DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0447/20/FUL
Proposal: Change of use from florist to micro pub/micro brewery
Location: 38 Front Street, Cleadon, SR6 7PG

Site Visit Made: 07/09/2020

Relevant policies/SPDs

1 LDF CS ST2 – Sustainable Urban Living
2 LDF CS SC1 – Creating Sustainable Urban Areas
3 LDF CS SC2 – Reviving our Town Centres and other Shopping Centres
4 LDF CS A1 – Improving Accessibility
5 DM1 – Management of Development (B, G, H & I)
6 DM6 – Heritage Assets and Archaeology
7 SPD6 – Parking Standards
8 SPD14 – Cleadon Conservation Area Management Plan

Description of the site and of the proposals

Planning permission is sought for the proposed change of use of 38 Front Street in Cleadon from a florist shop to a micro-pub/micro-brewery.

The existing ground floor of the building comprises a shop at ground floor with a staff room at first floor. There is an existing car park / delivery / loading area to the rear where there is hardstanding associated with the building, and a parcel of land to the front between the building and the adopted highway.

The proposed ground floor of the building would comprise the micro-pub including a sitting area, a bar, a male WC and a unisex disabled WC. A small area to the rear would be used as the micro-brewery. The proposed first floor of the building would be used as an additional sitting area. Based on submitted details, the proposal would provide a seating capacity for approximately 40 people (with an estimated overall capacity of 50 people).

The proposed micro-pub would offer six different beers and ciders on tap at any one time. It would provide a variety of ales, stouts, beers and gins from local micro brewery's and distillery's, as well as crafted ales and beers that would be brewed on site at the micro-brewery. All beverages not brewed on-site would be sourced from small local companies. The micro-pub would be a venue where people could relax and socialise, with no amplified music, gaming machines or TVs. Application details state that the micro-brewery would omit no more noise than the sound of a kettle, and the equipment would be self-contained / sealed which would release no fumes / odour.

The applicant has confirmed in writing that the operation would employ one full-time manager and 4/5 part-time staff to cover alternative shifts. Two staff would work at the premises at any one time. The micro-pub would open 1200 hours until 2300 hours Monday to Saturday, and 1200 hours until 2200 hours on Sundays and Bank Holidays. The micro-brewery part of the business would operate 1200 hours until 1800 hours on Saturdays only.

The applicant has confirmed in writing that there would be one delivery per week (more than the two deliveries per month stated in application details), which would be outside of peak times (i.e. school drop off / collection times), and all deliveries would be via the rear private car park / delivery area. Application details state that the applicant would work closely with adjacent businesses to ensure that deliveries would not clash.

Waste would be stored in a commercial 1100 litre bin to the rear of the building. All works would accord with building control standards and a DDA regulation standard toilet would be included at ground floor.

The block that the application premises forms a part is primarily commercial, and includes a travel agents (36a Front Street), a shop (36b Front Street which currently appears to be vacant), a pet grooming business (38a Front Street) and a restaurant called La Vina (42 Front Street). The only residential accommodation in this block is above La Vina. La Vina has planning permission (and a license) to open until 2300 hours, although their website currently states that they only open late until 2200 hours three days a week (Thursdays, Fridays and Saturdays). Directly opposite the application site is the restaurant Bistro Romano (59-63 Front Street) which can open until 0000 hours Monday to Saturday and until 2330 hours in a Sunday. Further along Front Street to the east and across the road is a One Stop Shop (51 Front Street) which opens until 2300 hours daily.

The application site is located within the built up area of Cleadon. On the adopted South Tyneside Local Development Framework (LDF) Site Specific Allocations proposals map it is within a 'local neighbourhood shopping centre'. Within the LDF Glossary of Terms, these centres are defined as including a range of small shops and perhaps limited services of a local nature, serving a small catchment.

Background Information

Amendments have recently been made to The Town and Country Planning (Use Classes) Order 1987 (as amended) via The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Under the new regulations public houses are not within a specific use class (and so they are sui generis). However for any planning applications submitted before 1 September 2020, the Use Classes in effect when the application was submitted are to be used to determine the application. Therefore given that this planning application was validated on 30/07/2020, it still falls under Use Class A4. In addition, for any reference to permitted development rights, and for restrictions to them, the Use Classes in effect prior to 1 September 2020 are the ones to be used up until 31st July 2021 (this is defined as the 'material period' in the legislation – effectively a transitional period).

Planning History

Planning history in the immediate vicinity of relevance is as follows:

- 2012 (Ref: ST/0553/12/FUL – 42 Front Street) – Planning permission granted for the change of use of a fashion boutique to a mixed use comprising a cafe, delicatessen and health food store with external 'pavement cafe' sitting area to the front. Condition 3 controlled that the premises shall not open for business between 1830 hours and 0800 hours.
- 2017 (Ref: ST/0703/18/VC – 42 Front Street) – Application under Section 73 of the Town and Country Planning Act 1990 granted planning permission to vary Condition 3 (opening hours) and Condition 6 (relating to a scheme of noise insulation) of planning permission ref: ST/0553/12/FUL. Condition 3 was varied to extend the opening hours of the business to between 08.00 hours and 23.00 hours on any given day. An additional condition was also added to control that the external seating area is only available for use between 08.00 hours and 22.00 hours on any given day.
- 2019 (Ref: ST/0726/18/FUL – 1 Windermere) – Planning permission granted at appeal to change the use of a residential property (Use class C3) to a dental practice (Use Class D1). The planning application was originally refused by the Local Planning Authority on the bases that the proposal would exacerbate existing parking problems in the vicinity (the dentist requiring a maximum of seven car parking spaces but providing only one hardstanding space and a garage within the application site). However a Planning Inspector concluded that there was a pay and display car park conveniently located for future patients of the dental practice, and even if there was an increase in on-street parking within the residential estate and elsewhere, there was no

substantive evidence to show that this would result in indiscriminate parking to the detriment of highway safety.

- 2019 (Ref: ST/0007/19/FUL – 1 Windermere) – Planning permission refused to change the use of a residential property to a dental practice. It was refused on the basis that the proposal would exacerbate existing parking problems in the vicinity. It was a re-submission of planning application Ref: ST/0726/18/FUL, but included a wider driveway to accommodate two cars. It was determined before the appeal mentioned above had been determined.

Publicity / Consultations

Neighbour notification expiry date 27/09/2020 & 08/10/2020
Consultation expiry dates 27/09/2020, 29/09/2020 & 08/10/2020
Site notice expiry date 28/09/2020
Press notice expiry date 07/10/2020

1) **Neighbour responses**

Representations objecting to the application

Owner / occupier of 2 The Nurseries:

- Capacity – There are already seven establishments within the vicinity of this premises that serve alcohol, including two public houses. We have reached saturation point.
- Traffic volume / Parking – Vehicular traffic is an issue in the village – the Planning Committee have already refused planning permission for a dentists based on this objection. The applicant is providing two car parking spaces for staff and envisages that patrons will use the Britannia public car park. Evidence based on reality undermines this suggestion. A new pub at this location, with limited available on-site and on-street parking would exacerbate the existing parking problems of this locality to the detriment of highway safety and the annoyance of residents.
- Proximity to schools – There is an infant and junior school within the location. Children would be walking past during opening hours. There is also a nursery across the road for pre-school children. The comings and goings from the premises would be detrimental to children's safety during dropping off and picking up times – it is already chaos.
- Impact on village life – The micro pub in close proximity to residential properties would not be in keeping with village life or commensurate with the quiet use and enjoyment of our properties. Despite comments to the contrary, there would be a smell emanating from the property if beer is being brewed on the premises. In other areas residents near breweries with wastewater treatment systems on-site report unpleasant odours. Hydrogen sulphide (H2S) and mercaptans are the most common; they form when brewing by-products ferment in anaerobic conditions. This is unacceptable to residents and would unreasonably and substantially interfere with the use or enjoyment of residents homes, and be injurious to health. This planning application gives rise to noise and smell issues, so the planning system should defer to the pollution control system. There has been no noise / smell control impact assessment submitted to comment upon which should be provided. Both noise and smell could be a statutory nuisance under EPA.
- Loss of amenity – A farmers produce shop was envisaged at this location which would have been more in keeping with village life. The current application would result in a loss of amenity to the village.
- Anti-social behaviour – An additional drinking outlet would fuel rowdy and unacceptable behaviour, despite the age ranges allegedly being targeted as customers.
- Noise nuisance – There would be social issues until 11pm most days, and additional noise and disturbance with deliveries and waste collection / disposal from the premises into the bins in the car park. We have evidence of this inconvenience already with La Vina.

Owner / occupier of 3 The Nurseries:

- The lateness of the opening hours in close proximity to residential housing would further exacerbate the existing situation experienced with La Vina on the days that they open late.
- There are already two pubs and a number of other licensed premises within a few hundred metres of the application site. This is more than sufficient to meet the current needs of the community.
- I would contest the accuracy of the 'no smell' statement, and the waste handling aspects of both the brewing process and the cleaning / wash down procedures.

Owner / occupier of 9 Windermere, Cleadon

- I strongly disapprove of this planning application due to the fact that there are already two pubic houses in Cleadon.
- Cleadon has on-going major traffic parking problems and this would greatly exacerbate the situation.
- The proposal could cause excessive noise and rowdiness from customers.

Representations supporting the application

A significant number of representations have been submitted in support of the application from the owner / occupiers of the following addresses:

- 81 Cleadon Meadows, Cleadon
- 11 Broughton Road, South Shields
- 123 Sunderland Road, South Shields
- 22 Farrow Drive, Whitburn
- 65 Lynwood Way, South Shields
- 102 Moreland Road, South Shields
- 6 August Place, South Shields
- 20 Lilac Avenue, Whitburn
- 371 The Street, Holt
- 12 Sunderland Road, Cleadon
- 42 Hillside Drive, Whitburn
- 42 St. George's Terrace, East Boldon
- 11 Valebrook Avenue, Sunderland
- 5 Moor View, Whitburn
- 134 Sunderland Road, South Shields
- 16 Sunniside Lane, Cleadon Village
- 44 Lilac Avnue, South Shields
- 31 Borrowdale Close, East Boldon
- 39 Central Avenue, Sunderland
- 11 Cherry Tree Walk, Cleadon Vale
- 10 Wellands Close, Whitburn
- 5 Hertford Avenue, South Shields
- 15 Lilac Avenue, Whitburn
- 8 Alison Drive, East Boldon
- 9 Glaisdale Drive, Sunderland
- 9 Hawthorn Drive, Jarrow
- 29 The Hawthorns, East Boldon
- 23 Farrow Drive, Whitburn
- 49 Bolam Road, Killingworth
- 5 Hardyards Court, South Shields
- 3 Readhead Road, South Shields
- 35 Harton Grove, South Shields
- 27 Mill View Avenue, Sunderland

- 5 August Place, South Shields
- 41 Sunderland Road, Cleadon Village
- 21 Elmsleigh Gardens, Cleadon Village
- 21a Whitburn Road, Cleadon
- 14 Barehirst Street, South Shields
- 13 Kent Street, Jarrow
- 2 Alansway Gardens, South Shields
- 65 Lily Crescent, Whitburn
- 69 Leander Drive, Whitburn
- 42 Queensway, Houghton-le-Spring
- 5 Moor View, Whitburn
- 33 Laburnum Grove, Cleadon
- 42 Cornthwaite Drive, Whitburn
- 270 Bamburgh Avenue, South Shields
- 35 Arran Drive, Jarrow
- 29 Sunderland Road, Cleadon (three representations received from this address)
- 22 Sunniside Lane, Cleadon Village
- 6 Laburnum Grove, Cleadon
- 28 Auckland Avenue, South Shields
- 71 Harton House Road, South Shields
- 31 Collin Drive, South Shields
- 5 Hertford Avenue, South Shields
- 1a Moor Lane, Cleadon
- 9 The Crescent, Cleadon
- 48 Hertford Avenue, South Shields
- 16 Sunniside Terrace, Cleadon
- 15 Celtic Crescent, Sunderland
- 20 Tarragon Way, South Shields
- 12 Beatrice Gardens, East Boldon
- 48 Gorse Avenue, South Shields
- 46 Woodlands Road, Cleadon
- 23 Barbour Avenue, South Shields
- 23 South Avenue, South Shields
- 30 Silverdale Way, South Shields
- 39 West Drive, Cleadon
- 36 East Moffett Street, South Shields
- 11 Mitford Road, South Shields
- 41 Raeburn Road, South Shields
- 69 Dean Road, South Shields
- 71 Tynedale Road, South Shields
- 52 Colman Avenue, South Shields
- Andes House, West Park Road, Cleadon
- 29 Augusta Terrace, Whitburn
- 41 Makendon Street, Hebburn
- 41 Langholm Road, East Boldon
- 34 Dartford Road, South Shields
- 187 Beaconside, South Shields
- 52 North Drive, Cleadon
- 52 Marden Road, South Shields
- 29 Mortimer Road, South Shields
- The Garth, Undercliffe, Cleadon Lane, Sunderland

- 25 Sunderland Road, Cleadon
- 22 Meadowlaws, South Shields
- 20 West Avenue, Whitburn (two representations received from this address)
- 103 Northcote Street, South Shields
- 1 Wakefield Avenue, South Shields
- 73 Don View, West Boldon
- 67 River Drive, South Shields
- Beaufront Cottage, Dipe Lane, East Boldon
- 4 Stewart Drive, West Boldon
- 2 Ravensbourne Avenue, East Boldon
- 14 Stridinedge, Blackfell, Washington
- 33 Lanercost, Glebe, Washington
- 16 Langdale Way, East Boldon
- 111 Copley Avenue, South Shields
- 27 Sandalwood, South Shields
- 48 Caraway Walk, South Shields
- 59 Inverness Road, South Shields (two representations received from this address)
- 89 Lizard Lane, Whitburn
- 33 Langdale Way, East Boldon
- 8 West Moor Drive, Cleadon
- 72 Victoria Road East, Hebburn
- 18 Alison Drive, East Boldon
- 28 Dartford Road, South Shields
- 45 Leighton Street, South Shields
- 32 Farrow Drive, Whitburn
- 246 Harton Lane, South Shields
- 1 Fern Drive, Cleadon
- 3 Fern Avenue, Whitburn
- 17 Christie Close, South Shields
- 9 Beech Avenue, Whitburn
- 10 Edendale Court, South Shields
- 21 Meldon Close, Washington
- Kelloe Hall South, Town Kelloe
- 63 Caraway Walk, South Shields
- 55 Ravensworth Terrace, South Shields
- 4 High Croft Park Whitburn
- 29 North Drive, Cleadon
- 15 Lizard Lane, Sunderland
- 19 White Rocks Pool, Whitburn
- 39 Bishops Park Road, Gateshead

A representation has been submitted in support from the owner / occupier of a property at Whiteleas Way, however no specific address was provided. A representation has also been submitted in support from the owner / occupiers of 26 Brookside; however this address does not show up on the gazetteer on the Council's Ordnance Survey based mapping system.

Representations in support of the proposal are summarised as follows:

- A well explained business justification, clearly carried out research, and it appears to be a unique and positive plan for the empty premises, although unclear on any front of premises usage.

- A great idea for the village which would benefit the area. It would not have a negative impact on the surrounding properties, and instead it would bring an up market venue to the village which would be in keeping with the character and appearance of the area.
- It would do wonders for the local economy, adding variety around the Cleadon area on a night time. It would boost the economy by bringing more people to the area, which will boost sales and interest for the surrounding shops, bars and restaurants. It would add to the variety of cafes and shops.
- The applicant has mitigated any fears that residents may have, which in any case are far outweighed by the social and economic benefits that this proposal would bring.
- It would provide much needed competition for the two pubs in Cleadon.
- We need to support entrepreneurs during these difficult times.
- It would be great to see some atmosphere and community in the village.
- The Cleadon area lacks establishments that promote socialising as there are limited bars and restaurants in the locality.
- Cleadon lacks a pub for younger people.
- Customers who visit these type of pubs are generally well behaved and of the older generation.
- The proposal would remove the eyesore of an empty florist shop.
- A micro pub would be good for locals, tourists and walkers.
- There have been many positive comments on the 'Anything Cleadon' Facebook page.

2) Other Consultee responses

Traffic and Road Safety Team (the local highway authority)

No highway comments to make. No alterations to the adopted highway are proposed.

Parking Manager

The area is already heavily used and has little or no spare capacity. The Toby Carvery pub car park is utilised by many of the existing businesses, and so are we aware what spare capacity they have during their opening hours? I look forward to any evidence of permission from the Pub/Euro car park.

Case Officer Comments: The comments from the Council's Parking Manager are noted. However the Pub/Euro car park is a private pay and display, which it is understood could be used by anyone – with Toby Carvery customers being able to claim free car parking. It is therefore considered that any member of the public could park in this car parking subject to paying. Evidence of permission to park in this car park is not considered to be necessary.

Historic Environment Officer

The application does not propose any external alternation to the property. I therefore have no objections to the proposed change of use.

Environmental Protection

<u>Flood Risk, Drainage and Contamination</u>

No comments from land contamination or flood risk/drainage

<u>Noise / Odour</u>

First representation

No objections to this application.

As the application site does not join onto a residential property there are no concerns of internal noise transmission impacting upon residential amenity. In respect of comings and goings to the site, again there is a separation distance to residential properties that will ensure noise at these properties as a result of custom at the proposed pub is limited. I am also aware of a number of other commercial uses in the area that have similar closing times to what is being requested by this applicant, and therefore I see no reason to disagree with the opening times that have been requested.

I am aware that there will be a small scale brewing operation on site. Given the scale of the equipment being used and information that has been submitted suggesting it is a fully sealed operation, I do not believe that there will be any negative impact on neighbours as a result of odour. Should odour become an issue in the future, as a result of a change in the scale of the operation for example, I would advise that any odour complaints can be dealt with under the statutory nuisance regime by Environmental Health.

Case Officer Comments: The Environmental Protection Officer was asked whether a condition would be necessary to control that no amplified sound system or similar equipment can be installed or used on the premises. They were also asked to make comments regarding whether there would be any harm if the pub was changed to a pub with expanded food provision under permitted development. Class AA 'drinking establishments with expanded food provision of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) states:

AA Development consisting of a change of use of a building and any land within its curtilage--
(a) from a use falling within Class A4 of the Schedule to the Use Classes Order to a use falling within Class A4 (drinking establishments) with a use falling within Class A3 (restaurants and cafes) ("drinking establishments with expanded food provision"); and
(b) from a use as a drinking establishment with expanded food provision to a use falling within Class A4 (drinking establishments).]

Further representations

I do not think that a condition relating to no amplified sound system (or similar equipment) being installed is necessary in this instance as there are no adjoining residential properties to this site.

I believe the location would be acceptable for a pub with expanded food provision. Appropriate extraction would be required, however this could be picked up with the premises should this be required in the future.

Case Officer Comments: In addition to the above comments, the Environmental Protection Officer was asked whether they would have any concerns if the external area to the front of the building was used by customers. They were made aware that the applicant has stated verbally that it is likely to be used, especially at this current time during the pandemic. The case officer suggested that a condition could be attached to any planning permission to require that it can only be used between 1200 hours and 2200 hours (La Vina's external area can only be used until 2200 hours). The Environmental Protection Officer was also made aware that a condition could be attached to any planning permission to control that the micro-brewery element of the business can only be used in the position as detailed on submitted drawings.

Final representation

No concerns about customers using the front of the premises. I believe that the separation distance between the application site and the residential properties, the ambient noise climate as a result of road traffic, and the proposed restriction on the times that it can be used, will ensure that nearby residential

amenity will be unaffected. I agree with the inclusion of a condition to limit the times that the outdoor area can be used by patrons.

I have no objections on the proposed condition for the location of the micro-brewery aspect of the application.

Community Safety

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

Licensing

This property currently has a license to sell alcohol on and off and provide recorded music from 9.00am till 23.00pm every day. Licensing details of other late night premises in the immediate vicinity of 38 Front Street are as follows:

- One Stop, 51 Front Street – Monday to Saturday 8am – 11pm and Sunday 10am – 10.30pm
- Bistro Romano, 59-63 Front Street – Monday to Saturday 11am – Midnight and Sunday 12pm – 11.30pm
- Toby Carvery Cleadon Village, Shields Road – Monday to Sunday 10am – 12.30am
- The Cottage Tavern, Shields Road – Sunday to Thursday 11am – Midnight and Friday to Saturday – 11am - 12.30am
- La Vina, 42 Front Street – Monday to Sunday – 8am – 11pm
- Bon Appetit Café Deli and Gifts, 37 Front Street – Monday to Sunday 9am – 7pm
- Cleadon Florists, 38 Front Street – Monday to Sunday 9am - 11pm
- Jet Petrol Station, Shields Road – Monday to Sunday 6am – 11pm

Waste Services

No objection

Northumbria Police – Architectural Liaison Officer

I have discussed the application with my frontline colleagues and Licensing and on the basis of what is published on the portal we have no objection in principle. We would have liked to see a drawing/plan though.

Case Officer Comments: Following this consultation response detailed existing and proposed floor plans were submitted. These were forwarded to the Northumbrian Policy Architectural Liaison Officer for information, who was also formally re-consulted when the planning application red line was amended. No further comments were submitted.

Assessment

The main issues relevant to the determination of this application are:

- Acceptability of the proposal in principle
- Impact on residential amenity
- Impact on highway safety and parking
- Waste storage
- Crime and anti-social behaviour
- Impact on visual amenity and heritage assets
- Other materials considerations
- Other matters

Acceptability of the proposal in principle

The application site is positioned within a local neighbourhood shopping centre, in the built up area of Cleadon. Although the proposed micro-pub would not open until 1200 hours, it is considered that it would still be open for the majority of the day. It would not create a dead daytime frontage. It would therefore have a neutral impact on the vitality and viability of this local neighbourhood shopping centre. It is considered that the proposal would accord with adopted South Tyneside Local Development Framework (LDF) Core Strategy Policies SC1 and SC2.

Residential amenity

General noise / disturbance

The assessment regarding the acceptability of general noise / disturbances generated externally by the proposal (in particular the micro-pub) is whether its impact over and above the existing ambiance and tranquillity of the immediate vicinity would be materially harmful to occupiers of neighbouring (in particular residential) properties. General noise / disturbances generated externally by the micro-pub relates to voices from customers – when coming and going, smoking and vaping outside of the building, or when consuming alcohol (and potentially food) outside of the building on the parcel of land to the front. This general noise / disturbance would likely be exacerbated with customer's voices raised following the consumption of alcohol. General noise / disturbances associated with the proposal also relates to the comings and goings of vehicles (customers vehicles and taxis) and includes vehicles braking, vehicles manoeuvring and starting, vehicle doors slamming, and car stereos.

Concerns have been raised in representations regarding the impact of the proposal in terms of general noise / disturbance including noise and general rowdiness, and noise from deliveries and waste disposal (with evidence of this inconvenience already with La Vina). A representation has also stated that the lateness of the opening hours in close proximity to residential housing would further exacerbate the existing situation experienced with la Vina on the days that they open late.

The application site is located within a local neighbourhood centre where there is already late night activity from existing commercial premises. There are two late night operations in close proximity to the application site, namely La Vina (42 Front Street) positioned two addresses to the west which can open until 2300 hours daily, and Bistro Romano (59-63 Front Street) positioned across the road from the application site which can open until 0000 hours Monday to Saturday and 2330 hours in a Sunday. La Vina also has an external seating area to the front which can be used until 2200 hours daily (controlled under planning permission Ref: ST/0703/17/VC). There is also a One Stop Shop across the road and to the east which also opens until 2300 hours daily. The Council's licensing team has confirmed the licensing hours of late night activity in the immediate vicinity.

Nearest residential properties are flats / maisonettes positioned to the west / south west of the application site, above (40 Front Street) and to the rear (44a, 44b and 44c) of La Vina. 59a and 61a are flats / maisonettes positioned across the road from the application site above Bistro Romano. Nearest other residential properties are positioned behind the application site across the commercial car park / delivery / loading area (2 and 3 The Nurseries – belonging to two of the objectors), and those along Windermere, a residential street which runs perpendicular to Front Street. However although there are some residential properties positioned nearby, it is considered that this local neighbourhood centre in the immediate vicinity of the application site is a primarily commercial, and already includes late night activity.

It is possible that customers could potentially consume alcohol outside of the premises on the parcel of land to the front of the building. The applicant has confirmed verbally that this is likely to occur throughout the year at this current time due to the pandemic. However during 'normal times', in reality

this would be more likely to occur during the summer months only. The parcel of land to the front of the premises is relatively small and could only accommodate a limited number of customers at any given time. La Vina at 42 Front Street is able to use their outdoor seating area until 2200 hours. Therefore the Council's Environmental Protection Officer has raised no objections to the parcel of land to the front of the application site also being used until 2200 hours, especially given separation distances to nearest residential properties and the existing ambient noise climate of the nearby surrounding area until this time (see their comments summarised above). It is recommended that a condition be attached to any planning permission to control that the external area the front of the building can only be available for the consumption alcohol and food between 1200 hours and 2200 hours on any given day. This would ensure that comings / goings and vaping could still occur on / across the land up to closing time, as this is unlikely to cause any significant noise disturbances.

Given the context set out above, in the immediate vicinity of the application site, it is considered that general noise / disturbance from micro-pub customers – voices from customers (including when raised following alcohol consumption) when coming and going, when smoking / vaping, or even consuming alcohol would not be materially harmful over and above the existing situation. This is because there is already late night activity in the immediate vicinity, which already generates a degree of general noise / disturbance late into the evening. If planning permission is to be granted a condition is recommended to control that the micro-pub is not open for business beyond 2300 hours Monday to Saturday and 2200 hours on a Sunday (the hours as specified on the planning application form). This is because after these times of day, the area immediately outside of the application site has a quieter ambience. It is considered that such a condition would be necessary and reasonable to enable the development at an application site that, although positioned within a largely commercial area, does have some residential nearby.

In terms of other general noise / disturbances, vehicles can only park legally in the time restricted parking bays to the front of the premises for one hour (with no return for two hours). Taxis would likely pick up customers from these bays. However given the position of nearest residential properties along Front Street, and their proximity to existing late night activity, it is considered that parking in these bays would have no greater impacts in terms of general noise / disturbance over and above the existing situation. Although cars could park along Windermere and Laburnum Grove, it is considered that given the nature of the proposal, the majority of customers would likely travel on foot or by public transport. If customers did travel by car, they would be able to park at the pay and display Euro car park positioned approximately 140 metres from the application site (along Front Street and Shields Road). In this context it is considered that the comings and goings of vehicles would have no materially harmful impacts in terms of general noise and disturbance to warrant refusal of the application.

A representation has been raised in relation to noise and disturbance generated from deliveries and waste collection. However as stated the rear of the application site is a commercial car park / delivery / loading area. It is considered that any deliveries (one per week) and waste collection would not generate noise and disturbances over and above those generated by the existing shop and other commercial uses to warrant refusal of the application.

Whilst the concerns raised in representations are noted, overall subject to compliance with the conditions relating to the opening times of the micro pub and the times when the external area to the front of the building can be used, it is considered that the proposed micro-pub and micro-brewery would not result in unacceptable general noise / disturbances to occupiers of any residential properties in the immediate vicinity over and above the existing situation.

Noise and odour from activities within the premises

Representations have raised concerns regarding noise and odour generated by the proposal, with concerns stating that no noise or odour assessments have been submitted as part of the application. Concerns in particular have been raised regarding the micro-brewery process and the potential odours

that this could generate, as well as the waste handling aspect of the both the brewing process and the cleaning / wash down procedures.

Whilst these concerns are noted, the Council's Environmental Protection Officer has raised no objections to the proposal in relation to noise or odour generated from within the proposed micro-pub and micro-brewery. In relation to noise they have stated that as the application site does not join onto a residential property there are no concerns of internal noise transmission impacting upon residential amenity. They have stated that a condition to control that no amplified music can be played would not be necessary in this case. In relation to odour they have stated that given the scale of the equipment being used and information that has been submitted suggesting it is a fully sealed operation, the proposal including the micro-brewery would not have any unacceptable odour impacts upon residential amenity. They have advised that should odour become an issue in the future, as a result of a change in the scale of the operation, any odour complaints could be dealt with under the statutory nuisance legislation. However in order to prevent the micro-brewery element of the business from intensifying uncontrolled, it is recommended that a condition be attached to any planning permission to control that the micro-brewery can only be undertaken in the location specified within Drawing no. 3079 revision B that was submitted with the planning application. . The Council's Environmental Protection Officer has raised no objections to such a condition.

If planning permission is granted, in the future up until 31st July 2021, it is possible that future owners of the premises may wish to change the micro-pub and micro-brewery into a different type of drinking establishment (with expanded food provision). This could be undertaken under permitted development. However, given the limited size of the unit, if this was the case it is unlikely that it would cause any unacceptable impacts on residential amenity. The Council's Environment Officer agrees with this conclusion.

Privacy

Given separation distances it is considered that the proposal would have no unacceptable on the amenities of the occupiers of any residential properties in relation to privacy.

Residential amenity summary

It is considered that the overall proposal would have no unacceptable impacts on the amenities of the occupiers of any neighbouring properties, in relation to general noise / disturbance, noise and odour generated from within the premises, or in relation to any harmful overlooking issues. This is due to the separation distances to nearest residential properties and the existing late night commercial activity in the immediate vicinity of the application site. The Council's Environmental Protection Officer has stated that a condition to control that no amplified music can be played would not be necessary in this case. Therefore subject to compliance with the recommended conditions relating to the times that the micro pub is open for business (1200 hours until 2300 hours Monday to Saturday and 1200 hours until 2200 hours on a Sunday), the external area only being used by customers to consume alcohol and food between 1200 and 2200 hours, and controlling the specific details and position of the micro-brewery operation, in relation to residential amenity it is considered that the proposal would accord with adopted South Tyneside LDF Development Management Policies DM1 (B).

Highways safety and parking

The Council's Traffic and Road Safety Team (the local highway authority) have raised no objections to the proposal in relation to its impact on highway safety. The Council's Parking Manager has made comments that the area is heavily used with little or no spare capacity, and that they look forward to viewing evidence of permission to park at the Euro car park.

Concerns have been raised in representations regarding the proposal causing highway safety concerns. They state that parking in this area is very tight already and that vehicular traffic is an issue. They have

made reference to a dentists being refused planning permission by the Council based on car parking issues, and that in reality a new pub at this location, with limited on-site and on-street car parking would exacerbate existing parking problems to the detriment of highway safety (and the annoyance of residents). A concern has also been raised that comings and goings from the premises would be detrimental to children's safety during dropping off and picking up times.

There is on-street car parking to the front of the application site and in the immediate vicinity along Front Street, however this is time restricted with a limited waiting of one hour only (no return within two hours). Elsewhere along Front Street in the immediate vicinity of the application there are double yellow lines, keep clear zig zag markings and bus stops. Therefore the nearest unrestricted on-street car parking is along Windermere to the east or Laburnum Grove to the west. There is also a private pay and display Euro car park positioned adjacent to the Tony Carvery, approximately 140 metres to the north east (along Front Street and Shields Road).

The applicant has confirmed that the gross floor area of the existing shop is $74m^2$ including the first floor (unlike the $35m^2$ stated on the planning application form). On this basis Supplementary Planning Document (SPD) 6 'Parking Standards' states that the maximum car parking for the existing shop is two car parking space. The gross floor area of the proposed micro-pub and micro-brewery would remain the same as the existing shop at $74m^2$. On this basis SPD6 states that the maximum car parking for the overall proposal would be seven car parking spaces, plus a minimum of two cycle spaces. This is a difference of five car parking spaces compared to the existing use.

The comments from the Council's Traffic and Road Safety Team (the local highway authority) and the Council's Parking Manager are noted, along with the concerns raised in neighbour representations. However there is no evidence to suggest that a difference of five car parking spaces (which is a maximum anyway) would cause any highway safety concerns in terms of congestion on the highway. Existing Traffic Regulation Orders (TROs) along Front Street and at the entrance to other streets, and bus stops along Front Street, would ensure that vehicles are not able to park legally along Front Street unless they park within one of the time restricted parking spaces along Front Street – and if they parked illegally then this could be enforced by the Council's Parking and Utilities Team.

The application site has hardstanding to the rear which could accommodate two car parking spaces. The proposed ground floor plan on Drawing No. 3079 Rev B received 01/10/2020 shows that two parking spaces would be available on this hardstanding area. These would be used by staff. It is recommended that a condition be attached to any planning permission to require the car parking bays as shown on Drawing No. 3079 Revision B received 01/10/2020 to be made available for use and then retained henceforth (the owner of the land does not want bays to be marked out on this private car park / delivery area).

The existing shop uses on-street parking, and it is considered that an additional five vehicles could also be accommodated on-street or nearby within walking distance – such as within the privately owned and managed pay and display Euro car park adjacent to the Tony Carvery. This car park is not solely for the use of Toby Carvery customers. Instead Toby Carvery customers simply do not have to pay to use it. It is considered that it is not necessary for the applicant to provide evidence of permission to park at this car park, as suggested by the Council's Parking Manager. A micro-pub would be busiest in the evenings when other commercial operations in the vicinity are closed such as the dentist recently granted planning permission by a Planning Inspector at appeal (which was referred to in a neighbour representation), and nearby shops / commercial premises. Therefore customers visiting these other commercial premises would not be using the pay and display car park when the micro-pub is at its busiest. In any case the very nature of the proposal would mean that the majority of customers would be unlikely to travel by car to enable them to consume alcohol.

The concerns in the neighbour representation regarding comings and goings at times of school drop offs and pick-ups are noted. However a micro-pub is unlikely to be at its busiest at these hours of the day.

SPD6 would require a minimum of two cycle parking spaces within the application site. Drawing No. 3079 Revision B received 01/10/2020 illustrates that these would be provided to the front of the building within the application site. It is recommended that a condition be attached to any planning permission to require these cycle stands to be installed / constructed prior to the development being brought into use, and then retained henceforth.

Any waste storage could not be on the adopted highway which would be controlled by the local highway authority. The applicant has confirmed in writing that the existing shop has a level access, and that this would remain the case as part of the proposal.

The application site is in a sustainable local neighbourhood centre location (within walking distances of local bus services). Given this sustainable location, given the nature of the proposal which would likely generate a large number of customers on foot and by public transport and be busiest in the evenings when other commercial operations have closed, and given the existing lawful use of the application site, it is considered that the proposal relying on on-street parking / the Euro pay and display car park for customers, would not cause any highway safety concerns to warrant refusal of the application. It would also provide an acceptable amount of cycle provision. It is therefore considered that the proposal would accord with adopted South Tyneside LDF Core Strategy Policy A1 and the associated SPD6 'Parking Standards', and adopted South Tyneside LDF Development Management Policies DM1 (G, H & I).

Waste storage

Application details state that waste would be stored to the rear of the building. Drawing No. 3079 Revision B received 01/10/2020 states that this would be in a commercial 1100 litre refuse bin. Waste Services have raised no objections to the proposal. It is considered that there would be adequate space to the rear of the building within the application site to store the waste that would be generated by the proposal. It would be the applicant's responsibility to make appropriate arrangements for their waste collections. However to ensure that waste is stored within the application site to the rear of the building (and not on the parcel of land to the front which is outside of the adopted highway), a condition is recommended to require space to be made available to the rear for waste storage to accommodate a commercial 1100 litre refuse bin.

Crime and anti-social behaviour

Representations have raised concerns regarding the potential for the proposal to generate anti-social behaviour. However whilst these concerns are noted, both the Council's Community Safety Officer and the Northumbria Police Architectural Liaison Officer have raised no objections to the proposal.

The fear of crime is capable of being a material consideration in planning decisions. However any fear and concern expressed has to have some reasonable basis and the object of that fear and concern has to be the use, in planning terms, of the land. There is no evidence to suggest that, as long as a micro-pub and micro-brewery is managed appropriately, that such a use would adversely affect crime, disorder and anti-social behaviour. It is therefore considered that the proposal would accord with adopted South Tyneside LDF Core Strategy Policy ST2 (F).

Visual amenity and heritage assets

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.

The Council's Historic Environment Officer has raised no objections to the proposal.

The application site is positioned within the Cleadon Conservation Area. In relation to the application building, the Cleadon Conservation Area Character Appraisal (March 2007) states that it is part of a series of unremarkable shop fronts.

The applicant has confirmed in writing that no external alterations to the building are proposed (including the installation of any external security shutters), with the exception being the installation of new signage. The applicant has been made aware that such signage may require advertisement consent, and it is recommended that an informative to applicant be attached to any planning permission to remind them of this.

Given the nature of the proposal which is for a change of use only with no external alterations, it is considered that it would have no unacceptable impacts on the character and appearance of this part of the Cleadon Conservation Area which is largely commercial. The proposal would therefore accord with adopted South Tyneside LDF Development Management Policy DM6 and the associated SPD14 'Cleadon Conservation Area Management Plan'.

Other Material Considerations

A significant number of representations have been submitted in support of the planning application, generally stating that the proposal would bring a vacant unit into use, it would be in keeping with the character and appearance of the area, and that it would help to support the local economy including existing businesses. These representations are material considerations which add weight to the planning application being approved.

Other Matters

Concerns have been raised in representations regarding there being too many pubs within this area (the area being saturated). However there is not a maximum number of pubs that should be provided in any given area, and competition is not a material planning consideration.

Summary

For the reasons articulated above, it is considered that the proposal would accord with development plan policy, and so would be an acceptable form of development. On this basis, and giving additional weight to the significant number of representations supporting the planning application, it is considered that the proposal would be an acceptable form of development.

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 micro pub hereby permitted shall only be open for business between 1200 hours and

2300 hours Monday to Saturday and between 1200 hours and 2200 hours on Sundays.

To safeguard the amenities of the occupiers of nearest residential properties from undue noise disturbances in accordance with adopted South Tyneside LDF Development Management Policy DM1.

3 The external area to the front of the building shall only be available for customers to consume drinks and food between the hours of 1200 hours and 2200 hours on any given day.

To safeguard the amenities of the occupiers of nearest residential properties from undue noise disturbances in accordance with adopted South Tyneside Local Development Framework Policy DM1.

4 The micro-brewery element of the development hereby permitted shall be restricted to the floor area shown on Drawing no. 3079 Revision B received 01/10/2020.

To retain control over any intensification in brewing activities at the site in the interests of safeguarding the amenities of the occupiers of nearest residential properties from undue noise and odour disturbances in accordance with adopted South Tyneside LDF Development Management Policy DM1.

5 Prior to the development hereby permitted being brought into use, space shall be made within the application site to the rear of the building to accommodate a commercial 1100 litre refuse bin. Refuse shall only be placed outside of the curtilage of the premises on days of awaiting collection.

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

6 The development hereby permitted shall not be brought into use until the car parking bays, as shown on Drawing No. 3079 Revision B received 01/10/2020, have been made available for use. The car parking bays shall then be retained henceforth for their designated purpose.

To ensure a satisfactory standard of sustainable development, in the interests of amenity and highway safety in accordance with adopted South Tyneside LDF Development Management Policy DM1.

7 The development hereby permitted shall not be brought into use until the two bicycle stands, as shown on Drawing No. 3079 Revision B received 01/10/2020, have been constructed / installed and made available for use. The bicycle stands shall then be retained henceforth for their designated purpose.

To ensure a satisfactory standard of sustainable development in accordance with adopted South Tyneside LDF Core Strategy Policy A1.

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 NOTE TO APPLICANT

The applicant is advised that any new signage may require advertisement consent. For further guidance the applicant should visit the planning portal: https://www.planningportal.co.uk/info/200130/common_projects/4/adverts_and_signs

Case officer: David Rogerson
Signed: *David Rogerson*
Date: 20/10/2020

Authorised Signatory:
Date: