DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0573/19/FUL
Proposal: Proposed rear extension
Location: No. 4 Cafe Bistro
4 St Bedes
East Boldon
NE36 0LE

Site Visit Made: 30/08/2019

Relevant policies/SPDs

1 DM1 - Management of Development (A, B and G)

2 DM6 - Heritage Assets and Archaeology

3 SPD6 - Parking Standards

4 SPD15 - East Boldon Conservation Area Management Plan - Adopted April 2009

Description of the site and of the proposals

This is a proposal for a 10m² flat roofed rear extension to an existing café within East Boldon Conservation Area. This proposal has been amended significantly since it was initially submitted. The scheme as originally proposed was for a much larger extension that would have resulted in the loss of car parking to the rear of the premises.

Planning permission was granted in 2012 (ref: ST/0362/12/FUL) to **c**hange the use of the premises from a bathroom showroom into a cafe/coffee shop. It is noted within the delegated report for this previously approved planning application that the building is located towards the junction of Station Road and Sunderland Road and that this area experiences a high level of traffic congestion. However this report goes on to note that parking is available for the commercial properties to the forecourt to the front of the premises but that these parking spaces are not demarcated.

Also, the report noted that there was a small yard to the rear of the property, but at the time of this previous application, this yard area was not used for parking. Permission was therefore granted for this change of use proposal subject to conditions requiring the precise details of the on-site car parking spaces to both the front and rear of the premises and for the marking out of these spaces before the proposed café/coffee shop use of the premises commenced. The conditions require the parking spaces to be then kept available for the parking of vehicles at all times. This café/coffee shop proposal was not considered to be harmful to the character and appearance of East Boldon Conservation Area, particularly given that no external alterations were to be carried out as part of the change of use application. At this time, it was also noted that no. 4 St. Bedes was located within a building which comprised commercial properties.

While the applicant indicated that the hours of opening for the café would be 8am until 6pm Monday to Saturday and 8am until 4pm Sunday and Bank Holidays the council's delegated report for the change of use application stated that 'there was no need to condition the hours of opening for the proposed café as it is well spaced away from neighbouring residential property'. Since receiving planning permission for the café/coffee shop in 2012 the applicant has complied with the planning conditions and nine car parking spaces to the front, and three car parking spaces to the rear of the premises have been marked

out and made available for use, however a boundary fence was subsequently erected to the rear of the premises which prevented access to one of the car parking spaces (this obstruction will be removed as part of the current proposal).

Planning permission is sought for the erection of a single storey rear extension to No. 4 Café Bistro, 4 St Bedes, East Boldon, located in the East Boldon Conservation Area. The proposed extension would provide additional internal space for the existing café, and would be located on an area currently bounded by a fence. Following amendments to the scheme, the extension has been reduced in size to approximately 10m² in area and to an L-shape, protruding one metre beyond the existing rear elevation, and one metre from the side elevation. This accommodated an amended internal layout including increasing the size of the service area and relocation of toilets. A rooflight is also proposed within the existing single storey rear extension of the building.

The rear boundary fence to the existing yard would be removed which would allow the use of the car parking spaces to the rear, approved as part of the original planning permission (ref. ST/0362/12/FUL). Several amendments to the plans have been received throughout the application and further publicity exercises have been undertaken in line with the Council's Statement of Community Involvement.

Publicity / Consultations (Expiry date 19/02/2020)

Four site notices posted 30/08/2019. Press notice published 28/08/2019.

1) Neighbour responses

5 Ashleigh Villas, East Boldon (first response)

-The parking section of the application form is incorrect as vehicle parking is relevant to the proposal. Parking is the main reason why this proposal should be refused as there is limited parking outside this address which is shared by other businesses. The proposed development's plot size and orientation clearly does not lend itself to accommodating more cars, so there is an increased likelihood that customers will seek to park close to the premises in nearby residential streets.
-As parking is also limited in the immediate vicinity of the proposed premises, there are double yellow lines opposite, customers will park in an opportunistic and possibly dangerous manner, for example at the nearby junction with busy the A184 or near the traffic lights at the top of Station Road/A184 or within the approaches to pedestrian crossings on Station Road/A184. This combined with the manoeuvring of vehicles (in order to park in the confined space) and the additional movements of vehicles stopping at and leaving the premises, the free flow of traffic on the main roads will be more obstructed, causing congestion and inconvenience and jeopardising the safety of other road users. This already happens outside Blacks Corner, in the same terrace of buildings, at busy weekends. This latest proposal will make matters worse by increasing need for parking of both customers and taxis. Customers and taxis often cause an obstruction by parking on the pavement, jeopardising the safety of other road users and pedestrians.
-The inadequate car parking provision will only lead to increased parking in nearby streets where a parking problems already exists, causing more inconvenience to residents as well compounding an existing parking problem in the streets of this area of East Boldon. As this application also includes a change of hours, to include early evening, this is when the demand for on-street parking spaces by residents is the heaviest. South Tyneside's Local Development Framework SPD 6 Parking Standards (December 2010) PPS4 Policy 18.1 Application of Car Parking Standards for Non-Residential Development is of relevance.
-This application does not demonstrate the need for extra parking nor does it satisfy this proposal will genuinely benefit East Boldon as a whole. The scale of parking at this site is not in proportion with the proposed development. Therefore planning permission should be refused, as it is inconsistent with South Tyneside Council (STC) Parking Standards Policy. Also because customer and staff car parking will prevent local residents from parking their cars near to their homes. I believe there is an expectation that local residents should be able to park near to their homes and this has to be taken into account. STC

cannot continue to ignore the parking issues that have been caused by the existing business and other businesses in the area around Station Road, all of which were granted planning permission by STC and is not sustainable.
-The application form also asks are hours of opening relevant to this proposal, the applicant has ticked the 'no' box. This is also misleading because hours of opening are very pertinent to this proposal. This proposal should not be given the green light until the rights of residents have been considered.
-The Design and Access statement of this proposal states: "The site currently trades out of one space to the front of the site but require the opportunity to have two spaces which will allow them to extend there early evening offer to tapas style food, live acoustic music & generally more room to offer a venue for family occasions such as birthdays christening etc., without compromising there current offer."
-The responsibilities of STC under the Human Rights Act, in particular Protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. Live music at this proposed site, which is in a quiet, residential village, situated in the heart of East Boldon Conservation Area, will compromise the Human Rights of residents to enjoy a "peaceful enjoyment of all of their possessions".
-Also, Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. I note that in the case of Britton vs SOS the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings. This proposed development will have a negative effect on its surroundings as it will cause extra noise, disturbance, nuisance as well as compounding existing parking and road safety problems previously stated. Increased levels of noise from later opening hours, functions, which I presume includes parties, along with the proposed live music and traffic will be noticeable in the evening when local residents have a legitimate expectation that surrounding background noise levels will remain low. So this proposal conflicts with the Human Rights of the many residents in the neighbourhood and should therefore be refused.
-In conclusion this proposal would demonstrably harm the amenities enjoyed by local residents, in particular safe and available on-road parking, privacy and the right to enjoy a quiet and safe residential environment.

5 Ashleigh Villas, East Boldon (second response)

-I have reviewed the amended plans and still wish to object to this proposed development on the following grounds:
-I notice the amended plans change the existing kitchen into a wash up area and the proposed function room area into a kitchen. This seems a strange move. Is it a ruse to get through planning which when permission is granted will revert to a function room? What safeguards are in place to prevent this from happening? Even if plans to create a function room at these premises have been abandoned the applicant has not addressed the two main areas of concern which are parking and opening hours.
-With regard to parking there are nine parking bays outside this property which are shared with Q Hair (not on plan); My Body Studios (not on plan); Premier Physio; Boldon Bathrooms and Volare Ristorante, all of which have similar opening hours. So clearly parking is still an issue. These bays are also used by people visiting Black's Corner, who are unaware the bays are for the afore mentioned businesses only. The amended plans are misleading in that they imply all are for No.4 which is not the case. I notice they have put two extra bays at the rear, this is too narrow to even contemplate. Access is not communal as it is owned by BT, who have service vans and employee's cars parked in an enclosed area, so needs to be kept clear. This is opportunistic rather than a real attempt to solve any parking issue.
-As parking is also limited in the immediate vicinity of the proposed premises, there are double yellow lines opposite, customers will park in an opportunistic and possibly dangerous manner, for example at the nearby junction with busy the A184 or near the traffic lights at the top of Station Road/A184 or within the approaches to pedestrian crossings on Station Road/A184. This combined with the manoeuvring of vehicles (in order to park in the confined space) and the additional movements of vehicles stopping at and leaving the premises, the free flow of traffic on the main roads will be more obstructed, causing congestion and inconvenience and jeopardising the safety of other road users. This already happens outside Blacks Corner, in the same terrace of buildings, at busy weekends. This latest proposal will

make matters worse by increasing need for parking of both customers and taxis. Customers and taxis often cause an obstruction by parking on the pavement, jeopardising the safety of other road users and pedestrians.
-The inadequate car parking provision will only lead to increased parking in nearby streets where a parking problems already exists, causing more inconvenience to residents as well compounding an existing parking problem in the streets of this area of East Boldon. As this application also includes a change of hours, to include evening, this is when the demand for on-street parking spaces by residents is the heaviest.
-South Tyneside's Local Development Framework SPD 6 Parking Standards (December 2010) PPS4 Policy 18.1 Application of Car Parking Standards for Non-Residential Development states that:
"Local parking standards should apply to individual planning applications unless:
a. the applicant has demonstrated (where appropriate through a transport assessment) that a higher level of parking provision is needed and shown the measures proposed to be taken (for instance in the design, location and operation of the scheme) to minimise the need for parking.
b. for retail and leisure developments located in a town centre, or on an edge of centre site, the local planning authority is satisfied that:
ii. the parking provision is consistent with any town centre parking strategy and the facilities will genuinely serve the town centre as a whole and this has been secured before planning permission has been granted;
iii. the scale of parking is proportionate to the size of the centre."
-This application does not demonstrate the need for extra parking nor does it satisfy this proposal will genuinely benefit East Boldon as a whole. The scale of parking at this site is not in proportion with the proposed development. Therefore planning permission should be refused, as it is inconsistent with South Tyneside Council (STC) Parking Standards Policy. Also because customer and staff car parking will prevent local residents from parking their cars near to their homes. I believe there is an expectation that local residents should be able to park near to their homes and this has to be taken into account. STC cannot continue to ignore the parking issues that have been caused by No4, Volare, Black's Corner, My Body Studios and Metro in the area around Station Road, all of which were granted planning permission by STC and is not sustainable.
-Opening hours are still problematic as they will result in a parking nightmare in the wider area. There is not enough space for residents to park their cars. This must be taken into account as it is an expectation that residents should be able to park near their property. As more businesses move into this area it is becoming more difficult to find spaces to park, this is dangerous. Additionally, I am aware that Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. I note that in the case of Britton vs SOS the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings. This proposed development will have a negative effect on its surroundings as it will cause extra noise, disturbance, nuisance as well as compounding existing parking and road safety problems previously stated. Increased levels of noise from later opening hours, functions, which I presume includes parties, along with the proposed live music and traffic will be noticeable in the evening when local residents have a legitimate expectation that surrounding background noise levels will remain low. So this proposal conflicts with the Human Rights of the many residents in the neighbourhood and should therefore be refused.
-This proposal should not be given the green light until the rights of residents have been considered. The Design Access statement of this proposal states:
"The site currently trades as a family friendly all day offer specialising on British café providing breakfast, lunch, brunch, & drinks. No4 Café prides itself on a welcoming relaxed atmosphere by day which can transforms into an evening venue. The site currently trades out of one space to the front of the site but require the opportunity to have two spaces with will allow them to extend there early evening offer to tapas style food, live acoustic music & generally more room to offer a venue for family occasions such as birthdays christening etc, without compromising there current offer."
-I would like to point out the responsibilities of STC under the Human Rights Act, in particular Protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. Live music at this proposed site, which is in a quiet, residential village, situated in the heart of East Boldon Conservation Area, will compromise the Human Rights of residents

to enjoy a "peaceful enjoyment of all of their possessions". I notice this venue is advertising live music for a New Year's Eve function on 31st December 2019, have they already been granted a licence for live music? The premises are too close to residential properties to have any live music so this needs to be addressed as soon as possible.
-Finally I would like to add that this proposed extension is probably unnecessary as I have noticed that at various times of the day and evening this venue is either empty or has only a few tables in use, which as a business is unsustainable. This used to be a very busy bistro under previous ownership, people appear to be voting with their feet.

5 Ashleigh Villas, East Boldon (third response)

-I have been unable to view the amended plans, they were not on planning portal site, but still wish to object to this proposed development on the following grounds:
-First and most important there is insufficient parking for any increase in footfall to these premises. So any planned extension should not be given the green light as the intention of the applicant is to extend capacity.
-With regard to parking there are nine parking bays outside this property which are shared with Q Hair (not on plan); My Body Studios (not on plan); Premier Physio; Boldon Bathrooms and Volare Ristorante, all of which have similar opening hours. So clearly parking is still an issue. These bays are also used by people visiting Black's Corner, who are unaware the bays are for the afore mentioned businesses only. The amended plans are misleading in that they imply all are for No.4 which is not the case. I notice they have put two extra bays at the rear, this is too narrow to even contemplate. Access is not communal as it is owned by BT, who have service vans and employee's cars parked in an enclosed area, so needs to be kept clear. This is opportunistic rather than a real attempt to solve any parking issue.
-As parking is also limited in the immediate vicinity of the proposed premises, there are double yellow lines opposite, customers will park in an opportunistic and possibly dangerous manner, for example at the nearby junction with busy the A184 or near the traffic lights at the top of Station Road/A184 or within the approaches to pedestrian crossings on Station Road/A184. This combined with the manoeuvring of vehicles (in order to park in the confined space) and the additional movements of vehicles stopping at and leaving the premises, the free flow of traffic on the main roads will be more obstructed, causing congestion and inconvenience and jeopardising the safety of other road users. This already happens outside Blacks Corner, in the same terrace of buildings, at busy weekends. This latest proposal will make matters worse by increasing need for parking of both customers and taxis. Customers and taxis often cause an obstruction by parking on the pavement, jeopardising the safety of other road users and pedestrians.
-The inadequate car parking provision will only lead to increased parking in nearby streets where a parking problems already exists, causing more inconvenience to residents as well compounding an existing parking problem in the streets of this area of East Boldon. As this application also includes a change of hours, to include evening, this is when the demand for on-street parking spaces by residents is the heaviest.
-South Tyneside's Local Development Framework SPD 6 Parking Standards (December 2010) PPS4 Policy 18.1 Application of Car Parking Standards for Non-Residential Development states that:
"Local parking standards should apply to individual planning applications unless:
a. the applicant has demonstrated (where appropriate through a transport assessment) that a higher level of parking provision is needed and shown the measures proposed to be taken (for instance in the design, location and operation of the scheme) to minimise the need for parking.
b. for retail and leisure developments located in a town centre, or on an edge of centre site, the local planning authority is satisfied that:
ii. the parking provision is consistent with any town centre parking strategy and the facilities will genuinely serve the town centre as a whole and this has been secured before planning permission has been granted;
iii. the scale of parking is proportionate to the size of the centre."
-This application does not demonstrate the need for extra parking nor does it satisfy this proposal will genuinely benefit East Boldon as a whole. The scale of parking at this site is not in proportion with the proposed development. Therefore planning permission should be refused, as it is inconsistent with South

Tyneside Council (STC) Parking Standards Policy. Also because customer and staff car parking will prevent local residents from parking their cars near to their homes. I believe there is an expectation that local residents should be able to park near to their homes and this has to be taken into account. STC cannot continue to ignore the parking issues that have been caused by No4, Volare, Black's Corner, My Body Studios and Metro in the area around Station Road, all of which were granted planning permission by STC and is not sustainable.
-Secondly this is a small cafe bistro in the middle of a quiet residential area. Any plans to extend theses premises will have a negative impact on the local community. The rights of residents to a quiet family life need to be taken into account in any decision made concerning this property.
-Opening hours are still problematic as they will result in a parking nightmare in the wider area. There is not enough space for residents to park their cars. This must be taken into account as it is an expectation that residents should be able to park near their property. As more businesses move into this area it is becoming more difficult to find spaces to park, this is dangerous. Additionally, I am aware that Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. I note that in the case of Britton vs SOS the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings. This proposed development will have a negative effect on its surroundings as it will cause extra noise, disturbance, nuisance as well as compounding existing parking and road safety problems previously stated. Increased levels of noise from later opening hours, functions, which I presume includes parties, along with the proposed live music and traffic will be noticeable in the evening when local residents have a legitimate expectation that surrounding background noise levels will remain low. So this proposal conflicts with the Human Rights of the many residents in the neighbourhood and should therefore be refused.
-This proposal should not be given the green light until the rights of residents have been considered as the Design Access statement of this proposal states:
"The site currently trades as a family friendly all day offer specialising on British café providing breakfast, lunch, brunch, & drinks. No4 Café prides itself on a welcoming relaxed atmosphere by day which can transforms into an evening venue. The site currently trades out of one space to the front of the site but require the opportunity to have two spaces with will allow them to extend there early evening offer to tapas style food, live acoustic music & generally more room to offer a venue for family occasions such as birthdays christening etc, without compromising there current offer."
-I would like to point out the responsibilities of STC under the Human Rights Act, in particular Protocol 1, Article 1. This states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. Live music at this proposed site, which is in a quiet, residential village, situated in the heart of East Boldon Conservation Area, will compromise the Human Rights of residents to enjoy a "peaceful enjoyment of all of their possessions". I notice this venue is advertising live music for a New Year's Eve function on 31st December 2019, have they already been granted a licence for live music? The premises are too close to residential properties to have any live music so this needs to be addressed as soon as possible.
-Finally I would like to add that this proposed extension is probably unnecessary as I have noticed that at various times of the day and evening this venue is either empty or has only a few tables in use, which as a business is unsustainable. This used to be a very busy bistro under previous ownership, people appear to be voting with their feet.
-In conclusion this proposed development should be refused on grounds of problems around parking, road safety and extended opening hours and noise that entails.
-South Tyneside Council must provide more placed for parking places before allowing more cafe's, restaurants, bars or extensions to existing ones as parking and noise is a real issue to the community of East Boldon.
-The council are letting the residents down.

<u>50 Sunderland Road, East Boldon (first response)</u>

-No objection to the proposed extension but strongly object to the live music on this site due to the fact that noise carries at present.

50 Sunderland Road, East Boldon (second response)

-I do not oppose the extension to the property, the only concern I have is the indication that live music would take place at this venue. I am opposed to this due to the close location of my property and at night the sound carries, disturbing this quiet residential area.

50 Sunderland Road, East Boldon (third response)

-Once again I have no objections to the proposed extension, the only objection is the use of live music in this residential area. This was a nuisance factor when this location was previously playing loud music. I also received a letter from the proposers explaining that they already have permission from the Council to play music.

50 Sunderland Road, East Boldon (fourth response)

-Attached is a copy of a letter I received through my letter box as I mentioned in my previous response. I have no objection about the extension at this venue, as I mentioned the previous use of this property played live music which was anti-social noise pollution as the sound carries across the open British Telecom area and is amplified. In the letter I received through my door it states that the Council has already given permission to play live music - is this a true fact?

50 Sunderland Road, East Boldon (fifth response)

-Once again I do not have any issues with the design of this application, the issues I have is with the request for live music at this venue, as set out within the Design & Access Statement, as this is a residential area.

4 Ashbrooke Terrace, East Boldon (first response)

-I object to the extension as the proposed layout shows that the seating capacity in the bistro will be increased substantially. The crucial matter is what is proposed in terms of use of this larger cafe, what hours of opening, in particular evening opening, what style of music, entertainment etc. as this will have a significant impact on local residents in terms of noise and car parking, which is already difficult because of other developments which the council have recently allowed in the surrounding buildings. A development of the physical building is always a forerunner to changes in usage and we object to the proposed changes because of what they will inevitably lead on to, particularly based on the evidence of the Council's failure to adequately govern and control the activities of other developments nearby.

4 Ashbrooke Terrace, East Boldon (second response)

-We are writing to express our concern regarding the intentions of Platform 4 (NE) Ltd relating to the extension to the premises of Cafe No 4.
-Their design and access statement states that the reason for pursuing a larger restaurant space is to " allow them to extend their early evening offer to tapas-style food and live acoustic music" while section 19 of the application form states that they intend to have opening hours to 23:00 Monday - Saturday and to 22:00 on Sunday.
-We do not have any issue with the aesthetics or location of the proposed extension but we do have a major issue with the intention, through the extension and alteration of the cafe's layout, to change the usage of the premises to evening opening, potentially 7 nights per week, and to play live music. This will change what is essentially a cafe into a full restaurant and this will have significant impact on local residents. There has been some suggestion that some of these permissions are already in place. If that is the case then this was done without consultation with local residents and this adds to our concerns regarding regulation of these matters.
-The development of the café area around Black's Corner has had significant impact on local residents and been allowed despite concerns from local residents. The noise from restaurants on St Bede's is a

significant concern to residents in the nearby area, particularly noise in the evenings as many houses on Ashbrooke Terrace have bedrooms facing onto these businesses. If Cafe No 4 opens regularly in the evening as proposed, there will be increased noise from increased traffic, increased parking, customers leaving and entering the premises and the inevitable emptying of rubbish into the bins at the rear of the premises.
-We, therefore, oppose the planned extension of Cafe No 4 because the intention of the leaseholder, following the extension, is to commence regular evening opening.
-Secondly, we oppose the planned extension of Cafe No 4 because the leaseholder's intention, following the extension, is to play live music. When planning permission was sought for the original Cafe No 4, residents expressed their disapproval of a licence for live music and at this time we understood this was not granted by South Tyneside Council. As far as the residents are concerned nothing has changed in the intervening years and if permission has been granted then this has been done without regard to the local residents. This is a residential area and allowing live music when local residents are seeking to sleep and relax in the vicinity is totally inappropriate and should not be (or have been) granted.
-The development of Black's Corner has had major impact upon parking for local residents and the council have not supported the concerns of residents.
-We are also concerned that South Tyneside Council has failed to regulate and police activities of other businesses operating in the nearby area. We are therefore concerned that unless clear limits are placed on this proposal, the council will effectively allow Platform 4 (NE), and any future leaseholder, to do whatever they like as had happened with other premises. The example of this is Blacks Corner. Local residents were assured that this was an eating establishment and alcohol could only be served with food. This is not what happens in Blacks Corner and it is now to all intents and purposes a wine bar. We were reassured by the Council team this would not happen and it has. We were advised clearly that alcohol consumption would be strictly restricted outside and only ever served with food. The outside area has become an area for drinking and smoking, with or without food, with no evidence that this is regulated. We were assured that the emptying of bottles in the back yard would not be done after 8pm but this often occurs after 11 pm.
-We have had several phone calls with the Council regarding the premises around Black's Corner and on every occasion we have been given reassurances but these have not been followed up by actions to restrict the activities of Blacks Corner.
-These experiences have demonstrated to us that the Council pay little attention to the concerns of residents and largely businesses to do what they want following planning approval.
-Through these experiences, we have a lack of trust in South Tyneside Council's ability to enforce planning restrictions and this is the third reason that we oppose the planned extension to Cafe No 4. The Council, if it allows the leaseholder to pursue its intentions for Cafe No 4 made possible by the extension to the building, is likely to follow form and fail to police the business in the future again having a major detrimental impact upon residents.
-We are copying in local Councillors who we request to oppose these developments and ensure that local residents are protected from the unpoliced development of a restaurant and bar area right in the middle of a residential area.

<u>9 Ashbrooke Terrace, East Boldon</u>

-I have lived in my property in Ashbrooke Terrace, which faces to the rear of the above premises for 32 years. During that time, residents had no problem with parking until the opening of Black’s Corner. Now, we not only have a constant flow of customers parking on the street (day and night) but also staff members making it increasingly difficult for residents to park their cars. This has had a huge impact on the lives of the residents from 4-11 Ashbrooke Terrace.
-In addition, despite there being a few allocated parking spaces for the businesses in St Bedes, we have noted a number of customers who do park their cars on our street and walk across the road. This has steadily increased of late and we can only assume it is due to the No.4 Restaurant evenings. To increase the customer base will undoubtedly exacerbate the situation. Since it would appear that no consideration was given to the residents of Ashbrooke Terrace when planning permission was granted for Black’s Corner, we urge you to consider the further negative impact this will have on the immediate area, in particular, Ashbrooke Terrace.

12 Ashbrooke Terrace, East Boldon (first response)

-Whole hearted support for the extension to No. 4. I have no connection with the owners or venue however I fully support the developments and improvements in the area. I will directly overlook the proposed extension and look forward to seeing this great bistro expand.

12 Ashbrooke Terrace, East Boldon (second response)

-I live at 12 Ashbrooke Terrace, East Boldon which sits directly behind Café No. 4. I have no connection what so ever with Café No. 4. I am writing to whole heartedly support the application for No. 4 be able to extend their restaurant and offer another fine dining experience to the village.
-Recently an anonymous letter has been posted through the doors by a disgruntled resident concerned about parking and noise from the restaurant. Many local people I have spoken to about No. 4 have no objections, therefore won't say anything. But the small few that object will make sure they bang their drum. I therefore thought I should speak up in support of these great local businesses wanting to do great things for the area.
-Given that East Boldon is made up of terraced houses with many families having several cars, it can never be assumed that you will be able to park right outside your house. Something the residents seem expect at can often be at war with each other and anyone who parks in their place. You could close down Blacks corner and Café No4 and there would still be parking issues. It's not all the time though. I have friends visit often and they often get parked out the front or down the side street without issue. The restaurants are not the issue and a small extension on the rear of No4 won't make a noticeable difference.
-Café No 4 sits in the middle of two busy roads, Sunderland Road and Station Road going to the Metro station and Cleadon. The road noise from the constant flow of traffic far outweighs any noise from a restaurant.
-From what I have heard the extension is for an improved kitchen so the restaurant can provide a greater offering. In East Boldon we are blessed with some fantastic bars and excellent fine dining outlets. I am passionate about East Boldon and allowing No4 to extend and offer a greater experience will do nothing but add to the area.
-This is coming from someone who lives directly behind No. 4 and will look out onto the new extension from my front window.

23 Langholm Road, East Boldon

-I write to you in support of the planning application; I am a resident of the village.

2) Other Consultee responses

Parking Team - Station Road, East Boldon already attracts parking issues and residents within the area have expressed their existing concerns to the Parking Team on a number of occasions. As with many residential streets, the Parking Team receives concerns from residents who are experiencing increasing levels of vehicles in the streets that they live. These generally stem from a proliferation of vehicles where which has led to considerable strains on the available carriageway space. Other businesses within the area already contribute to parking issues raised by residents and road users, which the Parking Team has been made aware of on a number of occasions. No waiting at any time restrictions are in place on Station Road from its junction with Front Street, with the northern side of the carriageway extending to Charlcote Crescent and the southern side up to the entrance of the off street parking area. Removing the parking spaces to the rear will further reduce the availability of parking to the front and there is no indication where these vehicles will park should the development go ahead. It is likely that vehicles will park in one of the surrounding streets, which could add pressure to the already limited parking availability. Visitors to the property would also add to the existing parking issues and there is no indication of possible visitor numbers at any one time. *Case Officer Note: This related to the original proposal.*

Whilst the Parking Team had concerns regarding the scheme as originally submitted, amendments were made to allow the originally approved parking arrangement to be retained and the extension reduced to 10m² in size. The Parking Team raised no objection to this amended scheme and no further comments were made.

Traffic and Road Safety - The Traffic and Road Safety Team objected to the scheme as originally submitted, given that it would have resulted in the loss of one parking space and manoeuvrability problems to the other spaces. Following amendments to the scheme to allow the originally approved parking arrangement to be retained and the extension reduced to 10m² in size, no objections were raised and "no highways comments" noted.

Environmental Protection (Land Contamination) - No comments to make on any of the iterations of the proposal.

Environmental Health - I have considered the application in terms of the impact on existing residential amenity of nearby properties and I have no concerns or objections to raise. With regards to your query relating to the previous condition relating to odour control, I have not received any complaints of odour from the existing operation, however looking at their Facebook page it is clear that they offer a varied, commercial food offer. *Case Officer Note: This related to the original proposal.*

I would like to add additional comment following sight of the significant representations that have been made with regards to this application. A number of representations have suggested that a significant number of complaints have been made to the Environmental Health department in respect of noise nuisance from commercial activities on St Bede's. This is incorrect. In the last five years, Environmental Health have received one noise complaint relating to the applicant's business, which the complainant did not wish to take forward following an initial discussion.

Whilst I acknowledge that residents are concerned that this application will lead to a rise in noise levels as a result of the "live acoustic music" that is mentioned in the planning application, it must be noted that there are significant, legal safeguards in place in the Environmental Protection Act 1990 to ensure residential amenity is unaffected to by such entertainment. Whilst I believe it to be unlikely, for a number of reasons, such as separation distance, mitigation from building structure, high ambient noise levels from road traffic etc., should residents feel that they are being unreasonably disturbed by noise levels the Local Authority has a statutory duty to investigate such complaints and if evidence is gathered to prove a statutory nuisance, enforcement options will be considered.

Historic Environment Officer - Negative comments were made in terms of the originally proposed felt roof covering, which could potentially detract from the character and appearance of East Boldon Conservation Area. We received an application for an extension in another part of this building where we negotiated the use of material that has a higher quality finish, such as a single ply membrane.

Following the submission of amended plans, omitting the light box originally proposed and amending the roof materials to a single ply membrane covering, no further observations were made with regard to the amended drawings. Following the submission of the final scheme, no objections were raised to the proposal

Community Safety Officer - On the basis of the information available to us, the Community Safety Team is content with the proposal.

Waste Services - No objections as long as clear access to the bins remains.

Countryside Officer - Please include a bat informative with any consent granted.

Licencing - I have read the representations from local residents and interested parties regarding the planning application and can now make the following comments. Regarding the Licensing Act 2003 and the mention of acoustic live music in the application it should be noted on your report that the law governing live and recorded music has been hugely de-regulated since the Act came in to force in 2003.

Whether a licence is needed for music entertainment now depend on these circumstances. A licence is not required to stage a performance of live music, or the playing of recorded music if:

•it takes place between 8AM and 11PM; and
•it takes place at an alcohol on-licensed premises; and
•the audience is no more than 500 people

You also do not need a music licence:

•to put on unamplified live music at any place between the same hours

In the case of this application the acoustic live music being proposed is not a licensable activity and does not need a specific permission. Of course all the other noise controls remain via Environmental Health.

Northumbria Police - No comments or objections to make on any of the iterations of the proposal.

East Boldon Neighbourhood Forum - The existing property retains most of the original shop front features, and the Edwardian character of the former Co-Op shop premises has been largely preserved. The proposals are to alter the internal layout of the premises, and to provide a flat roofed rear extension. A raised skylight feature is to be incorporated within the flat roof and a new roof light is to be fitted to the existing mono-pitch roof to the rear. The visual impact of the rear extension and alterations should not be excessive from Sunderland Road and as a result we have no objections to structural alterations in principle.

We do have the following concerns:

-The long upstand rooflight will be quite obtrusive and should be replaced with a standard profile low level rooflight.
-The Design and Access Statement states the existing café can transform into an evening venue, in fact the café has not opened later that 4.30/5.00 for some considerable time. Even when this did occur, it was only on occasional Friday or Saturday evenings. The proposals make reference to evening opening, including live acoustic music. As the premises are located within a residential area, we consider that such arrangements are inappropriate as they are likely to create undue noise and disturbance for local residents.
-The application makes no mention of the number of table places the new layout will provide, but the proposed site layout plan appears to indicate an increase in numbers. This would be likely to increase the impact on on-street parking on St Bede's and Station Road, which is already problematic for local residents impacted by Metro parking and the adjacent café / restaurants.

As a result, we object to these aspects of the application. *Case Officer Note: The long upstand rooflight has been omitted from the amended scheme. The proposal is for a small rear extension. Internal alterations do not require planning consent including the repositioning of tables and chairs. The authorised planning use of the premises is as a class A3 food and drink establishment which includes restaurants and café uses.*

Assessment

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. If the impact of the proposal on the Conservation Area would be neutral this would be acceptable.

The main issues for consideration in the determination of this planning application are:

- Impact upon character and appearance of the East Boldon Conservation Area; and
- Impact upon residential amenity; and
- Highway safety and parking issues.

Impact upon character and appearance of the East Boldon Conservation Area

The design and heritage issues are interlinked and are both considered in this section of the report.

Policy DM1 (A) requires that extensions and alterations to existing buildings are designed to convey sensitive consideration of their surroundings. Policy DM6 supports development proposals that protect, preserve and where possible enhance the historic, cultural and architectural character and heritage, visual appearance and contextual importance heritage assets and their settings, including the East Boldon Conservation Area.

Supplementary Planning Document (SPD) 15 provides a framework for managing the Conservation Area, and is informed by the East Boldon Conservation Area Character Appraisal (February 2006). Policy CA-EB3 relates specifically to extensions and alterations to buildings within the Conservation Area. It states that proposals involving the alteration of buildings within the Conservation Area must be appropriate in terms of scale and design. Materials should respect the age and character of the building. Proposals that are considered detrimental to the character and appearance of the building or the wider Conservation Area will be resisted.

The proposed amended rear extension would have a flat roof, with a matching brick and a single ply membrane or GRP (glass reinforced plastic) roofing material would be used in the construction of the exterior. The extension would be partially visible from a prominent route, Sunderland Road, but would be largely screened behind the high brick boundary wall at the rear of the property. A rooflight is also proposed within the existing single storey rear extension. It is considered that the scale, location, design and materials of the development would be acceptable on balance and would adequately preserve the character and appearance of the East Boldon Conservation Area, with no objections raised by the Historic Environment Officer.

It is considered that a planning condition requiring materials to be as stated in the application proposals would be necessary in order to achieve a scheme that ensures that unacceptable damage to the character and appearance of the Conservation Area is prevented, due to the prominent location facing onto Sunderland Road.

It is considered that the proposal would not cause harm amounting to ‘less than substantial harm’ (as referenced in NPPF Paragraph 196) or greater to the significance of a designated heritage asset, the East Boldon Conservation Area. It is judged that the proposed extension would not cause an unacceptable negative impact on the visual amenity of the area, over and above the existing situation and the proposed development would adequately preserve the character and significance of the East Boldon Conservation Area. Accordingly, the development would sufficiently convey sensitive

consideration of the surroundings and would not undermine the local setting and identity. The proposals are considered to accord with LDF Policy DM1 (A), LDF Policy DM6 (B) (iii) and the objectives of SPD15.

Residential amenity

The proposal is for a small rear extension and the premises would continue to operate as a food and drink establishment under class A3 of the Town and Country Planning Act. The ground floor of the adjacent units at St Bedes are in commercial use, however the Council's Gazeteer property database indicates that there is a residential property above the unit at no.1 St Bedes (Blacks Corner). This is the nearest residential property to the application site and it lies at the western end of the terrace. Other neighbouring residential property faces directly onto the application site to the front across the busy Station Road. To the rear, properties face the application site at Ashbrooke Terrace and Sunderland Road. Given the nature and size of the development it is not considered it would have any significant harmful impact on amenity, or that any existing impacts would be made significantly worse by the proposed development. Additionally, it is not considered there would be any detrimental impacts in respect of potential overlooking, outlook, overshadowing or dominance. The development therefore would not impact on residential occupiers in this property.

Concerns have been raised regarding the proposed hours of operation at the premises, listed on the application form as 9am-11pm Monday to Saturday and 10am-10pm Sundays, with the potential for parties or private events at the site into the evening hours. It is noted the original planning permission for the change of use did not stipulate or restrict the business to specific opening times, and in effect from the planning aspect the existing business can open at any time, day or night unrestricted. The Environmental Health team have noted no concerns in respect of the proposed hours of operation and given all of the above it is not considered reasonable or appropriate to restrict the hours of operation as specified within this application as a result.

Concerns have also been raised relating to potential live music at the site, as detailed in the Design and Access Statement. The statement infers "live acoustic music" would take place at the site. Again, there is no restriction on the original planning permission in relation to music. In terms of music licencing, a licence is not required to stage a performance of live music, or the playing of recorded music if it takes place between 8am and 11pm, it takes place at an alcohol on-licenced premises, and the audience is no more than 500 people. Therefore the Licencing Team have advised in the case of this application the acoustic live music being proposed is not a licensable activity and does not require a specific permission. However it is noted this is separate from planning legislation in any regard which only accounts for the amenity impacts of the development.

The Environmental Health section have noted only one noise complaint has been received in relation to this premises in the last five years, which was withdrawn by the complainant following an initial discussion. Additionally, any noise outbreak considered as significant could be investigated through the Environmental Protection Act 1990 as a Statutory Nuisance with potential enforcement options considered. It is also noted no objections have been received to the proposal from the Community Safety Team or Northumbria Police. Given the nature of the development, the comments received above and the existing planning permission which does not restrict amplified or live music at the site, it would not be considered reasonable imposing a condition restricting amplified or live music at the site.

Given all of the above and the extant planning permission it is not considered the proposed extension would adversely affect the amenity of neighbouring residential occupiers. It is considered that the proposal would be acceptable in relation to the impact on the residential amenities of the occupiers of the neighbouring properties, and would be in accordance with LDF Policy DM1 (B) in this respect.

Highway safety and parking

The original development proposed alterations to the car parking arrangement at the site, however following amendments the development would retain the nine spaces to the front of the building and

three spaces to the rear approved as part of the approval for the original change of use (ref. ST/0362/12/FUL). These spaces were considered necessary due to the parking pressures experienced in the area. It is noted that one of the spaces to the rear is currently inaccessible due to the erection of a fence to the rear of the application site. The business is therefore currently operating with a substandard parking arrangement based on the original planning permission, however as a result of the amended proposal this would once again be usable as the rear yard fence would be removed and as such the parking provision would be unchanged from the original change of use approval.

Considerable concerns have been raised from neighbouring properties and the East Boldon Neighbourhood Forum in respect of parking at and close to the site. Issues include the approval of planning permission at other properties at St Bedes without due regard to the parking situation, staff parking, and the potential for increased visitor parking later into the evening infringing on the availability of on-street parking for nearby residents. Following the amendments to the proposal, no objections have been raised to this proposed arrangement in respect of highway safety and maneuverability from the Traffic and Road Safety Team. The Parking Team has also been consulted, making no further comment in respect of the final amended scheme with no objections raised.

The concerns of residents are noted in respect of the extant parking issues within the vicinity of the site, however it is noted this proposal is for a small extension to an existing business. The gross internal floorspace area is proposed to increase by approximately 10m². SPD6 sets out that in 'Out of Settlement / Urban Fringe' areas (such as East Boldon), the maximum car parking standard for a café is 1 space per 10m² gross internal floorspace. The existing internal floorspace measures approximately 90m² and twelve on-site car parking spaces already exist (approved in 2012 when consent was given for the café). The existing parking provision exceeds the Council's maximum parking standards. The proposal would add a further 10m² to the premises. The immediate area of the application site is characterised by a demand in on-street car parking. The current amended scheme will not provide any additional car parking. The Council's Parking Team have not objected to the proposal. Therefore, the justification for additional on-site car parking associated with the 10m² extension cannot be substantiated, particularly given that the existing provision at the site would exceed the Council's SPD6 maximum car parking standard.

Queries have been raised regarding the parking provision for the existing businesses at St Bedes and whether the parking spaces to the front are allocated solely for the café business. The change of use application for the original planning permission indicates the nine car parking spaces to the front, and three spaces to the rear relate directly to the application site and existing café use.

In this regard, it is not considered a refusal of the application could be substantiated due to the extension not meeting the maximum car parking standards by one space, and the proposal is considered acceptable in terms of highway safety and parking. The development is therefore considered to be in accordance with LDF Policy DM1 (G) and SPD6 in this respect.

Other matters

An objector has raised concerns relating to the protection of their Human Rights, specifically relating to a person's right to peaceful enjoyment of all their possessions, including the home and other land, as well as a person's substantive right to respect for their private and family life. It is considered these points have been addressed within the amenity section of the report above.

An objector has questioned the amended application and the internal layout changes and whether the internal layout can be amended without requiring a further application. Internal alterations are not subject to planning permission and therefore it is not considered reasonable to condition this through the application. The development is considered as a 10m² rear extension to the existing premises.

Concerns have been raised regarding insufficient detail being provided within the original application relating to vehicle parking and hours of operation however it is considered this has been clarified through the application.

Concerns have been raised in relation to the Council's failure to govern and control the activities of other nearby developments. This application can only consider the 10m² rear extension proposed to the existing premises and the implications of this.

An objector has considered there would be implications for emptying rubbish into the bins to the rear of the premises, however the Council's Waste Services section has raised no objections to the proposal and it is not considered the development would have any adverse effects in this regard.

Summary

As has been concluded above, the proposed single storey extension is considered, on balance, to be acceptable in respect of its effects on neighbouring amenity, car parking, and its impact upon the character and appearance of the East Boldon Conservation Area and its setting. The application is recommended for approval, subject to conditions, for the reasons detailed in the report.

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

Drg No 03 Rev B - Rec 20/02/2020
Drg No 21 Rev C - Rec 29/01/2020
Drg No 01 Rev B - Rec 29/01/2020

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 surfaces of the development hereby permitted shall be of similar appearance to those used in the construction of the exterior of the existing building on which the extension will form part, asides from the GRP roofing or single membrane system to the roof (as detailed on Drg No 03 Rev B Existing and Proposed Elevations received 20/02/2020). 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.

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

3 NOTE TO APPLICANT

All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should bats or signs of bats (such as droppings or dead bats) be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.

Case officer: Nick Graham
Signed:
Date: 25/02/2020

Authorised Signatory:
Date:

«END»