

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0675/18/FUL
Proposal: Change of use from a micro-brewery to a licensed public house with existing service yard area changed to external licensed terrace with boundary wall /planter treatments. New window openings and alterations to existing door openings.
Location: 9 Claypath Lane
South Shields
NE33 4PG

Site Visit Made: 06/09/2018

Relevant policies/SPDs

- 1 DM1 - Management of Development (A, B and G)
- 2 LDF CS E1 - Delivering Economic Growth and Prosperity
- 3 LDF CS A1 - Improving Accessibility
- 4 SPD6 - Parking Standards

Description of the site and of the proposals

The application property of 9 Claypath Lane is located outside, but immediately adjacent to, the South Shields Town Centre boundary, as defined in the Local Development Framework (LDF). On the north side of Claypath Lane is a Council car park and to the west is the St Bede's R.C. Primary School and Nursery, with caretaker's house within its grounds.

Planning permission is sought for the change of use of the premises from a micro-brewery to a licensed public house with the existing service yard area changed to an external licensed terrace with new boundary wall /planter treatments. New window openings and alterations to the existing door openings are also proposed to the front and side elevations of the building. The proposed application seeks opening time of 5pm – 1am Monday to Friday, 12pm – 2am Saturday and 12-midnight on Sunday.

Amended plans were submitted on 7 and 18 September 2018 in order to change the doors of the bin store and access gate to the outdoor terrace to be inwards opening only. This change was in order to prevent any obstruction of the public highway.

Relevant Planning History

In 2004 a change of use was granted (ST/1106/04/DM) of a function suite to micro-brewery at ground floor and public house at first floor. This was subject to a planning condition preventing deliveries between the hours of the adjacent schools starting and opening times.

An application was approved in June 2011, subject to conditions, for construction of a ground floor side extension, enclosing the rear yard with a conservatory outdoor seating area and a smoking shelter at first floor above (application ST/0476/11/FUL).

A revised application was approved in 2014 for the construction of a single storey extension to the side of the existing public house/brewery, with a conservatory and outdoor seating area at first floor, with first floor perimeter screen wall/ obscure glazed panels.

Publicity / Consultations (Expiry date 04/09/2018)

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1) Neighbour responses

One letter of objection was received from the Chair of the Governors of St Bede's Primary School, commenting:

"You may be aware that schools are obliged to promote healthy lifestyles, and even at primary level children are made aware of the dangers of smoking and drinking.

Whilst we do not object in principle to the pub's use of its outside area, we do object to the children being able to see smoking and drinking taking place from their playground and classrooms, and perhaps being diverted from their studies by any additional noise caused by customers sitting outside. We are also concerned that the availability of parking spaces may be reduced at picking up times in the afternoon.

There is a further possibility that the outside seating area may attract adults whose sole intention is to observe and possibly photograph the children playing or participating in a PE lesson. In the past we have had occasion to call the police to report such adults attending sports days.

We ask that, should there be no planning grounds to refuse the application, it would at least be conditioned to ensure that there is a solid perimeter boundary to obstruct the view from and into the external seating area."

Planning Officer Comments on the representations:

The proposed application seeks consent for an opening time of between 5pm – 1am Monday to Friday, 12pm – 2am Saturday and 12-midnight on Sunday, and these hours would be outside the normal hours of operation for St Bede's Primary School.

2) Other Consultee responses

Traffic and Road Safety: (Following submission of amended plans) Revised plan looks fine with gates shown opening inwards. It would be appreciated if you could attach a planning condition to prevent the gates opening outwards onto the public highway in future. No further comments as long as SPD6 parking standards met.

Community Safety: In relation to the consultation letter, on the basis of the information available to us, the Community Safety Team is content with the proposal.

Licensing Team: no comments received

Environmental Health:

General comments relating to the potential for future noise complaints associated with any external noise from music played outside in the proposed external seating area. The proposed bin store is directly opposite the accommodation for the school caretaker, if planning application is approved I would like to consider a condition restricting the times waste and recycling collections can be made.

Northumbria Police - Architectural Liaison Officer: After considering it from a crime prevention point of view and with the extra information (in respect of opening times) I have no objections or further comments to make on this application.

Assessment

It is judged that the change of the use from a micro-brewery to a public house would be acceptable in this location and would accord with the requirements of LDF Policy CS E1, which seeks to encourage economic development opportunities in accessible locations, particularly in key regeneration areas, in order to promote new enterprise and encourage the development of culture, tourism and hospitality.

The main issues relevant to the assessment of this proposal are the;

- Design of the proposals and impact on visual amenity
- Impact upon the amenities of the area including children/parents attending St Bedes Primary School; and
- Highway capacity and safety

Design of the proposals and impact on visual amenity

The proposals include limited external alterations to the front elevation of the building along Claypath Lane comprising the glazing of the existing apertures with blackened glass panels. New bi-fold doors are proposed to the side elevation of the building facing Percy Street, to provide access to the new external terrace from the building.

The external terrace would replace the concrete service yard area, within the existing curtilage of the premises. The works to install a new brick boundary wall around the external terrace would use brickwork to match the existing property, while the existing green perimeter railings would be re-used/refurbished and installed on top of this. The external terrace would use natural sandstone paving (imperial green blend) and would have dedicated drainage around the perimeter, with planting proposed around the railings to soften the boundary treatment.

Having regard to the scale and design of the external works, as well as the choice of materials, it is judged that the development would convey sensitive consideration of its surroundings and would accord with the requirements of LDF Policy DM1.

Neighbouring Amenity

An objection to the works was received from the Chair of Governors for the adjacent St Bede's School, raising concerns about children being able to see smoking and drinking taking place from their playground and classrooms, and perhaps being diverted from their studies by any additional noise caused by customers sitting outside. However, the outdoor terrace would only be open to the public outside of the regular hours of the school, preventing school children from observing drinking and/or smoking. Furthermore a high boundary enclosure with shrub planting is proposed to enclose the external seating area. Whilst this proposed boundary treatment is not solid it would adequately screen the site.

Planning conditions are therefore proposed to ensure that the proposed boundary treatment to the external seating area is completed and to restrict the hours of opening for the proposed use to protect the neighbouring amenities of the area particularly the general amenity of the school and adjacent caretakers house within the school grounds. The caretakers house is positioned approximately 20 metres away from the boundary of the application site on the opposite side of the public road. A separate condition is proposed to prevent amplified music being played on the outdoor terrace. Again, in order to protect surrounding amenity from unacceptable noise.

The proposed use would not include a kitchen, with no extraction or filtration equipment therefore proposed.

Based on the location of the site, surrounding land uses and distance to the caretakers dwelling at the school, as well as the opening hours proposed; it is not considered that the change of use would result in material harm to surrounding amenity through an unacceptable increase in noise and activity at the site;

and would accord with LDF Policy DM1 (B) and the requirements of the NPPF, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Highway capacity and safety

Criterion D of the LDF policy DM1 requires the impact of the development to be acceptable in relation to highway capacity and safety or includes proposals to mitigate any adverse impacts.

The objection received from the Chair of Governors also raised concerns that the new use could increase pressure on parking within the area, reducing spaces available for pickups and drop-offs to and from the school.

The premises would only be open to the public after 5pm. The opening hours of the school are 8.50am – 3.15pm. Taking into account the pick-up time for the school, there should not be an overlap between this and the opening of the public house; and the proposed use should not reduce the availability of parking for the school.

The council's Traffic and Road Safety Team were consulted and, following the submission of amended plans providing inward opening gates, confirmed that they were satisfied with the proposed plans.

In terms of general parking demand being created by patrons and staff, although there would be no parking spaces provided within the curtilage of the premises in accordance with the guidance on maximum parking standards set out within Supplementary Planning Document 6 (Parking Standards), there is an immediately adjacent public car park (available for use after 5.30pm on Monday to Friday and all day Saturday and Sunday), which would be available for general use outside of office hours when the premises is likely to be at its busiest, as well as on-street parking available along the streets on both sides of the application site. The site is also located within a sustainable location with good access to public transport within South Shields town centre.

It should be noted, as set out under the relevant planning history above, that the premises was granted permission for its present use as a micro-brewery in 2004 (ST/1106/04/DM) without the benefit of any in curtilage parking. It was granted subject to a condition restricting the hours of deliveries permitted to avoid the school's starting and finishing times

The agent for the application has confirmed that waste collections and deliveries would match the previous arrangements for the Maltings Public House at the site. It appears that the existing service yard was not used for its intended purpose and that all deliveries/collections took place from the street.

Single deliveries would take place on Mondays, Wednesdays and Fridays, each taking approximately 15 minutes. Waste collection would take place on Thursday. A condition is proposed to restrict the hours of deliveries to avoid the schools (St Bedes Primary) starting and finishing times.

A metal caged bin store is proposed as part of the works to provide a storage area for waste within the curtilage of the premises. A separate condition is also proposed to prevent waste being stored on the public highway other than on the day of collection.

Subject to appropriate conditions, and taking into account the existing use of the site, sustainable edge of town centre location, as well as the opening hours proposed, it is judged that the development would, on balance, be acceptable in relation to highway capacity and safety and would accord with LDF policy DM1 (G).

Conclusion

It is considered that the development would be in accordance with LDF Policy DM1 (A, B and G), Core Strategy Policies A1 and E1 and the requirements of the National Planning Policy Framework.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Grant Permission with Conditions

Conditions

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

- 2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Drawing Number 04 Revision B received on 18/09/2018

Drawing Number 09 Revision A received on 07/09/2018

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

- 3 The external facing brickwork of the development hereby permitted shall be of similar appearance to that used in the construction of the exterior of the existing building to which the development relates. Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

- 4 The use of the premises hereby approved (including outdoor terrace) by the general public and / or for private events shall be restricted to the hours of 5pm to 1am Monday to Friday, 12pm to 2am Saturday and 12pm to midnight on Sunday.

In order to safeguard the adjacent caretaker's house at St Bede's RC Primary School from undue noise disturbance, in accordance with South Tyneside Local Development Framework Policy DM1.

- 5 No amplified music or other music shall be played at any time in any external area of the premises.

In order to safeguard occupiers of the school caretaker's house from undue noise disturbance, in accordance with South Tyneside Local Development Framework Policy DM1.

- 6 No refuse associated with the use hereby permitted shall be stored outside the curtilage of the premises at any time other than within 24 hours of its collection.

To ensure adequate refuse storage arrangements in the interests of the amenity of the locality in accordance with South Tyneside Local Development Framework Policy DM1.

- 7 In accordance with the details shown on drawing no. 09 Revision A (received on 07/09/2018), the entrance gates to the external terrace and the doors to the bin store shall be inwards opening only and shall not open over any part of the public highway at any time.

In the interest of highway safety in accordance with Local Development Framework policy DM1

- 8 No deliveries shall take place at the site between the hours of 8.00am to 9:00am and 3pm to 4pm on Monday to Friday.

To reduce the potential for delivery vehicles causing congestion and associated highway safety concerns during drop-off and pick-up times at the nearby St Bede's RC Primary School and Nursery in the interests of highway safety in accordance with Local Development Framework policy DM1.

- 9 The garden perimeter wall/metal boundary railings enclosing the outdoor terrace as shown on the approved plan (Drawing Number 04 Revision B received on 18/09/2018) shall be completed in full on site prior to the commencement of the use hereby approved and shall be retained as such thereafter.

To safeguard the amenity of the nearby St Bede's RC Primary School and Nursery in accordance with South Tyneside Local Development Framework Development Management Policy DM1

Informatives

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Case officer: Joshua Kenolty

Signed:

Date: 05/10/2018

Authorised Signatory:

Date:

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