

**Committee Report**

<b>Application No:</b>	<b>DC/18/01070/COU</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>12 October 2018</b>
<b>Applicant</b>	<b>Mr Douglas Musgrove</b>
<b>Site:</b>	<b>4-5 Main Road Ryton NE40 3NA</b>
<b>Ward:</b>	<b>Ryton Crookhill And Stella</b>
<b>Proposal:</b>	<b>Change of use from Bookmakers to Micropub</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Change of Use</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF SITE**

The application site is a single storey unit within the district retail centre of Ryton. The unit forms part of a group of units at Lane Head and faces east. The unit has been vacant since April 2018 and was last used as a betting shop.

**1.2 DESCRIPTION OF APPLICATION**

The application proposes the change of use of the unit from betting shop to micropub (drinking establishment, use class A4).

1.3 The application does not propose any external alterations to the building.

**1.4 RELEVANT PLANNING HISTORY**

None

**2.0 Consultation Responses:**

None

**3.0 Representations:**

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 Councillor Buckley has requested that the application be reported to Planning Committee.

3.3 Four objections have been received from residents, raising concerns regarding:

- the need for such a use

- increased anti-social behaviour and noise, particularly in terms of customers drinking and smoking outside the premises, on land opposite the premises and outside of other properties
- increased parking demand and worsening of existing indiscriminate parking
- impact of additional deliveries on highway safety
- Increased litter
- opening hours of the premises

3.4 Seven letters of support for the application have also been received, making the following comments:

- would be a focal point and meeting place;
- would have limited capacity and opening hours and would sell high quality products;
- Similar successful establishments in the borough;
- would get passing trade from locals, who would respect residents and local area;
- would encourage visitors to the area and promote the area;
- a variety of residents would be encouraged to drink locally, and the proposal would help to create a better community spirit;
- other large pubs in the area have closed and the proposed premises would be competitive with remaining pubs in the area;
- the area would benefit more from a well-managed micropub than a betting shop;
- Licensing law could deal with issues if they arise;
- customers would prefer quieter surroundings;
- would contribute to society and would keep the area vibrant and active.

#### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

RCL5 District and Local Centres

CS7 Retail and Centres

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

## **5.0 Assessment of the Proposal:**

5.1 The key considerations to be taken into account when assessing this planning application are the principle of the proposal, visual amenity, residential amenity and highway safety and parking.

### **5.2 PRINCIPLE**

The site is within Ryton district retail centre, as defined by saved policy RCL5 of the UDP and policy CS7 of the CSUCP. The proposal would not result in the loss of an A1 retail use and would instead bring a vacant unit back into use. As such, it is considered that the scheme would maintain and enhance the vitality and viability of the centre.

5.3 The proposal would comply with the aims and requirements of saved policy RCL5 of the UDP and policy CS7 of the CSUCP.

### **5.4 VISUAL AMENITY**

The application does not propose any external alterations to the building. Any additional signage relating to the proposed use would be considered separate to this application and may require separate advertisement consent.

5.5 The proposal would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CUSUCP.

### **5.6 RESIDENTIAL AMENITY**

There are residential properties 24metres to the south at Greenfield Place and The Oval, across Woodside Lane. The application site is also 21metres away from the rear of properties on Grange Road, to the east/south east across Woodside Lane. There is some green public space immediately east of the application site across the footpath.

5.7 In terms of potential noise from entertainment associated with the proposed use, it is recommended that a condition be imposed requiring a noise assessment to be carried out prior to the installation of an amplified sound system or similar equipment.

5.8 The application proposes opening hours of 11.00-23.00 Monday to Saturday and 12.00-23.00 Sundays and Bank Holidays. The site is located in a district retail centre and in a parade of shops where an existing retail unit is open until 23.00 daily. Additionally, as above, it is recommended that a condition be imposed restricting amplified sound systems. As such, it is considered that the proposed hours are reasonable, and it is recommended that a condition be imposed restricting the hours to those proposed.

- 5.9 In terms of other potential noise generated by the use, it is recommended that conditions be imposed restricting delivery hours and external bin emptying to between 08:00 and 21:00 on any day.
- 5.10 Additionally, no details have been submitted relating to kitchen ventilation or cooking. It is recommended that a condition be imposed requiring the submission of details for consideration prior to the installation of such equipment.
- 5.11 Given the above, it is considered that the proposal would not have an unacceptable impact on residential amenity in the area and would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.12 **HIGHWAY SAFETY AND PARKING**  
It is not anticipated that the proposed change of use would have a significant impact on the surrounding highway network. The application site is located in a local centre with a large residential catchment area, and the site benefits from good access to public transport. Patrons could arrive on foot or public transport, given the central location of the site and the nature of the proposed use.
- 5.13 Officers are satisfied that existing waiting restrictions would prohibit inappropriate parking in the immediate vicinity and that there is scope to park on-street if required. Additionally, it is considered that deliveries associated with the proposed would not create a significant highway safety concern.
- 5.14 The proposal would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.15 **COMMUNITY INFRASTRUCTURE LEVY**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not CIL chargeable development as it is not qualifying retail or housing related.
- 5.16 **OTHER MATTERS**  
In considering an application, the merits of that proposal are to be assessed and the demand for a use is not a material planning consideration.
- 5.17 Similarly, anti-social behaviour, littering and potential for members of the public to congregate in other locations are not material planning considerations.

## **6.0 CONCLUSION**

- 6.1 The proposal would result in a use that would maintain and enhance the vitality and viability of the district centre, and with the imposition of conditions it is considered that the use would not have an unacceptable impact on the amenity of existing and potential future residential neighbours.

6.2 Taking all the relevant issues into account, the proposed development is acceptable in terms of visual and residential amenity, highway safety and parking, and would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

6.3 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

**7.0 Recommendation:**

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary:

1

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

Location Plan received 12.10.2018;  
Ground floor plan received 12.10.2018

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

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

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The use hereby approved shall only be open to the public between 11.00-23.00 Monday to Saturday and 12.00-23.00 Sundays and Bank Holidays.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14

of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

4

Deliveries to the site and external emptying of any bins associated with the use hereby approved shall be restricted to between 08:00 and 21:00 on any day.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

5

No amplified sound system or similar equipment associated with the use hereby approved shall be used on site until details of a noise assessment (including mitigation measures and timescales where necessary) have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

6

The details approved under condition 5 shall be implemented and maintained in accordance with the details and timescales approved and retained as such for the lifetime of the development.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

7

Ventilation/extraction and cooking equipment at the premises associated with the use hereby approved shall not be installed until final details of such equipment (including specific details on the filters/odour mitigation, noise details for the fan and measures for maintenance) have been submitted to and approved in writing by the local planning authority.

Reason

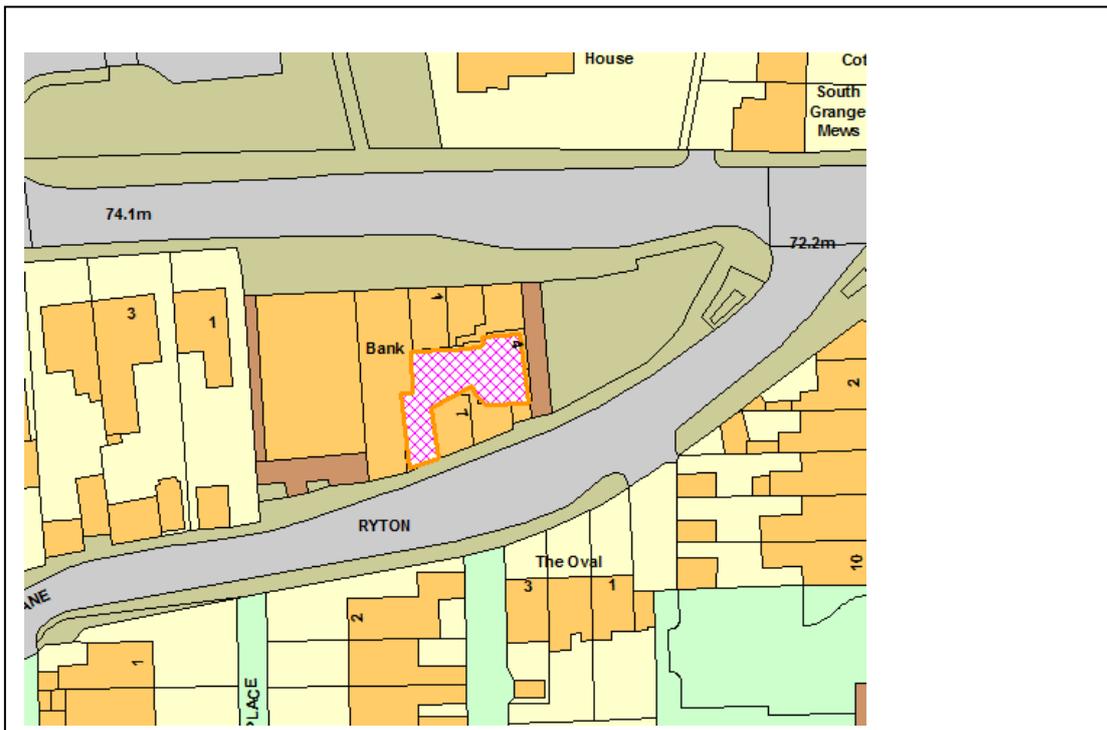
To ensure that the use would not result in an unacceptable level of noise/disturbance or smells at neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

8

The details approved under condition 7 shall be implemented and maintained in accordance with the details approved and retained as such for the lifetime of the development.

#### Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance or smells at neighbouring properties, in accordance with Saved Policies, DC2 and ENV61 of the Unitary Development Plan, Policy CS14 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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