbance as a result of any cooking which takes place in the future. The proposed drinking establishment will provide onsite refuse storage facilities and there is no reason to suggest that there will be any increase in on street litter.

8.11 Concerns relating to an increase in anti-social behavior and associated disturbance to surrounding residents are noted. However, there is no evidence

before the Local Planning Authority to suggest that the proposed drinking establishment will result in increased anti-social behavior. The small size of the application site, the nature of the proposed use (micro pub) and the restriction on opening hours should naturally curtail the number of customers and any associated activity in nearby streets. The applicant cannot be expected to rectify or be blamed for any existing perceived anti-social behaviour in this area and planning permission cannot be withheld on this basis.

8.12 Members must determine whether the proposal is acceptable in terms of its impact on the residential impact on surrounding occupiers. The proposal is considered to accord with the NPPF and Local Plan policies, subject to the suggested conditions.

9.0 Impact on Character and Appearance

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

9.2 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.

9.3 Concerns have been raised that the proposed drinking establishment will harm the character of Park View and turn it into a drinking street. However, given the location of the application site in the designated town centre where it will offer a service to the local community, alongside a variety of existing commercial uses, it is not considered that it will result in harm. The proposed drinking establishment will be a small independent business, which is acceptable in this location in terms of its impact on the town centre. This would also bring an existing vacant unit back into use. It is undesirable to have units within a town centre vacant for a protracted period of time, as they inevitably detract from the character and appearance of the area.

9.4 The only external changes to the application site will be extraction/ventilation/refrigeration/plant equipment, if these are required, and the appearance and siting of such equipment will be controlled via the suggested conditions.

9.5 Members need to determine whether the proposal is acceptable in terms of its impact on the character and appearance of the site and the surrounding area. Officer advice is that the proposal will not cause any harm or detriment to the character and appearance of the surrounding area in accordance with the NPPF and Local Plan policies.

10.0 Car Parking and Access

10.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

10.2 Paragraph 109 of NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are 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 LDD12 Transport and Highways SPD set out the parking standards for new development.

10.5. There has been an objection in relation to the highway impact of the proposal. This is noted.

10.6 However, the Council's Highways Network Manager has recommended approval of the application noting that the site is located in the local centre with good links to public transport and that there are parking controls in place in the vicinity of the site. Due to the nature of the proposed use it is unlikely to generate significant numbers of car journeys to and from the site. Nevertheless, there are public car parks and on-street parking available within walking distance of the application site.

10.7 In summary, it is not considered that the residual cumulative impacts of the proposed development will be severe or that the proposal would have an unacceptable impact on highway safety. As such, there is no policy justification to withhold planning permission on transport grounds.

10.8 Members must determine whether the proposal is acceptable on highways grounds. It is officer advice that it is.

11.0 Other Matters

11.1 A concern has been raised with regard to the level of public consultation carried out on the planning application. Public consultation has been carried out in accordance with the statutory requirements, which are set out in Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. This provides that an application of this type must be publicised via one of the following:

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving the notice on any adjoining owner or occupier.

11.2 In this case notice was served by way of letters which were sent to over 100 individual addresses surrounding the application site (including those immediately adjoining the site and those to the rear and opposite, as well as the wider area). This is by far in excess of the minimum requirements set out within paragraph 5 of Article 15.

11.3 An objector has stated that the proposal will impact their property value. This is not a material consideration and cannot be taken into account in determination of the planning application.

12.0 Financial Considerations

12.1 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

12.2 Economically there would be benefits in terms of the provision of jobs via the employment of staff at the site and during the conversion phase. Socially, the proposal will add to the existing leisure facilities in this area, providing an additional service to the community, visitors and tourists..

12.0 Conclusion

12.1 On balance, and with regard to all of the above, it is considered that the proposed drinking establishment is an appropriate use of this existing commercial site. It will bring an existing vacant unit back into use. Subject to the suggested conditions the proposal will not result in an adverse impact on the residential amenity of surrounding residents. Approval of the application is recommended subject to conditions.

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 22.01.2020
 - Site Location Plan (1:1250) 20.01.2020
 - Existing and Proposed Ground Floor Plans, CW-39-01, Jan 2020

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. Prior to the commencement of the approved use a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme must assess the impact of the approved use at ground floor level on the first floor residential flat at 209 Park View. The scheme must determine the level of sound attenuation necessary, such as a false ceiling, in order to mitigate against noise disturbance from the approved use and to ensure that all habitable rooms of 209 Park View meet the internal noise levels of 30 dB LAeq at night and prevent the exceedance of Lmax of 45 dB(A) and that living rooms meet an

internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines. Thereafter, the approved sound attenuation scheme must be implemented in complete accordance with the approved details prior to first operation of the approved use and retained thereafter.

Reason: In order to protect the residential amenity of the occupiers of 209 Park View in accordance with policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

4. Prior to the installation of any new plant/equipment/extraction/air ventilation system at the application site in connection with the approved use a noise scheme must first be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142 and must determine the current background noise levels at the boundary of the nearest residential property for the representative time when the plant is operational and identify appropriate mitigation measures, where necessary, to ensure the combined rating level of external plant and equipment does not exceed the current background noise levels by more than 5 decibels. Thereafter the plant must be installed and maintained in accordance with the approved details.

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.

5. Within one month following installation of any plant and equipment, acoustic testing must be undertaken to verify compliance with condition 4 of this approval. The results of the acoustic testing shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the plant and equipment shall be operated in accordance with the approved details at all future times.

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.

6. Notwithstanding the approved plans, the approved use shall not commence until details of the height, position, design and materials of any new extraction vent/flue to be provided in connection with the development have been 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: 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.

7. Prior to commencement of the approved use and prior to its installation, full details of any air ventilation system to be installed in connection with the approved use must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details, prior to the operation of the A4 use, and permanently retained.

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.

8. Prior to the installation of any refrigeration plant to be installed in connection with the approved use full details must be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter be installed in accordance with the approved details prior to the use commencing and permanently retained as such.

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.

9. No cooking shall take place within the premises in connection with the approved use until details of an odour suppression system for the arrestment of cooking odours have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the kitchen is brought into use, permanently retained and maintained in accordance with the details provided by the manufacturer.

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.

10. No cooking shall take place within the premises in connection with the approved use until details of a vapour barrier to be installed between the ground floor kitchen and the first floor residential property have been submitted to and approved in writing by the Local Planning Authority. The vapour barrier shall be installed in accordance with the approved details prior to the kitchen being brought into use in connection with the approved development and permanently retained thereafter.

Reason: To ensure adequate protection against odour transmission between the host site and the upper residential dwelling in accordance with policy DM5.19 of the North Tyneside Local Plan (2017).

11. No cooking shall take place within the premises in connection with the approved use until a full and comprehensive list of all cooking equipment to be installed and used at the premises has been submitted to and approved in writing by the Local Planning Authority. Thereafter, only the approved equipment shall be used at the premises at all future times.

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.

12. The rear ground floor doors exiting to the back yard must be fitted with a self closing device and kept closed at all times during the hours when the premises are open for business or when cooking is taking place, except for access and egress to the yard, or in the case of an emergency.

Reason: To protect neighbouring residents from noise and odour disturbance in accordance with policy DM5.19 of the North Tyneside Local Plan (2017).

13. All windows and lobby doors must be kept closed except for access and egress and in case of 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.

14. No amplified music in the form of DJ's or recorded background music shall be played at the premises prior to the undertaking of a full noise scheme, which shall be submitted and approved in writing by the Local Planning Authority. The noise scheme must be carried out in accordance with BS4142 and shall determine the background noise levels during daytime and evening hours (up to 23:00 hours) without plant noise and amplified music from the premises at the boundary of the nearest residential premises and must detail appropriate mitigation measures which are necessary to ensure that the noise output level from amplified music from the premises does not exceed the agreed background noise level. Any mitigation measures shall be implemented in accordance with the approved scheme.

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.

15. The premises shall not be open for business outside of 08:00 hours - 23:00 hours Monday to Saturday, and 10:00 hours - 23:00 hours Sundays and Bank Holidays.

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.

16. No amplified music in the form of bands, solo, duo artists, discos, and karaoke is permitted to be played at the premises at any time. When any other form of music is being played at the premises, i.e. DJ's or recorded background music, all windows and doors in the premises must be kept closed, except for access and egress and in the case of an emergency and the music must be played only in accordance with the details agreed via the discharge of condition 14.

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.

17. There shall be no use of the rear yard area or any other external area for external seating or amenity space associated with the approved use and there shall be no playing or performance of any music within such areas 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).

18. 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 visual and residential amenity of the area, having regard to policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017).

19. Prior to the operation of the approved use, facilities for the storage of refuse at the premises shall be installed within the rear yard. The facilities, which shall not be used/accessed for the purposes of depositing/emptying glass items (i.e. bottles/broken glass) between the hours of 21:00 to 08:00 on any day and for all other waste between 22:00 to 07:00 on any day, shall thereafter be permanently retained and used for this purpose.

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.

20. There shall be no deliveries or collections to or from application site between the hours of 21:00 and 07:30 on any day.

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.

21. Restrict Hours No Construction Sun BH HOU00 *
 4

22. At all times whilst conversion works are being undertaken at the application site in connection with the approved development, appropriate measures must be put in place to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities. These measures may include a) mechanical street cleaning brushes and b) the provision of water bowsers to be made available to spray working areas due to dry conditions. Construction works shall not be carried out other than when these appropriate measures are on available on site.

Reason: To safeguard the occupiers of surrounding properties and users of the public highway from any discomfort or loss of amenity arising from construction activities on the site.

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.

Informatics

No Doors Gates to Project Over Highways (I10)
Contact ERH Erect Scaffolding on Rd (I12)
Do Not Obstruct Highway Build Materials (I13)
Highway Inspection before dvlpt (I46)
Contact ERH Project Sign on Highway (I09)
Advice All Works Within Applicants Land (I29)



Application reference: 20/00123/FUL

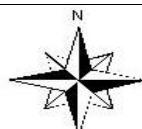
Location: 207 Park View, Whitley Bay, Tyne And Wear, NE26 3RD

Proposal: Change of use from A1 (shops) to A4 drinking establishment to premises that have been granted a drinks license

Not to scale

Date: 05.03.2020

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Appendix 1 – 20/00123/FUL
Item 2

Consultations/representations

1.0 Representations

- 11no. objections have been received from the occupants of 10 separate addresses, 3 of the objections relate to the impact on the first floor (holiday rental) flat above the application site. The objections are summarised below:
- Harmful impact on amenity of surrounding residents in terms of noise and disturbance.
 - Residents are entitled to quiet family life.
 - Harmful impact on first floor flat (let as holiday accommodation). Proposed bar will not endear this property to the family-based clientele at which it is currently aimed.
 - The bar will be very busy if all the people who have commented patronise it resulting in extreme noise and disturbance.
 - Supportive comments are clearly from people who do not live Whitley Bay, visit frequently, or have family members that used to live here. They don't understand the impact bars have on the community.
 - The supportive comments are clearly from friends and family that either do not live in Whitley bay, visit infrequently or family members that use to live here, all of them don't understand the impact bars have on the community. The wording on a lot of the comments are suspiciously similar which points towards a prescribed narrative being communicated.
 - The pub will not enhance the community or re-vitalise this part of town (because it doesn't need revitalised and is recognised for its great family friendly businesses).
 - Over the past 2.5 years surrounding streets have seen a marked change since the introduction of pubs on Park View. There's always vomit present at the top of Coquet Avenue every Saturday and Sunday morning, broken bottles, takeaway boxes and rubbish in my front garden and loud groups walking past my house and waking my sleeping children.
 - NTC have spent vast amounts of money re-branding Whitley Bay's image from a drinking/party town into a family friendly area where you can raise children. How will another pub in an area densely populated with young families help maintain this image change?
 - Another pub opening within 50m of three other drinking establishments would seal Park View's fate as the "pub crawl street".
 - The target older demographic doesn't eradicate public disorder and stop litter and noise pollution from occurring. Large drinking groups walking along Park View on a Saturday afternoon is now a constant that changes the dynamic of the street from a family friendly area.
 - Approval of this application would greatly weaken North Tyneside council stance against excessive drinking in North Tyneside. More drinking establishments in a densely populated area increases the chances of over consumption and is not responsible. The applicant's original intention to open until 1am (at certain times) is a big worry as that closing time would have greatly increased the over consumption of alcohol. Although that time was knocked back the applicant's intentions are worrying, don't scream community and friendly establishment but more money at any cost.

- Application comes at a time when the Government are trying to restrict/curb the sale of alcohol.
- A negative synergistic effect to the local community that pertains the over provision of alcohol. A collection of licensed establishments in a close proximity draws drinkers from an area larger than Whitley bay then each licensed premises cumulatively detracts from the area- it is a negative synergy.
- Applicant was misleading in their initial License application, stating that they had talked to locals, but several nearby residents/business owners were not spoken to. This is extremely worrying and misleading.
- Approval will set precedent for future landscape of Park View.
- Worried about increase in number of licensed premises on Park View operating as a bar (use class A4). Approval would mean that five of the six units on the same block as 207 will serve alcohol.
- Since the increase in premises opening during evenings there has been an increase of noise within the area arising from customer noise late into the evening affecting the residential properties in close proximity.
- Concerned that the outside area to the front of the premises could be used for alcohol consumption. The Council have a duty to ensure that the public's right to use the highway is not detrimentally affected. As none of the existing businesses which use the pavement for overspill/smoking area have pavement cafe licenses how will NTC enforce any conditions on the use of the pavement?
- Existing complaints about noise from use of the area to the front of 201 Park View (Gilbert and Smith). Nothing has happened.
- On numerous occasions over the last two years we contacted NTC regarding problems with commercial waste collections to the rear of Park View. Collections have been as early as 5:30am. Glass is disposed of late at night by the pubs and restaurants disturbing our sleep.
- Commercial waste bins to the rear of Park View are currently causing a problem taking up residential parking areas and are not kept within the perimeter of the premises they belong to. Unsightly and attracts vermin.
- Increase in traffic putting pressure on existing parking situation and increasing noise for residents.
- Careful consideration should be given to any conditions to see if they can realistically be enforced.
- There are more than enough pubs in Whitley Bay.

95no. letters of support have been submitted by the occupants of 85no. individual addresses. 17 of these addresses are located outside of North Tyneside, but within the North East. 3 of the addresses are located outside of the North East. The comments are summarised below:

Great idea, the bars that have recently opened in the area have proven to be extremely popular. This is the way forward with the unused buildings in the surrounding area to continue to turn Whitley bay back into the popular attraction it once was.

Will attract more custom creating a better atmosphere for the town.

Great local business, run by local people for local people.

Will be great to see a choice of bars away from the seafront, will encourage people back to Whitley Bay for a night out.

Will re-energise people's love of Whitley Bay.

Whitley Bay is a ghost town, it needs this.

As a business owner in Whitley Bay I think this would great to bring more life to Whitley bay and bring more people to visit.

- Support small local businesses.
- As a frequent visitor to the area I support this application. It will enhance and diversify the CBD (Central Business District) by offering a unique establishment. Owners are of a responsible disposition and impact to local residences would be minimal and managed appropriately.
- Will bring much need business to the area. The bar is in keeping with local drinking establishments and will help attract visitors to the area.
- This will be positive and beneficial to Whitley Bay's current culture and atmosphere. Very relaxed and sociable area to live in and I would enjoy having an establishment like this added to the town centre.
- Would be great to have more establishments like this in Whitley Bay.
- Small businesses like this have been shown to bring more footfall to high streets and towns that are in decline. They do not attract boisterous clientele that are associated with large drinking establishments. They also enhance other similar businesses that are in the area.
- The exterior design of businesses like this also enhance the street scene with smart decor. Location at the end of a main street is good as it is likely to have good visual appeal for those turning onto the high street.
- I believe that as pubs are closing nationally on a weekly basis micro-pubs are the way forward. Positive initiatives are needed in Whitley Bay - a once proud town is dying. All efforts by the Council are targeted on the sea front, while the town centre is being neglected.

Bringing empty premises back into use can only be a positive thing.

- Will bring jobs to North Tyneside.
- Will add character to Whitley Bay and give people who eat there on a night somewhere to go for drinks before and after. This street seems to be overrun by shops either in use or no longer occupied. We need to get with the times, move with 2020 and not get stuck in the dark ages.
- Another bar would add to the friendly atmosphere that seems to have disappeared, it could also help other local businesses such as restaurants etc. Give this application a chance as there are so many of these places closing down.
- The drinking and eating establishments that have arrived there in the past few years have made Whitley bay a place to go to again. These are not places where large groups of people get rowdy or anti-social they are great places to have a couple of drinks with other local people.
- We need to support as much of this as possible otherwise the local high street will disappear. Small businesses need to be attracted as much as possible.
- Will be a nice place to meet friends for a quiet drink.
- A place to have a drink that does not encourage rowdy behaviour and plays a big part in the community is a positive for me!
- The owners seem to want to run this in a responsible manner and commend them on this.
- Micro bars are bringing life back into Whitley bay along with the development around the sea front. Making Whitley bay back into a nice seaside resort that it used to be, attracting visitors and locals back into the area.
- Will enhance the local economy.

- Projects such as this need full support and encouragement from NTC, the area needs to recover from recent years of decline in trading. Local entrepreneurs providing quality local service for local people!
- It is important to encourage more business in the area.
- These sorts of establishments have been the catalyst for investment and have increased footfall. Most of the businesses are flourishing and others are starting too.
- This is the type of hostelry that is complimentary to retail scene of Park View and they are the type that are well managed and become a community asset.
- No one wants another South parade but a classier area to socialise is needed.
- Quaint micro pubs mix well with the coffee shops/restaurants and quirky little shops - they are not open late so aren't considered 'night clubs' they only add character to the area and you only have to look at other successful small towns where tourism thrives and you will find places such as this which celebrate our history, traditions and culture.
- As a fellow business owner in the area it is great to see some diversity brought into the street.
- As a local business owner, I believe it's incredibly important to encourage a range of traders to become part of our community. plans will create jobs, improve the area and bring more custom to the town which can only be positive. It is so difficult to own and run a small independent business given the current climate and I believe we should encourage this as much as possible.
- This venue will attract the right type of people just as the other bars along this street do.
- The business offer looks responsible with consideration afforded to the community to use the building as a usable space.

2.0 Internal Consultees

2.1 Highway Network Manager

2.2 This application is for a change of use from A1 shop to A4 drinking establishment to premises that have been granted a drinks license.

2.3 The site is located Whitley Bay town centre with good links to public transport and there are parking control measures in place in the vicinity of the site.

Recommendation - Conditional approval

2.4 Condition:

REF01 - Refuse Storage: Detail, Provide Before Occ

2.5 Informatives:

- I10 - No Doors/Gates to Project over Highways
- I12 - Contact ERH Erect Scaffolding on Rd
- I13 - Don't obstruct Highway, Build Materials
- I46 - Highway Inspection before dvlpt

2.6 Environmental Health (Pollution)

2.7 The property is located within Whitley Bay town centre with residential apartments located above, and adjacent at Park View Court. The area where this unit is located is a mix of commercial shops and other A4 public houses.

2.8 I would be concerned that the premises will result in an intensification of noise within the area arising from customer noise late into the evening affecting the neighbouring residential properties. If external seating or smoking area was also to be provided to the front of the premise this will result in noise from customer voice for the first-floor residential flats. Environmental health receive frequent complaints about similar premises due to associated noise from the activity, specifically about amplified music, emptying of bottles into the refuse bins late at night and early morning noise from the collection of commercial refuse bins.

2.9 No information has been provided on the operation of the premises. Playing of amplified recorded music will result in additional noise for the residential properties located above the premises. It is unclear on the construction of the existing ceiling between the proposed bar and residential flats and it is unclear if its construction will provide adequate sound attenuation for these premises.

2.10 Any external seating areas that may be provided should be restricted to 08:00 - 21:00 hours Monday to Saturdays and 09:00 - 21:00 hours on Sundays to minimise noise late evening for neighbouring residents.

2.11 Noise complaints have historically been received with regard to delivery and collection noise from waste collection vehicles. Complaints are often received with regard to noise breakout from amplified music and customer noise from other premises that open late in the evening. Conditions are recommended to control delivery hours and noise breakout for nearest residential properties by requiring doors to the A4 premises to be kept closed except for access and egress.

2.12 The extraction that will be required for the kitchen will give rise to potential noise from the fan and exhaust flue and potential cooking odours that may affect amenity of neighbouring residents.

2.13 The applicant has provided no information on quantities and type of food to be prepared at the proposed A4 premises. The applicant has provided no information on odour control and no information on noise levels from any proposed plant such as kitchen extraction and chiller units. The kitchen extraction system should be based upon the DEFRA report "Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust Systems". Conditions are recommended to be attached to any planning consent to ensure the odour control is in accordance to the Defra guidance.

2.14 A noise scheme will need to be provided to ensure noise from the external plant noise is suitably mitigated to the neighbouring residential premises on Park View and Park View Court.

2.15 If planning consent is to be given I would recommend the following conditions

2.16 EPL01; EPL02; EPL03; EPL04 The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the

manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04.

2.17 A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for the representative time when the plant is operational. The rating level for all plant must not exceed the existing background noise levels. 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.

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

2.19 Deliveries and collections must not be permitted between the hours 21:00 and 07:30 hours.

Reason to protect the amenity of nearby residential premises.

2.20 NOI02

2.21 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 to be permitted to be played at the premises at any time.

2.22 External seating areas if provided:

Submit for approval and implement a noise management scheme for the A4 unit 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. External seating areas to be restricted for use to between 08:00 to 21:00 hours.

2.23 All windows and doors to be kept closed at the A4 premises except for access and egress and in case of emergency.

2.24 HOU03 to those stipulated in application

2.25 LIG01 for any new external lighting.

2.26 REF01; REF02; HOU04; SIT03

2.27 Contaminated Land Officer

2.28 No objections.

3.0 Ward Councillor (Whitley Bay)

3.1 Councillor John O'Shea

3.2 I wish to object to the above planning application on the following grounds:

- too many licensed premises in the locality
- noise nuisance from the operation of the cafe for nearby residential properties, patrons congregating outside the premises
- negative affect on residential amenity.

There is significant local concerns about this application and if the recommendation of the planning officers is to grant this application I would request that the matter be referred to the Planning Committee for determination.