DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0865/23/FUL
Proposal: Single storey rear extension to restaurant building with addition of extractor flue
Location: 2 - 4 Station Approach
East Boldon
NE36 0AB

Site Visit Made: 12/03/2024

Relevant policies/SPDs

East Boldon Neighbourhood Plan – Adopted December 2021

1 EB1 – Sustainable development
2 EB2 – General location of new development
3 EB3 – Design
4 EB8 – Employment
5 EB10 – Cleadon Lane Industrial Estate

Local Development Framework

1 DM1 - Management of Development
2 LDF CS E1 - Delivering Economic Growth and Prosperity

South Tyneside Local Plan- Emerging Local Plan Policies

3 LP Policy SP1 - Presumption in favour of Sustainable Development
4 LP Policy SP2 - Strategy for Sustainable Development to meet identified needs
5 LP Policy SP3 - Spatial Strategy for sustainable development
6 LP Policy 47 - Design Principles

The NPPF is also relevant.

Description of the site and of the proposals

Planning permission is sought for the proposed construction of a single storey rear extension to the restaurant with the addition of an extractor flue at 2-4 Station Approach in East Boldon.

The application site is located on the north side of Station Approach next to Cleadon Lane Industrial Estate and close to the junction of Station Approach and Cleadon Lane.

Publicity / Consultations (Expiry 25/03/2024)

1) **Neighbour responses**
None received

2) **Other Consultee responses**

Transport Development Officer – The application submission proposes as part of the scheme a small extension to the seating area, which will accommodate more customers to the restaurant. There is no dedicated in-curtilage car parking provision for the scheme, with visitors required to utilise the few on-carriageway parking spaces outside the site, the nearby local metro station car

park and designated layby parking on Cleadon Lane. Given the extensive parking restrictions in the area it is unlikely that the additional visitors to the restaurant would park indiscriminately on the highway due to their longer stay at the restaurant, as opposed to takeaway customers.

On the basis of the above the Highway Authority would have no objections to the proposal on highway safety grounds.

N.B. The red line application boundary does not appear to accommodate the relocated refuse bins associated with the business and the Local Planning Authority may wish to consider an extension to the red line boundary in respect of the displacement of the bins and ensure that they are not stored on the highway.

Environmental Health – I have no objections on this application, existing residential receptors are some distance away and I do not believe there will be any impact on residential amenity.

Environmental Protection – I have no comments to make from a flood risk or drainage perspective.

We do not have any knowledge of a history of flooding at this site.
The proposed development is not considered to be in an area of surface water flood risk in accordance with the Environment Agency's long term flood risk maps.

The proposed development does not increase the area of hard standing surfaces within the development boundary.

Tree Team – The application would trigger BS:5837. A TPP condition as you suggest would be okay for this one.

East Boldon Forum does not object to the proposal in principle. However, we are concerned that the rear extension may have some impact on the mature trees in the adjacent property (Kingston) which line the boundary. In particular, the foundations for the extension may damage the tree roots. If the Council is minded to approve the application, it should be a condition of approval that measures are taken to ensure that the tree roots are protected.

Assessment

A Regulation 19 version of the South Tyneside Local Plan was recently subject to consultation from 15/01/2024 to 03/03/2024 and this marked the second of two statutory consultation periods in the plan making process. While the draft Local Plan is now at a more advanced stage of preparation, with the Regulation 19 consultation completed, the extent to which there are unresolved objections to particular policies is currently being assessed and therefore only very limited weight can be afforded to policies in the emerging local plan at the current time having regard to paragraph 48 of the NPPF. As such, any relevant emerging local plan policies that were listed earlier in this report are not appraised in detail in the assessment set out below.

The main issues to consider in the assessment of this application are:

- Design and visual impact;
- Impact on residential amenity; and
- Impact on highway safety

Design and visual impact

The property has been operational as a restaurant for a number of years. No changes are proposed to the front of the property and although the proposed rear extension would be visible from Station Approach, it would be over a distance across a private car park. furthermore it would also replace an existing outbuilding. It is considered that the proposal would have no unacceptable visual impacts on the public domain, and instead would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials. A condition is recommended to control that the extension be constructed in accordance with details specified in the application. Subject to compliance with this condition it is considered that the proposal would accord with the East Boldon Neighbourhood Plan Policy EB3 (Design) and South Tyneside Local Development Framework (LDF) Development Management Policy DM1 (A).

Impact on residential amenity

The closest residential properties are located along Cleadon Lane (Kingston and Braeside) to the rear of the restaurant with a commercial premises (Smiths Barbers, 2 Cleadon Lane) in-between, although the extension would abut the rear garden boundary of Kingston. The 3 no. existing outbuildings are to be replaced with 1 no. large extension built to a similar height and would include a flue on the roof which would be facing away from the nearby residential properties. The Environmental Health Officer commented on the application stating that they have no objections to the application, particularly as the existing neighbouring properties are at a sufficient distance from the restaurant.

It is considered that the building would have no unacceptable impacts on the amenities of occupiers of any neighbouring residential properties, including in relation to noise. It would therefore accord with adopted South Tyneside LDF Development Management Policy DM1 (B).

Impact on highway safety

The application site does not provide any on-site parking. However it is in a sustainable location within the built up area of East Boldon, well served by public transport including the Metro. There is also a nearby car park next to the Metro, on-carriageway parking spaces outside the premises and designated layby parking on Cleadon Lane.

The Council's Transport Development Officer (as local highway authority) has commented on the application stating that they would have no objections to the proposal on highway safety grounds.

It is considered that the proposal would accord with adopted South Tyneside LDF Core Strategy Policy A1 and the associated SPD6, and adopted South Tyneside LDF Development Management Policy DM1 (G, H & I).

Other Matters

East Boldon Forum have commented on the application and referenced the potential impact the development would have on the trees in the adjacent property (Kingston). These trees are not protected trees and are within a private garden. Furthermore, the proposed rear extension would replace an existing outbuilding within the rear yard.

The Tree Team were contacted regarding the trees within the adjacent properties garden. They advised that a condition would be suffice for this application, as the tree does not have any protection (i.e. TPO). A condition has been included which states that a Tree Protection Plan be submitted to and approved by the Local Authority before construction is commenced.

Summary

For the reasons articulated it is considered that the proposal would accord with development plan policy and so 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 development shall be carried out in accordance with the approved plan(s) as detailed below

- Drg. No. 231101-1 - Existing and Proposed Front Elevations - Received 18/12/2023
- Drg. No. 231101-2 - Existing and Proposed Rear Elevation - Received 18/12/2023
- Drg. No. 231101-4 - Existing and Proposed Side Elevation NE - Received 18/12/2023
- Drg. No. 231101-3 - Existing and Proposed Side Elevation SW - Received 18/12/2023
- Drg. No. 231101-6 - Proposed Roof and Site Plan - Received 18/12/2023
- Drg. No. 231101-8 - Proposed Roof and Site Plan - Received 18/12/2023

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 materials of the development hereby permitted shall be as specified within the application form (received 18/12/2023) and on drawing no. 231101-3 (received 18/12/2023), unless alternatives have been previously submitted to and approved 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 adopted South Tyneside LDF Development Management Policy DM1.

4 Prior to the commencement of development hereby permitted, a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall illustrate the protective measures for the trees located in the adjacent properties rear garden. Thereafter the development shall be undertaken in full accordance with those approved details.

To ensure that the health of the trees to be retained within and adjoining the site is adequately protected during the period of construction in accordance with British Standard 5837 and Policy DM1 of the South Tyneside Local Development Framework.

Informatives

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

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

Case officer: Emma Thomas
Date: 08/05/2024

Authorised Signatory: G.Horsman
Date: 10/05/2024