

Application No: 20/01421/FUL Author: Julia Dawson
Date valid: 30 September 2020 ☎: 0191 643 6314
Target decision date: 25 November 2020 Ward: Northumberland

Application type: full planning application

Location: Dorset Arms, Dorset Avenue, Wallsend, Tyne And Wear, NE28 8DX

Proposal: Change of use from public house, restaurant and hotel (sui generis) to 14 bedroom hotel with associated facilities (use class C1) (revised description).

Applicant: Dorset Arms Hotel, Mr Stan Madgin Dorset Arms Dorset Avenue Wallsend Tyne And Wear NE28 8DX

Agent: Pd Technical Services, Mr Peter Dawson 21 Sedburgh Road North Shields NE25 8UG

RECOMMENDATION:

It is recommended that members indicate they are minded to approve the application subject to the consultation period expiring on 11th December 2020, and the conditions set out below and the addition or omission of any other considered necessary, subject to the receipt of any additional comments received following expiry of the consultation period and grant delegated powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

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 Dorset Arms which is a large detached building located on Dorset Avenue in Wallsend. The host property is north western facing onto Dorset Avenue with a large area of hardstanding/parking area to the side and rear, which is accessed via an opening onto Dorset Avenue. An external seating area is located within the garden at the front of the premises.

2.2 A two storey semi-detached residential dwelling at 9 Dorset Avenue is located adjacent to the application site to the south west. The rear gardens of residential dwellings facing onto Station Road abut the side/north eastern boundary of the site. Beyond the rear boundary of the application site is a residential care home with associated garden (Eothen Home).

2.3 The surrounding area is residential in nature and largely consists of two storey semi-detached and terraced family dwellings. The last use of the application site was as a public house and restaurant with hotel accommodation.

3.0 Description of the Proposed Development

3.1 The proposal relates to the change of use of the site to a hotel (Use Class C1) with fourteen bedrooms. In order to accommodate the change of use the following internal changes are proposed to the ground floor layout of the building:

3.2 Omission of ground floor dining room, bar, games and function rooms and toilets and the creation of six bedrooms with bathrooms, a reception/administration/breakfast area and a staff room.

4.0 Relevant Planning History

99/01862/FUL - Extend function room, kitchen and yard area. Conservatory extension to the rear and alterations to car park including erection of 2.4m high close boarded fence. – Approved 21.12.1999

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

5.2 Government Policy

5.3 National Planning Policy Framework (NPPF) (February 2019)

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

7.3 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 include the creation, enhancement and expansion of tourist attractions, visitor accommodation and infrastructure, capitalising on the Borough's exceptional North Sea coast, River Tyne and International Ferry Terminal.

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

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

7.5 Policy AS8.16 'Tourism and Visitor Accommodation at the Coast' states that North Tyneside's coastal area provides popular tourist attractions, facilities and accommodation that are of importance to the tourism industry for the region. Proposals for new or the extension of existing attractions, facilities and accommodation will be actively supported to maintain and enhance an attractive, vibrant and viable seafront offer where they are:

- a. Able to maintain the overall openness of the coastal area through their location and the incorporation of high-quality design and materials in keeping with the character of the area; and
- b. Of an appropriate scale in-keeping with surrounding buildings; and
- c. Located where the impact from increased visitors can be accommodated:
 - i. By existing infrastructure capacity making best use of public transport provision and avoiding increased road congestion; and
 - ii. Without significant adverse harm upon the designated coastal environment sites and wider biodiversity.

7.6 The application site has previously operated as a public house and restaurant and has provided hotel accommodation for guests across seven bedrooms on the first floor and one bedroom on the ground floor. It is understood that the premises stopped operating as a public house and restaurant as a result of the Government lockdown in March 2020 and since this time has focused solely on providing accommodation. It is noted that the applicant has provided accommodation to people placed at the premises by the Council's Housing team. The comments submitted by Eothen Homes (residential care home) are also noted. They have advised that the applicant told them that he was providing accommodation to homeless people during the initial lockdown period, but since the first lockdown ended ex-offenders have also been provided accommodation.

7.7 The applicant has submitted a supporting statement advising that he has decided to cease operation as a bar (due to the pandemic and other factors) and to continue operating solely as a hotel. He has acknowledged that in recent years he has provided accommodation to guests booked in by the Council. On these occasions he has provided a hotel service to those people who require temporary accommodation. However, he has also advised that he has catered for guests from all over the world as well as contractors seeking reasonably priced accommodation.

7.8 The current application must be considered based on the information submitted as part of the planning application. Whilst the concerns expressed by local residents regarding the use of the premises as a bail hostel are noted, this is not what the applicant has applied for. Members must consider the application as detailed in the actual submission.

7.9 It is clear (evidenced by online advertisements and reviews from websites such as Tripadvisor and Google) that the premises have provided hotel services for several years, alongside the public house and restaurant uses. This is not in dispute. The applicant can lawfully continue to operate in this way without any involvement or control from the Local Planning Authority. The issue is whether the principle of the proposed change of use to a hotel (*operating within Use Class*

C1 - use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided) with an additional six bedrooms is acceptable.

7.10 Members need to determine whether the principle of the proposed change of use of the application site to a hotel operating under Use Class C1 is acceptable. Officer advice is that the proposed change of use from a mixed-use public house, restaurant and hotel to a single use as a hotel is acceptable. Whilst the application site is not located within a designated town centre, it has long provided hotel accommodation for visitors to the region. The intensification of this established part of the existing business will provide more accommodation for people coming to the region as visitor numbers, tourism and economic activity increase once the pandemic is over. This is in accordance with the objectives of the relevant local plan policies and the NPPF as set out above.

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

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

8.6 Significant objection has been received in respect of the harm which has been experienced by local residents due to the behaviour of some guests who have been staying at the application site since March 2020 in terms of illegal activities, trespassing on private residential properties and the care home, and residents subsequently feeling unsafe in their homes and when coming and going to them. These concerns are fully noted.

8.7 Local residents are concerned that the application site has been operated as a bail hostel, which does not fall within a defined use class and is therefore 'sui generis'. However, whilst the Local Planning Authority does not dispute that the aforementioned activities may have taken place resulting in increased police visits to the site, the current application is for a hotel use, not a bail hostel, and the impacts of a hotel as proposed must therefore be considered as part of this application.

8.8 The applicant has been advised that if they wish to operate a bail hostel or any kind of secure residential institution this will need a separate application for planning permission. Such an application would be considered on its individual merits. It is not unusual for hotels to offer short term temporary accommodation to people in need. However, for this to remain lawful (under the provisions of Use Class C1), it must be offered as hotel accommodation on a short-term basis. If an establishment was solely offering such accommodation and none of or the majority of the occupants did not have a permanent residence elsewhere, it is likely that this would either be classed as a House of Multiple Occupation or a Hostel. The applicant has applied for neither of these. If planning permission is granted and the site is operated in such a way, the LPA will be able to take enforcement action against any unauthorised uses.

8.9 With regard to the impact of a hotel on the amenity of surrounding residents, this is considered to be acceptable. The proposal will see the removal of the public bar, games room and restaurant and an increase in the number of guest bedrooms. When compared to the existing offer of eight guest bedrooms it is not considered that an additional six guestrooms will result in such an increase in activity at the site in terms of associated noise and comings and goings that refusal of the application could be justified on these grounds. It is likely that there would be more disturbance as a result of the use of a large bar area, restaurant, games room and outside drinking area as per the existing lawful use.

8.10 Members must determine whether the proposed use of the application site as a hotel with fourteen guest bedrooms (Use Class C1) will have a harmful impact on the residential amenity of surrounding residents. Officer advice is that, subject to conditions to control the future occupancy (i.e. the rooms must not be used as a permanent sole residence and the site must not operate as bail hostel or secure residential institution), the installation of any new air conditioning, extraction and refrigeration plant at the premises, and the control of the hours during which guests can use the external areas, the proposed hotel use will not result in harm to the residential amenity of surrounding occupants in accordance with relevant local and national planning policies.

9.0 Character and Appearance

9.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

9.2 Policy DM6.1 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 The Council's 'Design Quality' Supplementary Planning Document applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

9.4 No external alterations are proposed as part of the planning application. As such, the proposed change of use of the premises will not result in any harm to the character and appearance of the surrounding area.

9.5 The proposal is considered to be in keeping with the character and appearance of the host building and surrounding area.

9.6 Highways Impacts

9.7 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.

9.8 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.

9.9 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.

9.10 LDD12 Transport and Highways SPD set out the parking standards for new development.

9.11 The Council's Highway Network Manager has been consulted and recommended conditional approval of the application, noting that the access remains unchanged parking has been provided to meet the needs of the development.

The proposal is considered to be acceptable on highways grounds.

the exact location, height, design and materials. 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.

4. Prior to the installation of any new air ventilation system to be installed in connection with the approved development, full details 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 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.

5. Prior to the installation of any refrigeration plant to be installed in connection with the approved development 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.

6. Prior to the installation of any new plant/equipment/extraction/air ventilation system at the application site in connection with the approved development 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.

7. Within one month following installation of any plant and equipment, acoustic testing must be undertaken to verify compliance with condition 6 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.

8. Prior to the operation of the approved use facilities for the storage of refuse and recycling from the premises shall be provided within the curtilage of the application site. 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 safeguard the amenities of the area having regard to policies DM7.4 of North Tyneside Local Plan (2017).

9. 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.

10. Restrict Hours No Construction Sun BH HOU004 *

11. There shall be no deliveries or collections to or from the 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.

12. 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).

13. There shall be no use of the rear curtilage or any other external area for external seating or amenity space associated with the approved use outside of the hours of 08:00 and 21:00 on any day 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).

14. No amplified music in the form of bands, solo, duo artists, discos, karaoke, DJ's or recorded background music is permitted to be 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.

15. Noise No Tannoys Externally Audible NOI002 *

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the land and/or building(s) shall be used only for the purpose of a Hotel (Use Class C1) and for no other purpose and it shall not be occupied as any person's sole or main place of residence (excluding the owner/manager of the hotel). The owners/operators shall maintain an up-to-date register of all guests and their main home addresses (for the duration of their stay and only in accordance with GDPR legislation) and shall make this available at all reasonable times to the local planning authority.

Reason: To enable the Local Planning Authority to retain control over the use of the site and to ensure that the approved hotel accommodation is not used for permanent sole residential occupation or for any other purpose not falling within Use Class C1 in order to protect the amenity of surrounding residents in accordance with policies S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

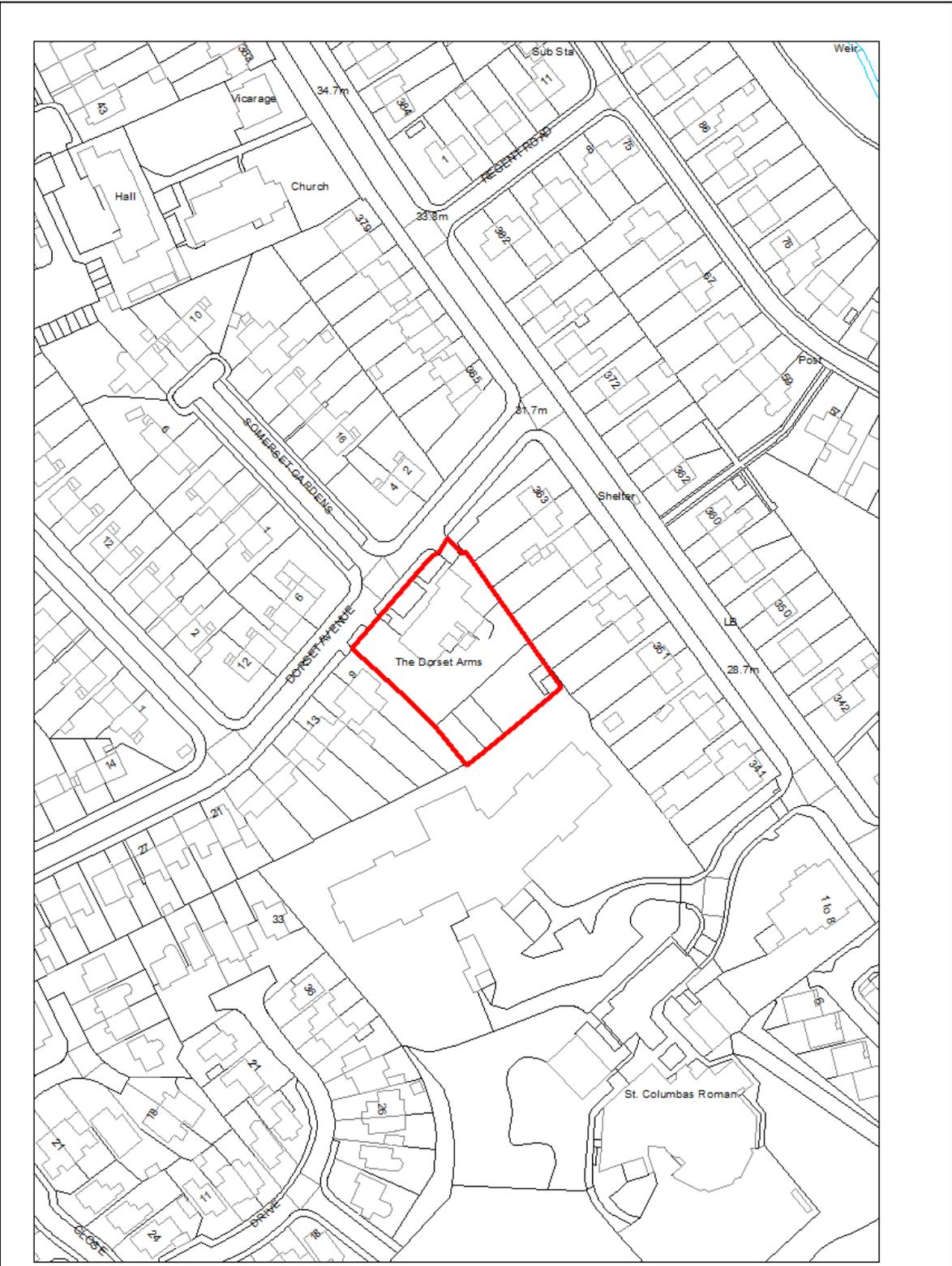
Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

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 (103)

Advice All Works Within Applicants Land (129)



Application reference: 20/01421/FUL

Location: Dorset Arms, Dorset Avenue, Wallsend, Tyne And Wear

Proposal: Change of use from public house, restaurant and hotel (sui generis) to 14 bedroom hotel with associated facilities (use class C1)

Not to scale

Date: 03.12.2020

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Appendix 1 – 20/01421/FUL

Item 1

Consultations/representations

1.0 Representations

9no. objections (from 6 separate addresses):

- Not enough properties were consulted.
- There has been an increase in police activity at the application site.
- This is not a hotel, it's more like a half-way house or hostel. Unacceptable use in residential area with families, young children and a nearby care home.
- Since the pandemic began and the Dorset Arms closed people, including those on tags, have been housed there and there has been an increase in criminal and unsavoury activities in area, i.e. drug dealing/taking, trespassers in residential gardens, people smoking and drinking in front of the site, arguments, burning rubbish all day, residents of the site approaching residents of local homes without invitation.
- Residents feel unsafe in their homes.
- Detrimental impact on property value.
- Previously quiet family friendly estate is now home to a halfway house.
- Yard is unsightly and messy.

1no. objection from Eothen Homes (residential care home):

- Landlord advised us that the probation service was paying him to house ex-offenders recently released from prison. We have experienced ex-offenders scaling the fence and trespassing in our garden. This puts our staff and residents at risk.
- The rear garden of the Dorset Arms is being increasingly used by residents smoking, drinking, shouting and suspected drug use.
- This type of facility is not appropriate next to a care home, primary school and a home for people with learning difficulties
- Increase in rooms increases the risks.
- The proposed use directly next to us will be off putting to prospective residents and their families and could have an impact on our ability to maintain required occupancy levels.

2.0 Ward Councillor

2.1 Councillor Andy Newman

2.2 There are a number of areas in which I feel there is insufficient information or areas that need clarified. I have also been contacted by a number of residents who have concerns over the changes being proposed and feel the planning committee would be best placed to not only ensure the areas of concern that have been raised are addressed but the gentleman who has applied for planning gets a fair chance to explain his plans to the committee.

3.0 Internal Consultees

3.1 Highway Network Manager

3.2 This application is for a change of use from public house, restaurant and hotel (sui generis) to 14 bedroom hotel with associated facilities. Access remains

unchanged parking has been provided to meet the needs of the development.
Conditional approval is recommended.

Recommendation - Conditional Approval

Condition:

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

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 dvlp

4.0 External Consultees

4.1 Newcastle International Airport

4.2 No comments