

Item No: 5.2
Application No: 18/01144/FUL
Date valid: 21 August 2018
Target decision date: 16 October 2018
Author: Julia Dawson
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Ward: Whitley Bay

Application type: full planning application

Location: 46 - 60 Park View, Whitley Bay, Tyne And Wear, NE26 2TH,

Proposal: 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)

Applicant: HT Leisure Ltd, 37 The Side NE1 3JE

Agent: Nicholson Nairn Architects, Mrs Philippa Ramsay Bishops Court Rectory Lane Whickham Newcastle Upon Tyne NE16 4PA

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Description of the Site

1.1 The site to which the application relates is a large vacant retail unit (Use Class A1) located within the Primary Shopping Frontage/Area of Whitley Bay town centre. The site, which occupies several combined ground floor units, was previously in use as a Pound Stretcher store. The adjoining site to the east is a hot food takeaway 'Turkish Delight' at ground floor level with a residential flat above, and to the west is a vacant retail unit (previously Age Concern UK). To the rear the site backs onto an access lane and car park and the rear of residential properties which face onto Roxburgh Terrace. Opposite the site on the other side of Park View are a mix of retail and non-retail units, including a large vacant retail unit, which was previously in use as 'The Original Factory Shop'. At first floor level above the application site are two vacant floors which were previously used as part of the Pound Stretcher store for storage/office purposes. There are residential flats above some of the ground floor commercial units along this part of Park View.

2.0 Description of the Proposed Development

2.1 The application is for the renovation and subdivision of the existing vacant unit into two units and the change of use from use class A1 (retail) to use class A3 (cafe/restaurant) and use class A4 (drinking establishment). The proposed external alterations consist of a replacement shop front and glazing.

3.0 Relevant Planning History

79/01087/FUL - Use 1st floor 2 rooms as a sun studio (3 persons per session) – Approved 10.09.1979

93/00086/FUL - Reduce ground floor sales area to form new shop unit, form new entrance – Approved 25.02.1993

99/00934/ADV - Non illuminated fascia sign front & rear of property. 1 no. internally illuminated projecting sign. – Split Decision 06.08.1999

4.0 Development Plan

4.1 North Tyneside Local Plan (2017)

5.0 Government Policy

5.1 National Planning Policy Framework (NPPF) (July 2018)

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

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

PLANNING OFFICERS REPORT

6.0 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 site and 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 confirms that local authorities should attach significant weight to the benefits of economic growth and enable the delivery of sustainable developments. It states that achieving sustainable development means that the planning system has three overarching objectives, namely an economic objective, a social objective and an environmental objective. 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.

7.2 Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan.

Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

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

7.4 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 'Primary Shopping Area' of the Local Plan states that within these Primary Shopping Areas, proposals for development will be permitted where they would:

a. Enhance or complement the principal role of the location as an area of retail activity.

b. Promote the vitality and viability of the centre, including proposals for residential development and conversion of upper floors.

c. Avoid a cumulation of uses that can undermine the centre's overall retail function and character.

d. Deliver high quality active ground floor frontages.

e. Not result in more than three adjacent units being in the same non A1, A2 and A3 use.

f. In the Primary Shopping Frontage not result in less than 80% of frontages being in A1, A2 and A3 use and the following factors will be taken into account in assessing the impact of a proposal:

- i. the nature of the use proposed, in particular the extent to which it would be attractive to shoppers and contribute genuinely to diversity;
- ii. the size (frontage width) and prominence of the property;
- iii. if vacant, the prospects of the property finding another A1, A2 and A3 use in the foreseeable future;
- iv. recent trends in the balance of shop and non-shop uses in the frontage, whether stable or changing, and at what pace;
- v. which would result in an A1, A2 and A3 frontage of between 75% and 80% will normally be more acceptable than those which result in a level below 75%.

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 It is proposed to change the use of the existing vacant retail unit into a restaurant (Use Class A3) and bar (Use Class A4). The Local Plan states that primary shopping frontages (PSF) are those streets more likely to contain retail activities and have the largest pedestrian flows. Secondary frontages provide opportunities for a greater diversity of uses such as pubs, banks, cinemas and other businesses.

7.9 Policy DM3.5 of the Local Plan discourages the loss of retail units in the PSF unless the proposal accords with the criteria set out within the policy. However, this is considered to be acceptable in this particular case. The Council's Planning Policy team has provided detailed comments which contain an analysis of the existing retail provision and vacancy rates within the primary shopping frontage (PSF). The application site constitutes 9% of the overall PSF. The change of use will result in the remaining PSF being just below the desired 80% set out in DM3.5, however criteria (f) of the policy sets out that if the margin of variance to the Policy is minimal (1% in case) then flexibility can be shown. Therefore, the proposal is in accordance with policy DM3.5 and can be supported.

7.10 The Council's Regeneration team has also offered their full support of the proposed development noting the changing nature of the way in which the town centre is used, stating that town centres need to be pro-active in diversifying away from solely retail to a mix of other uses, including food and drink and other leisure facilities. The Regeneration team do not consider that retailers would occupy this large vacant retail unit and it would remain vacant and an eye sore if a change of use and sub division is not permitted. A number of vacant retail units already exist on the same street and this proliferation of vacancies has a significant detrimental impact on the town centre. This proposal fits with the way in which town centres need to develop moving forward to keep centres viable and vibrant places which people want to visit boosting both the day and night-time economy. The proposal will also provide a number of jobs and add to the significant public and private investment already making Whitley Bay an improved place to live, work and visit.

7.11 Significant support has also been offered by residents of Whitley Bay and the wider Borough who welcome the addition of a further independent and locally run business in this town centre location.

7.12 A local resident has objected to a further drinking establishment in Whitley Bay. However, it is clear that restaurants and drinking establishments are recognised 'main town centre uses' (as set out in the Local Plan and the NPPF), the principle of which are supported in town centres. Furthermore, it is noted in the Local Plan that issues associated with the night time economy are multi-dimensional issues and actions to address them cover a much wider range of legislation than just town planning. For example, in March 2011, the Council adopted a new licensing policy to the busiest drinking areas of Whitley Bay - bordered by Promenade, Park Avenue, Marden Road, Station Road, Whitley Road and Percy Road. The 'Cumulative Impact Policy' 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.

7.13 Members must determine whether the principle of the proposed use is acceptable. Officer advice is that the site is located within the Primary Shopping Area and Primary Shopping Frontage of Whitley Bay where several retail units are currently vacant. The proposal will return a vacant unit into active use which will make a substantial contribution towards the vibrancy and vitality of this part of the town centre, and the ongoing regeneration of Whitley Bay as a whole, without resulting in any significant shortfall in town centre retail provision.

7.14 The proposal is also in accordance with the aims and objectives of Policy AS8.15 in terms of supporting a mix of recreation and business uses in the town centre. The principle of the proposal is therefore considered to be acceptable and in accordance with policies S1.4, S2.1, S3.1, DM1.3 and DM3.5 of the Local Plan and the objectives of the NPPF.

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 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.

8.5 Two objections have been submitted, one by a resident of Roxburgh Terrace to the rear of the application site, and one from a resident of the wider Whitley Bay area. Both are concerned with regard to the impact of the proposed development in terms of noise and disturbance, and the nearby resident in terms of opening hours beyond 10.30pm and customer access to the rear of the premises. These concerns are noted.

8.6 Councillor O'Shea has also submitted an objection as he is concerned that adjacent residential properties will be significantly affected by the noise surrounding the operation of the proposed bar/restaurant.

8.7 The Council's Environmental Health team has not objected to the proposed development. However, they have raised concerns with regard to customer noise (particularly late at night), plant noise and music. Concern has also been raised with regard to the provision of outside seating to the front which could give rise to customer noise from loud voices and also from noise breakout from the waste store area to the rear of the site in relation to disposal and collection of waste. All of these points are noted. However, it is considered that the attachment of the conditions suggested by the Environmental Health team can adequately address these issues.

8.8 Suggested conditions include: control over opening hours; noise schemes for both plant/equipment and music (including mitigation measures and sound insulation); control over opening of windows and doors apart from access/egress; construction hours; deliveries and collections; control over hours during which waste storage area is used; full details of all extraction and odour suppression equipment; refuse storage, and; full details of any external lighting. There will be no customer access to the rear of the premises, and this can also be controlled by planning condition.

8.9 With regard to later opening hours (beyond 10.30pm), the concerns are also noted. However, as noted by the Environmental Health team, other licensed premises in the town centre (e.g. The Fat Ox) are open later than 10.30pm. The Environmental Health team has suggested slightly lesser hours than those proposed by the applicant within their licensing application (Environmental Health have recommended 08:00 – 23:00hrs Monday to Wednesday, 08:00 – 00:00hrs Thursday to Saturday and 09:00 – 23:00hr Sundays and Bank Holidays) and, providing that the suggested conditions are attached and adhered to, it is not considered that the proposed development will result in any significant harm to the residential amenity of surrounding residents.

8.10 The public footpath to the front of the premises is not included within the red line boundary shown on the site location plan, which denotes the application site. As such, the public footpath is outside of the application site boundary. Within the Design and Access Statement and supporting statement the applicant has advised that they wish to serve customers via a row of single tables and chairs located along the front elevation of the site (this is not shown on the proposed floor plans). Such tables and chairs would be removable and temporary in nature and would not constitute a permanent change of use of the public footpath. A condition is recommended to ensure that no tables or chairs are placed on the public footpath and used for the purposes of serving/consuming food and drink from the premises outside of the hours of 08:00 and 21:00. The Council's Highway Network Manager has advised that the applicant will need to contact the Council's Streetworks team directly to apply for a pavement café license.

8.11 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 of the Surrounding Area

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 of the characteristics of the site, its wider context and the surrounding area.

9.3 The Council's Supplementary Planning Document 'Design Quality' applies to all planning applications that involve building works. It states that the design of shop fronts should be well integrated with the local context and that there should be level access from the public realm.

9.4 The proposed external alterations consist of a new shopfront. Within their Design and Access Statement the applicant has advised that the proposed frontage seeks to brighten the facade and create an elegant approach to the street elevation. The proposal introduces slender sections of glazing and flashes of colour to indicate the structure, this vertical approach helps break up the horizontal nature of the street elevation. The colours have been taken from the branding of the two units, the colours help enhance the upmarket, elegant approach whilst complimenting the adjoining properties, where there is a precedent of dark coloured facades. Overall the elevation seeks to enhance and improve its current surroundings through careful design and consideration of the glazing, colours and signage. The rear elevation is to be kept as existing, shutters will be replaced as required for security purposes.

9.5 Members must determine whether the proposed external works are in accordance with objectives of the NPPF, DM6.1 and advice provided in the 'Design Quality' SPD in relation to shop fronts. Officer advice is that the proposed works will improve the appearance of the application site and the street scene.

10.0 Highways Impacts

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 The Council's Highway Network Manager has been consulted and does not object, noting that the site is located in Whitley Bay town centre with excellent links to public transport and parking controls in the vicinity.

10.6 Members must determine whether the proposal is acceptable in terms of its impact on the highway network. Officer advice is that the proposal is in accordance with the NPPF, LDD12 and policy DM7.4.

11.0 Local Financial Considerations

11.1 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.

11.2 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 and tourist facilities in this area, providing an additional service to the community and visitors.

12.0 Conclusion

12.1 On balance, and with regard to all of the above, it is considered that the proposed bar and restaurant are appropriate use of this existing commercial site. It will bring an existing large vacant unit back into use and will improve in the vitality and vibrancy of this part of the town centre, whilst contributing to the

ongoing regeneration of Whitley Bay. 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 21.08.2018
- Location Plan, 0001-1001, Rev.0, 16.08.2018
- Proposed Ground Floor Plan, 0001-1100, Rev.0, 14.08.2018
- Proposed First and Second Floor Plan, 0001-1102, Rev 0, 16.08.2018
- Proposed Street and Rear Elevations, 001-1150, Rev.0, 16.08.2018
- Design and Access Statement, ref.25280, August 2018

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. The premises shall not be open for business outside of 08:00 - 23:00 hours Monday to Wednesday, 08:00 - 00:00 hours Thursday to Saturday and 09:00 - 23:00 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.

4. There shall be no deliveries to the premises or collections from the premises outside of the hours of 07:30 to 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.

5. Prior to the operation of the approved use facilities for the storage of refuse at the premises shall be installed within the premises/site curtilage. The facilities, which shall not be used/accessed between the hours of 22:00 to 07:00 Monday to Sunday, 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.

6. 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.

7. Prior to the placement of any tables or chairs on the public highway to the front of the application site and any use of this area as an associated external amenity space/seating/drinking/smoking area in connection with the approved development (for which the applicant must first obtain a Streetworks license) a noise management scheme must be submitted to and approved in writing by the local planning authority. The scheme must demonstrate how the area will be managed and how external noise will be minimised.

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. The external pavement/public highway to the front of the application site shall not be used as an external amenity space/seating/drinking area in connection with the approved development outside of the hours of 21:00 to 08:00 and all tables and chairs must be removed during these hours.

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.

9. 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.

10. Restrict Hours No Construction Sun BH HOU00 *
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11. Prior to the playing of any live or amplified music within the premises a noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The noise assessment shall identify noise sensitive residential premises, determine the existing and expected noise levels from the entertainment, and detail a scheme of sound attenuation and mitigation as required. Such a scheme shall be capable of restricting noise breakout from the building at one metre from the facade of the noise sensitive residential premises to ensure that;

- The LAeq (5 mins) with entertainment noise on does not exceed the representative background noise level LA90 (5mins) (without entertainment noise), and

- The L10 (5mins) with entertainment noise on does not exceed the representative background level L90 (5mins) (without entertainment noise) in any 1/3 octave band between 40Hz and 160Hz.

Any attenuation and/or mitigation detailed within the approved scheme shall be implemented before live music or amplified music is permitted to be played within the premises.

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. Within one month of the commencement of the operation of the business and the playing of live and/or amplified music acoustic testing shall be undertaken to verify compliance with condition no.11 of this approval and the

results submitted in writing for the approval of the Local Planning Authority. Thereafter, the approved development shall be operated in complete accordance with the agreed noise scheme.

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. Noise from or associated with activities emanating from the approved A3 and A4 premises must not exceed at any time an equivalent noise level of 50 dB(A) measured over a 1 hour period for daytime (0700-2300 hours) and a level of 45 dB(A) measured over 15 minutes after 23.00 hours at 1m from the facade of the nearest residential property.

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. Prior to the installation of any plant and equipment at the application site, a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme, which must be in accordance with BS4142, shall determine the current background noise levels at the nearest residential property for the times when the plant and equipment is to be operated, and details of the noise levels expected to be created by the combined use of plant and equipment in order to ensure compliance with the noise rating level. Thereafter, 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.

15. Within one month of the installation of the plant and equipment acoustic testing shall be undertaken to verify compliance with condition no.14 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.

16. Prior to the installation of an air ventilation system within the premises 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 the National Planning Policy Framework.

17. Prior to the installation of any refrigeration plant to be installed in connection with the development full details of the plant must be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter

only be installed in accordance with the approved details and permanently retained as such.

Reason: To safeguard the amenity of nearby residents having regard to the National Planning Policy Framework.

18. Prior to the installation of an odour suppression system (for the arrestment of cooking odours) 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. The odour suppression system shall be maintained in accordance with the details provided by the manufacturer, which must be submitted for the purposes of demonstrating compliance with this condition.

Reason: To safeguard the amenity of nearby residents having regard to the National Planning Policy Framework.

19. 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.

20. Prior to the installation of any chimney or extraction vent to be provided in connection with the development full details 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: To safeguard the amenity of nearby residents having regard to the National Planning Policy Framework.

21. Dust suppression during construction SIT03 *

22. The doors in the front elevation facing onto Park View shall be used as the only means of access/egress for customers to the premises at all times, except for access and egress to the rear in the case of an emergency.

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

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

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

Informatives

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Contact ERH Erect Scaffolding on Rd (I12)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The applicant is advised that end users are unlikely to be eligible for parking permits in this area and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at parking.control@northtyneside.gov.uk or telephone number (0191) 643 2121 for further information.

The applicant is advised that any furniture placed on the adopted highway will require a license and permission from the council's Streetworks Team. Telephone - (0191) 643 6131, e-mail - streetworks@northtyneside.gov.uk

Coal Mining Standing Advice (FUL,OUT) (I44)

Appendix 1 – 18/01144/FUL Item 2

Consultations/representations

1.0 Representations

1.1 40 letters of support and 2 objections have been received, these are summarised below:

1.2 Support

- Brilliant for area, just what is needed.
- Imaginative use, will bring footfall to Park View.
- The old pound stretcher building is so large, I cannot think of a better purpose than a bar and restaurant which will hopefully be in keeping with the likes of the Dog and Rabbit and Black Storm pub.
- Large unit to fill with retail and the proposed development is very much in keeping with the regeneration of Whitley Bay and should be wholeheartedly supported.
- As a mother of a young family, I am pleased that they will cater for the family market and be kid friendly and are focusing their offer on the discerning customer seeking quality rather than a more mainstream leisure establishment offering a standard leisure offer.
- We were regular customers at Mr Petit in Newcastle it was a favourite restaurant. It offers something a bit different and a very high standard of food.
- I am a local resident that believes in independent local businesses making the most of empty premises. Good food and drink venues that appeal to a variety of residents help build better communities.
- Regeneration is important to the local economy.
- I support any development of a large retail unit within Whitley Bay provided the Council stipulates stringent criteria to limit the noise and potential anti-social behaviour within the town centre.
- Great idea to the keep the building in use.
- A vibrant new venue would be great to see in this part of Whitley Bay.
- Welcome addition to Whitley Bay.
- Really excited to think that we will have a Giraffe Lounge/ Mr Petit in Whitley Bay. It is clear that the plans are to turn this empty, eyesore into a high quality, family friendly eating and drinking establishment and this is exactly what is needed in this area of the town.
- It will complement other new businesses which are emerging on the sea front and on the other end of Park View. The Giraffe Lounge and Mr Petit in Newcastle are high end establishments which do not attract clientele who want cheap drink and loud music. The music is always subtle and complements the ambience. I would intend to the visit the Whitley Bay premises during the day with my young children and other young mums and then at night with family and friends.
It would attract people into the centre of Whitley Bay again who want to experience something different to Weatherspoon's and the Victoria pub.
- We do not want the building to remain empty and not do we need another charity shop or bric a brac- although I love such shops to explore, we have enough of them. We need to support the revamp of Whitley Bay so it prospers again; this is what the developers seem to be aiming for.

- This will attract visitors and tourists.
- This will improve the town centre with ample transport links nearby.
- We must support businesses in this area.
- The development of the premises will allow a locally ran and owned established business, which has already shown continued success in Newcastle, to grow, providing a high quality eatery and drinking establishment.
- This can only be a good thing. As you head towards that part of Whitley Bay, away from great sole trader businesses the town clearly needs some investment and many varied places to eat and socialise can only be a good thing for the area and will also support the continued regeneration of Whitley Bay.
- The proposed development of a high quality restaurant/bar in these premises would encourage people to use the town centre again who would otherwise be put off.

1.3 Objections

- Fundamentally a residential area. Late opening will result in anti-social impacts, noise; worse if the history of sea front pub management is an indication.
- It is a regular experience for drinkers wandering back from Whitley pubs to urinate in gardens and cause noisy disturbances.
- I support the development of the town centre, but more and more boozers is not the answer.
- Residents should be able to rely on the council not to reduce their living environment to one dominated by alcohol consumption rather than being the welcoming, family oriented good place to live we pay our taxes to facilitate.
- Strongly object if opening times are to be later than 10.30pm on any day; public access is allowed to the rear of the premises; total sound proofing is not installed.

1.4 Ward Councillor

1.5 Councillor O'Shea (Whitley Bay):

1.6 I wish to object. My main concern is that adjacent residential properties will be significantly affected by the noise surrounding the operation of this bar/restaurant. In the event that you are minded to grant permission for the change of use I would request that the application be referred to the Planning Committee for determination. Additionally because of the considerable local concern about this application I would request speaking rights at the Committee meeting.

1.7 Internal Consultees

1.8 Planning Policy

1.9 The application is located in a highly prominent section of the Primary Shopping Area of Whitley Bay town centre and designated as a primary shopping frontage in the Local Plan (2017). The Local Plan supports town centre developments that contribute to the protection and enhancement of the town centre (S3.1, DM3.5). The proposal is in accordance with Policy S3.1 to improve the range of shops and services available and in particular, 'boost the growth of small and medium sized businesses that can provide unique and niche services'. The artisan offer of this development, alongside the opportunity to expand the restaurant choice would help support the evening economy and be in accordance with Policy S3.1.

1.10 There are currently 40 vacancies in the Primary Shopping Area (12 in the primary shopping frontage) and the overall vacancy rate in the Primary Shopping Area is 10%. The unit is one of the larger premises in the designated primary shopping frontage, with its frontage (26.5m), constituting 9% of the overall primary shopping frontage.

1.11 The application is in accordance with Policy DM3.5 by deliver a high quality ground floor frontage but I have concerns that the area of proposed outdoor seating may restrict the safe pedestrian access along the footpath and lead to an unacceptable narrowing of the footpath. However, I would accept the final conclusion of the highways team on the issue. As shown in Table 1, the amount of primary frontage would be just below the desired figure outlined in Policy DM3.5 (80%) but the application is still considered to be in accordance with Policy DM3.5 as criteria f) sets out that if the margin of variance to the Policy is minimal (1% in case) then flexibility can be shown. Overall, it is believed that the development would bring back into use a highly prominent frontage, contribute to the diversity of traders and help promote the vitality and viability of Whitley Bay.

1.12 Regeneration

1.13 The Regeneration Team supports the sub-division and change of use of this large vacant former discount retail unit in a highly prominent location in Whitley Bay town centre, into a family restaurant/pub and high end restaurant.

1.14 The changing retail market and shopping habits of consumers means that town centres need to be pro-active in diversifying away from solely retail to a mix of other uses, including food and drink and other leisure facilities. It is not considered that retailers would occupy this large vacant retail unit and it would remain vacant and an eye sore if a change of use and sub division is not permitted. A number of vacant retail units already exist on the same street and this proliferation of vacancies has a significant detrimental impact on the town centre.

1.15 This proposal fits with the way in which town centres need to develop moving forward to keep centres viable and vibrant places which people want to visit boosting the day and night-time economy. The proposal will also provide a number of jobs and add to the significant public and private investment already making Whitley Bay an improved place to live, work and visit.

1.16 The application should be fully supported and approved.

1.17 Environmental Health (Pollution)

1.18 The premises are located in a mixed use area with residential properties located to the rear of the site in Roxburgh Terrace and residential flats adjacent in Park View. I have concerns that a change of use from A1 to A3 and A4 will result in an intensification of use if the premises are to open late at night. Noise will arise from customers, plant noise and music. No noise assessment has been provided to assess the proposed change of use.

1.19 I would be concerned about noise breakout from the mixed uses as live acoustic music is proposed, any noise break out will affect residential premises to the rear of the site in Roxburgh Terrace and the residential flats on Park View.

The application does not outline the operating times for the A3 and A4. If permitted late opening hours this will result in a cumulative impact from the noise of customers, as well as 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 I would therefore be concerned about noise late at night from customers using the premises or from potential live and/or amplified music.

1.20 The rear of the premises backs onto residential facades of Roxburgh terrace and would be concerned with regard to the impact of noise from plant and from noise breakout from waste store area in relation to disposal and collection of waste. The proposal includes for the provision of outside seating to the front which will give rise to customer noise from loud voices. Other licensed premises close to this site are restricted to no later than midnight and it is recommended that a condition is attached to restrict opening to midnight on Thursday and Saturdays and 11pm on other week nights. 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.

1.21 I have concerns that any external plant, such as compressors and air conditioning units etc will result in additional noise during the late evening It will also be necessary to place conditions on the A3/A4 mixed use premise to ensure a noise scheme is incorporated to assess the noise impact of such activities and to ensure adequate controls are attached. A condition will be necessary to restrict the times for the proposed outside seating to no later than 9pm. A noise verification assessment will be necessary to confirm that all new plant and equipment is compliant with the requirements of the noise scheme.

1.22 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 07:30 and 19:00 hours Monday to Saturdays only.

1.23 No information has been provided on the proposed food to be cooked other than being sourced locally. No information has been provided on the kitchen extraction system and odour control for the kitchens. It is noted that both premises are to have a kitchen area but it is unclear if a combined ventilation system will be provided. No odour risk score has been provided and a detailed schematic is required that details the proposed odour abatement system. The system will need to comply with the requirements of the former DEFRA report "Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust Systems". Full manufacturer details are necessary for the odour control plant including details on the cleaning and maintenance schedules.

1.24 If any new external lighting is installed as part of the scheme an assessment will be required to ensure it is compliant with the Lighting Engineers outdoor lighting guidance.

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

1.26 Noise condition for plant and equipment installed:

1.27 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.

1.28 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.

1.29 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.

1.30 Non-standard condition: Entertainment Restrictions:

1.31 Prior to the playing of live music or amplified music within the premises a noise assessment shall be submitted to and approved in writing by the Local Licensing Authority. The noise assessment shall identify noise sensitive residential premises, determine the existing and expected noise levels from the entertainment, and detail a scheme of sound attenuation and mitigation as required. Such a scheme shall be capable of restricting noise breakout from the building at one metre from the façade of the noise sensitive residential premises to ensure that;

- The LAeq (5 mins) with entertainment noise on does not exceed the representative background noise level LA90 (5mins) (without entertainment noise), and
- The L10 (5mins) with entertainment noise on does not exceed the representative background level L90 (5mins) (without entertainment noise) in any 1/3 octave band between 40Hz and 160Hz.

Any attenuation and/or mitigation detailed within the approved scheme shall be implemented before live music or amplified music is permitted to be played within the premises.

1.32 It will be necessary to verify compliance with this condition within one month of operation of the business and submitted for written approval and thereafter operate the approved noise scheme.

1.33 Noise from or associated with activities emanating from the A3 and A4 premises must not exceed at any time an equivalent noise level of 50 dB(A) measured over a 1 hour period for daytime (0700-2300 hours) and a level of 45 dB(A) measured over 15 minutes after 23.00 hours at 1m from the facade of the nearest residential property.

1.34 All windows and lobby doors to be kept closed except for access and egress and in case of emergency.

1.33 NOI02;

1.34 HOU03 (Recommend 08:00 – 23:00 hours Monday – Wednesday, 08:00 – 00:00 hours Thursday and Saturdays and 09:00 – 23:00 hours Sundays and Bank Holidays);

1.35 HOU04

1.36 Outdoor Areas:

1.37 Submit for approval and implement a noise management scheme for the A3 and A4 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.

1.38 Any external seating areas, if provided, to be restricted for use to between 08:00 to 21:00 hours.

1.39 Deliveries and collections shall be restricted to between 07:30 and 19:00 hours Monday to Saturdays only.

1.40 The use of the waste store area shall be restricted from use after 22:00 hours to 07:00 hours Monday to Sunday.

1.41 EPL01; EPL02; EPL03; and EPL04

1.42 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.

1.43 REF01; REF02; LIG01; SIT03

1.44 Highway Network Manager

1.45 The site is located in Whitley Bay town centre with excellent links to public transport & local services and there are parking controls in the vicinity of the site. A pavement cafe license will be required via the council's Streetworks Team. Conditional approval is recommended.

1.46 Condition: REF01 - Refuse Storage: Detail, Provide Before Occ

1.47 Informatives: I10 - No Doors/Gates to Project over Highways; I12 - Contact ERH Erect Scaffolding on Rd; I13 - Don't obstruct Highway, Build Materials; I45 - Street Naming & Numbering; I46 - Highway Inspection before dvlpt

1.48 The applicant is advised that end users are unlikely to be eligible for parking permits in this area and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at parking.control@northtyneside.gov.uk or telephone number (0191) 643 2121 for further information.

1.49 The applicant is advised that any furniture placed on the adopted highway will require a license and permission from the council's Streetworks Team. Telephone - (0191) 643 6131, e-mail - streetworks@northtyneside.gov.uk

1.50 Contaminated Land Officer

1.51 No objection.

1.52 External Consultees

1.53 The Coal Authority

1.54 When considering this particular proposal; the planning application is purely for change of use/alterations to an existing building. There will be no operational development resulting from this proposal that intersects the ground and could therefore present risks to the coal mining features. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.