

Committee Report

Application No:	DC/18/01257/COU
Case Officer	Joanne Munton
Date Application Valid	17 December 2018
Applicant	Moxie Catering Ltd
Site:	Unit 2 Beat N' Track Cafe Former Co-Op Buildings Hookergate Lane Rowlands Gill
Ward:	Winlaton And High Spen
Proposal:	Change of use from shop (use class A1) to cafe (use class A3) including replacement of kitchen canopy.
Recommendation:	GRANT
Application Type	Change of Use

1.0 The Application:

- 1.1 This application was deferred at the meeting of the Planning and Development Committee on 20 February 2019 to allow the Committee to visit the site. Members visited the site on 7 March 2019.
- 1.2 **DESCRIPTION OF SITE**
The site is a unit on a parade of shops in High Spen. The unit is on the ground floor at the northern end of the parade, which also includes a saddlery shop, a hairdressers, a dentist and an upholsterers.
- 1.3 The parade of shops is within the early 20th Century buildings that are referred to as the Old Cooperative Buildings.
- 1.4 From the front elevation, the unit has an existing shop front window and its own access door. There is an access road to the side (north) which, along with the access road to the south of the Old Cooperative Buildings, provides access to a parking area at the rear of the buildings and Burnop Terrace and Wood Terrace beyond to the east.
- 1.5 **DESCRIPTION OF APPLICATION**
The application proposes the change of use of the unit from a shop (use class A1) to a café/restaurant (use class A3). The unit formerly operated as a café, however this did not benefit from the required approval, and the last lawful use was a shop; therefore, to regularise the matter, the applicant has submitted this planning application.
- 1.6 The application also refers to the installation of new extraction/ventilation equipment to serve the kitchen.

1.7 RELEVANT PLANNING HISTORY

There is no relevant planning history in this case.

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 Marilyn Charlton has objected to the application, raising the following concerns:

- inadequate parking provision;
- impact on highway safety;
- impact on residential amenity.

3.3 A petition of 58 signatures has been received, raising concerns regarding:

- Noise and disturbance from music at the premises and customers;
- Inadequate parking provision;
- Impact on highway safety.

3.4 12 objections from residents have also been received, raising concerns regarding:

- The use is a pub not a café;
- Clarification of application site and unit, clarification of 'allotment gardens' now being residential use, clarification of parking provision at the rear of the units, clarification of existing extraction;
- Question provision of alcohol and playing of music on site;
- Land outside unit belongs to the Council;
- Lack of information on the kitchen extraction;
- Smells and noise from kitchen extraction;
- Additional noise from customers arriving at, leaving and smoking near to the premises;
- Additional noise from music being played at the premises;
- Potential for increased trespassing on private land belonging to neighbours to the east;
- Increased anti-social behaviour and vandalism;
- Impact on privacy at existing residential properties;
- Safety issues relating to patrons leaving dogs outside the premises;
- Residents use the access road for parking already;
- Inadequate parking provision and increased parking demand;
- Increase in traffic and taxi movements/waiting;

- Impact on highway safety;
- Impact on safety of children playing in the area;
- No cycle parking provision;
- Bus stop areas should be marked out on the road;
- Signage should be put up regarding resident parking and children playing;
- Impact on ecology and biodiversity, particularly birds, bats, badgers and owls;
- Light pollution;
- The premises would not have many daytime customers and there is no need/desire for this use in the area;
- Out of character with the street scene and conservation area;
- Potential for inappropriately placed advertising/A boards.

3.5 Additionally, 54 letters of support have been received, commenting as follows

- Use is what the area needs;
- Looking forward to new use;
- Good meeting point/facility for locals/dog walkers/visitors to Chopwell Woods;
- Ideal location for visitors;
- Evening opening hours supported;
- Would be beneficial to the area and the employees and customers of the existing businesses on the shopping parade;
- Creation of local jobs;
- Welcome rest along cycle routes;
- Adequate parking provision.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

RCL5 District and Local Centres

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV61 New Noise-Generating Developments

CS7 Retail and Centres

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 not located within a retail centre, however, policy CS7 of the CSUCP supports local community facilities and small shopping parades where they provide an important service to the local community and remain viable.

5.3 It is considered that the proposal to continue the use of the unit would maintain the vitality and viability of the parade and would comply with the aims and requirements of saved policy RCL5 of the UDP and policy CS7 of the CSUCP.

5.4 RESIDENTIAL AMENITY

The application proposes the opening hours to be 08:00 - 21:00 on any day. However, it is considered that opening hours of 08:00 - 22:00 would be reasonable and a condition limiting these hours is recommended to be imposed.

5.5 In relation to potential music at the premises, it would be reasonable to expect that a proposed café/restaurant may wish to play music on site. It is recommended that a condition be imposed requiring that where music is proposed to be played through an amplified sound system or similar equipment, this could not take place before a noise management plan has been submitted to and approved in writing by the LPA.

5.6 In terms of other potential noise generated by the use, it is recommended that a condition be imposed restricting delivery hours and external bin emptying to between 08:00 and 21:00 on any day.

5.7 Additionally, limited details have been submitted relating to kitchen ventilation and cooking. It is recommended that conditions be imposed requiring details of a cooking/ventilation system (including any mitigation for noise and odours), be submitted to the LPA for consideration prior to the installation of such equipment, and implementation of the approved details.

5.8 Subject to conditions, 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.

5.9 HIGHWAY SAFETY AND PARKING

There would be scope for staff parking to the rear of the building, and officers are satisfied that further customer parking could be accommodated within the local area. The floor area proposed to change use is modest and it is considered that the existing lawful retail (A1) use would likely generate similar

if not more of a demand for car parking. Additionally, it is expected that some customers would arrive via public transport, walking or cycling to the site.

- 5.10 It is considered the conditions relating to the provision of signage and road markings for the area would be neither reasonable nor necessary to make the application acceptable.
- 5.11 The proposal would not have an unacceptable impact on highway safety and parking and would comply with the aims and requirements of saved policy CS13 of the CSUCP.
- 5.12 VISUAL AMENITY
No external alterations are proposed, except for the installation of ventilation/extraction equipment. The above recommended condition relating to final details of this equipment would allow the LPA to consider the external appearance of the equipment.
- 5.13 Subject to conditions the proposal would not have an unacceptable impact on the visual amenity of the area and would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.14 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.
- 5.15 Similarly, issues of existing or potential trespassing on other private land, anti-social behaviour and potential for members of the public to congregate in other locations are not material planning considerations.
- 5.16 The potential for dogs being left outside of premises is not a material planning consideration.
- 5.17 Additionally, it is considered that the proposed change of use from retail to café/restaurant would not have an unacceptable impact on ecology or biodiversity.
- 5.18 The site is not within, or within the setting of, a Conservation Area.
- 5.19 The land to the front of the building is not owned by the Council.
- 5.20 Any advertisements associated with the use that would require consent would addressed through the relevant application processes separate to this planning application (eg. Advertisement consent and highways licensing for A boards).
- 5.21 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.

6.0 CONCLUSION

- 6.1 The proposal would allow for the continued use of the unit and would provide a service to the local community and visitors to the area.
- 6.2 Taking all the relevant issues into account, it is considered that 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

Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below -

'Streetwise' Location Plan received 'A Beat n Track Café' received
17.12.2018
Floor plans received 17.12.2018
Rear Elevation received 17.12.2018

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 08:00 and 22:00 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.

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 a noise management plan (including timescales) has 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

Notwithstanding the approved plans, no new ventilation/extraction equipment at the premises associated with the use hereby approved shall be installed until final details of the 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 and in the interests of visual amenity, in accordance with Saved Policies, DC2, ENV3 and ENV61 of the Unitary Development Plan, Policies CS14 and CS15 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 and in the interests of visual amenity, in accordance with Saved Policies, DC2, ENV3 and ENV61 of the Unitary Development Plan, Policies CS14 and CS15 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.

