

Committee Report

Application No:	DC/21/01374/COU
Case Officer	Josh Kenolty
Date Application Valid	25 November 2021
Applicant	Mr Derek Hicks
Site:	30-32 Front Street Whickham Newcastle Upon Tyne NE16 4DT
Ward:	Dunston Hill And Whickham East
Proposal:	Change of use from pharmacy and ancillary office space (Use Class E) to micropub (Sui Generis) (amended description) (amended application form received on 04.03.2022, amended plans received on 13.01.2021 and amended ownership details received on 04.03.22).
Recommendation:	Grant Permission
Application Type	Change of Use

1.0 The Application:

1.1 DESCRIPTION OF THE SITE

The application site of 30-32 Front Street is an existing commercial unit within the District Centre of Wickham, as identified in the Local Plan for Gateshead and within Whickham Conservation Area. The property was previously occupied by a pharmacy on the ground floor and associated offices/ medical consultation rooms at first floor level.

1.2 The site is located within the middle of a row of commercial units in the centre, occupied by a mixture of uses including a bank, a building society, a barber, restaurant and a drinking establishment. There is a further row of commercial units to the south of the site along the opposite side of Front Street, with a number of residential properties located directly to the rear (north) of the site along Church Chare.

1.3 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the change of use of the premises to use as a micropub (sui generis).

1.4 Amended plans were received from the applicant on 13 January 2022 omitting a proposed outdoor seating area from the rear of the premises, following Officer feedback in relation to the potential detrimental impact of this seating area on residential amenity. In addition, an updated ownership certificate was received on 4 March 2022 and notice served on Newcastle Building Society as landowner of part of the application site.

1.5 PLANNING HISTORY

Planning permission was granted in November 2011 at 30 Front Street, Whickham for the change of use of the first-floor premises from offices (Use Class A2) to a mixed use consultation/provision of medical services and offices (Use Classes D1 and A2) under application reference: DC/11/00845/COU.

2.0 Consultation Responses:

Northumbria Police: We have noted the amended plans and have no objections to the application from a crime prevention viewpoint.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015, which included the display of a site and press notice.

3.2 A total of 7no. letters of objection have been received which raise the following points:

- An additional pub is way beyond the needs and capacity of Whickham Village. In recent years the old Council Offices have been turned into a large pub as well as a separate large Restaurant between Broom Lane junction (Esso) and the traffic lights at the Whaggs Lane junction. This is in addition to the long-established Bay Horse and Crown public houses.
- A total of 21 establishments in a very short distance on Whickham Front Street offer food and drink, so adding another would represent one such business every 36 metres, which is surely excessive
- Drinking establishment saturation on the north side of Front Street from the Bay Horse to Dirty Habit which equates to 40% - little business diversity
- The lack of other amenities is far greater than the need for another drinking establishment.
- Front Street has a limited variety of alternative shopping and services
- Loss of a valued pharmacy
- Out of character with streetscene
- The units were purpose built as shops not drinking establishments.
- Out of character with the Conservation Area
- Any use of the yard at the rear of the premises in question would seriously affect the quality of life for residents in adjacent properties through noise levels, cigarette smoke, privacy and visual intrusion.
- No barrier intended to deter clients wandering off the drinking establishment at the rear of the premises.

- The new development will add to the noise and odours from the existing drinking establishments in close proximity and surround the residential dwellings to the rear of the site
- No freedom to open windows and doors and enjoy home and garden
- Noise will be 11 to 11 on a daily basis, throughout the year with additional preparation and cleaning time.
- Live music and beer festivals/tap takeovers could cause noise to exceed acceptable levels, particularly later at night.
- Understand from the plans that food is an option and in my experience micropubs such as this regularly invite 'street food' vendors, using an outdoor space if available, which would be completely unacceptable to residents through issues of noise and air quality.
- Covid-19 directives stipulate premises should be well ventilated, sound will escape from open windows and doors as music and events are planned.
- Recorded or live music would be heard outside if window and doors open in fact live music is heard even when closed
- The withdrawal of the outside drinking area does not mean that staff will not be allowed to use the area for breaks, smoking/vaping, phone calls etc. The former will also affect air quality
- Cigarette smoke and vaping will contaminate air quality because of close proximity of the area to properties to the rear, requiring windows and doors to be kept shut.
- Outside noise - customers talking, shouting, singing and moving tables and chairs on a concrete floor.
- Cooling store/machinery in the enclosed passage will generate noise.
- Movement of bins/ empty bottles in a confined area will reverberate (echo chamber conditions).
- Deliveries in a similar confined area (empty/full casks in a tunnel situation will cause disruption).
- Air conditioning machinery will provide noise as it is suggested that windows and doors will be closed to contain noise
- Loss of privacy as upper drinking area allows direct views of residential dwellings to rear
- Light from the premises open until 11pm and operation of CCTV system will reflect off walls illuminating residential properties to the rear 7 days a week.
- Inadequate car parking
- The existing drinking establishments and restaurants already attract a much larger footfall from outsiders together with a massive increase in vehicle traffic with nowhere to park when the increased number of business or residential permit holders are taken into account.
- This area of Whickham village already experiences serious traffic problems, particularly with parking on Church Chare and Broom

Lane, a nearby busy bus route seriously narrowed by inconsiderate car users.

- There is already a large parking issue on Coalway Lane and Church Rise
- The council do provide a “chargeable” large car park behind the shopping area which nobody uses but this has no direction signage and you have to drive 3/4 of a mile along Front Street before the “unfamiliar” might find the single entrance to the car park.
- Health and safety concerns as the property is too near Front Street traffic while the path is too narrow and close to the road for people to be coming out and into the premises
- Pushchairs and wheelchairs already have to use the road where pavements are regularly compromised – similarly the stretch in question on Front Street where bins are allowed to gather.
- Loading and unloading beer casks along with other regular deliveries would cause severe inconvenience for pedestrians and road users, creating a hazardous environment.
- Deliveries and waste removal use large wagons which will have to park on the road in front of the premises only 20 metres away from a four road junction and traffic lights, this would cause congestion.
- Narrow nature of the ‘fire/emergency exit corridor is not conducive to rapid evacuation of two properties, especially one with an expected capacity of up to 50 clients.
- Passageway is not suitable for disability access which is essential in times of emergency.
- Plans indicate ‘Cool storage area’ and bar area are to be towards the rear of the premises and, being the most likely fire hazard areas, may impede safe evacuation in an emergency.
- Security for residents will be seriously compromised as the proposed Fire/Emergency Exit will be open until at least 11pm
- Security impact as no intention of the licensee to be resident on the premises. As there is no living accommodation what will be the procedure for fire and security alarms?
- Whickham village is a regular trouble spot for late-night disturbances, vandalism and unacceptable behaviour, with the vast majority going unreported.
- Customers drinking outside pub premises is a common sight in Whickham in contravention of licensing regulations. Residents are right to fear for their personal safety and that of their property.
- Broken glass and cigarette ends are regular menaces.
- Antisocial behaviour will increase with the creation of yet another pub.
- The whole area between Church Chare and Front Street where this proposed development will be, has had frequent problems with rats presumably due in the main to the preparation and supply of food.
- The value of properties will decrease.

4.0 Policies:

CS7 Retail and Centres

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP6 Retail and Other Uses in Centres

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

5.0 Assessment of the Proposal:

5.1 PRINCIPLE OF CHANGE OF USE

The application site relates to a currently vacant commercial unit located within Whickham District Shopping centre. The property was previously occupied by a pharmacy on the ground floor and offices/medical consultation rooms at first floor level.

5.2 Policy CS7 (Retail and centres) of the Local Plan for Gateshead makes

clear that the vitality and viability of centres in the retail hierarchy (including District Shopping Centres) will be maintained and enhanced. These centres will form the focal point for uses, services and facilities serving the surrounding population.

5.3 Policy MSGP6 (Retail and other uses in centres) states that in considering proposals for changes of use from retail to other uses within District Centres, particular regard will be had to the effect the loss of retail units would have on the vitality and viability of the centre. Any proposal for a non-retail use should not dominate or fragment the centre.

5.4 The supporting text of Policy MSGP6 does make clear, however; that District Centres are increasingly characterised by a range of other service uses, which, in addition to retail provision, attract custom, provide a more diverse offer and encourage linked trips. The aim of this

policy is to protect the shopping role of a centre while providing flexibility for other uses where these would support the role and function of centres contributing to their vitality and viability.

- 5.5 The proposed micropub use falls within the definition of a main town centre use, as defined by the National Planning Policy Framework (NPPF). As such, the choice of location within this District Centre is considered appropriate for a use of this type and would accord with the sequential approach to main town centre uses set out within the NPPF.
- 5.6 Whilst it is acknowledged that there are several drinking establishments within relatively close proximity of the application site, as required by Local Plan policies, consideration must be given to the proportion of these uses (when compared to retail) within the defined District Centre as a whole.
- 5.7 The application site is located within the middle of a row of commercial units within the centre, occupied by a mixture of uses including a bank, a building society, a barber, restaurant and another drinking establishment.
- 5.8 The latest Council survey of Wickham District Centre (December 2020) recorded 81 units providing a mix of uses. This includes retail (41%), service (16%), restaurants (6%), takeaways (7%) and health establishments (9%). 9% were recorded as being vacant whilst drinking establishments account for 3% of uses within the centre.
- 5.9 The proposed use would provide a main town centre use within a defined District Centre. Although the proposal would result in the loss of a unit with a retail element, the development would bring a currently vacant premises back into use, so would enhance the vitality and viability of this Centre. Furthermore, having regard to the most recent survey of uses within the District Centre, it would also maintain an appropriate balance of retail and supporting uses within the Centre; and would not lead to an overconcentration of drinking establishments. As such, the principle of the development is considered to be acceptable, subject to all other material considerations being satisfied, and would accord with policies CS7 and MSGP6 of the Local Plan, as well as the requirements of the NPPF.
- 5.10 VISUAL AMENITY INCLUDING HERITAGE ASSETS
The application site is located within Wickham Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 5.11 Policy MSGP 25 (Conservation and enhancement of heritage assets)
of

the Local Plan makes clear that the alteration, extension or restoration of heritage assets will be permitted where it sustains, conserves and, where appropriate, enhances the significance, appearance, character and setting of the identified heritage assets in a manner appropriate to their conservation, and the surrounding historic environment. Where appropriate, with regard to the nature and significance of the heritage asset, development will bring vacant floorspace back into use in a flexible and innovative manner which is sensitive to the significance of the heritage asset.

5.12 The proposed change of use would bring vacant floorspace back into use. No external alterations are proposed as part of the application, with bin storage to be provided within the rear yard of the property, screened from public view along Front Street. Any new signage relating to the proposed use would be considered separately to this application and may require advertisement consent.

5.13 Taking the above into account, Officers consider that the proposal would comply with the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead, as well as the requirement for special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.14 **RESIDENTIAL AMENITY**
Policy MSGP 17 (Residential amenity) of the Local Plan makes clear that development will be required to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. In connection with this, Policy MSGP 18 (Noise) advises that noise-sensitive development will be assessed for its compatibility with existing land uses and activities.

5.15 Whilst the application site was previously in use commercially and is located in the middle of a row of commercial units within Whickham District Centre, there are a number of residential properties within close proximity to the rear (north) of the site along Church Chare. Consideration must therefore be given to the potential impact of the new use on the occupiers of these dwellings.

5.16 In order to address concerns over the noise impact of the change of use, amended plans have been submitted by the applicant removing the outdoor seating area of the development, originally proposed to occupy the rear yard area of the property. In addition to this, a condition is proposed to prevent access for customers/ patrons to this external area at all times, to prevent any unacceptable noise or disturbance for the occupiers of the nearest residential dwellings to the rear of the site.

5.17 No extension or external alterations are proposed to the building

facilitate the change of use. However, there would be some degree of overlooking possible from the existing first floor window to the rear of the building towards the nearest dwellings to the rear of the site, due to the limited separation distance. Taking this into account, as well as the fact that the existing window would serve a room to be used as a seating area for customers, it is considered reasonable to attach a condition requiring this window to be obscurely glazed, in order to prevent a loss of privacy for residents.

- 5.18 Furthermore, to ensure that there would not be a detrimental impact on the amenity of residential dwellings through an unacceptable increase in noise or disturbance, Officers consider that it is necessary to attach a condition to prevent the installation or use of any amplified sound system or similar equipment associated with the micropub use on the premises.
- 5.19 In addition, in the interests of preserving the amenity of neighbouring residents from unacceptable noise and disturbance (particularly during quieter early morning or evening times), conditions are also recommended restricting the emptying of bottles at the site to between 08.00 and 21.00 daily; and limiting deliveries to between 08.00 and 21.00 between Monday and Saturday.
- 5.20 In order to prevent unacceptable disturbance to the occupiers of the nearest residential property through glare or light spillage from any new external lighting to be added to the rear of the building, a condition is proposed requiring full details to be submitted and agreed prior to installation.
- 5.21 Having regard to the proximity of the closest residential dwellings to the rear of the site, a condition is recommended restricting any cooking to 'light cooking' only, such as toasties or paninis for example, which does not require the installation of any external kitchen extraction equipment, which has the potential to generate cooking smells and odours to the rear of the site.
- 5.22 Taking into account the established use of the site, the other commercial uses within close proximity of the site (including an additional public house) and the range of suggested conditions to control the operation of the new use, it is not considered by Officers that the proposed use would be out of character with surrounding area or result in a significant detrimental impact on the amenity of surrounding residents through unacceptable noise and disturbance or odour generation or loss of privacy; and would be in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.
- 5.23 **HIGHWAY CAPACITY AND ROAD SAFETY**
Local Plan Policy MSGP15 of the Local Plan states that new development will be required to secure safe access to the site for all

people and provide adequate servicing facilities; and will not have an unacceptable impact on the safe operation of the transport network, or a severe residual cumulative impact on the efficient operation of the road network, or levels of congestion.

- 5.24 The supporting text of MSGP15 makes clear that it is vital that new developments are well linked with the public transport, cycling and pedestrian networks, and easy access is provided to local services.
- 5.25 The proposed micropub would occupy an existing, currently vacant, commercial unit within Whickham District Centre. As such, the application site is located within a sustainable location, with a range of transport options available to access the site including public transport links. The site is also close to a sizeable residential catchment area where it could be reasonably assumed that patrons of the pub could walk to and from.
- 5.26 No new car parking is proposed to be provided to serve the new use. However, this would reflect the existing arrangement for the commercial unit, as well as that of the surrounding businesses, none of which benefit from dedicated car parking due to their location within the District Centre. Officers consider that there is adequate public car parking available for customers within walking distance of the site, including Whickham Shopping Precinct West (Long Stay) car park, while a micropub use would have no significant impact on existing foot or vehicle traffic.
- 5.27 Waste storage would be provided within the rear yard of the premises and, as a result, would not have a direct impact on the adopted public highway.
- 5.28 Taking into account the modest floorspace of the unit (155 square metres) and the likely numbers of customers using the premises at any one time, as well as the potential trip numbers possible were the existing unit to be brought back into commercial use (including waste removals and deliveries/ servicing), including the availability of sustainable transport options, it is not considered by Officers that the development would lead to a significant intensification of activity at the site or an unacceptable increase in traffic or pressure on existing parking provision within the locality.
- 5.29 For the above reasons, Officers consider that the proposal would not result in an unacceptable impact on highway capacity, highway safety or parking provision. The proposal would therefore comply with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.30 OTHER MATTERS

The potential loss or property value is not a material planning consideration able to be taken into the determination of this planning application.

5.31 Matters controlled under building regulations, a premises license or other non-planning legislation such as fire precautions are not able to be treated as material planning considerations in the determination of this planning application.

5.32 Comments made in relation to existing pest problems within the surrounding area are noted but would be dealt with separately though the Council's Environmental Health Department and are not a material planning consideration in the determination of this planning application.

6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is therefore recommended that planning permission be granted, subject to suitable conditions, as it would not cause significant harm to visual or residential amenity or highway safety. It is considered that the development complies with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

7.0 Recommendation:

That permission be granted subject to the following condition(s) and that the Strategic Director of Climate Change, Compliance, Planning and Transport 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 -

-Drawing Number TQRQM21278165802301 Site Location Plan received on 7 December 2021

-Drawing Number P1 Proposed Ground Floor Version 2, received on 13 January 2022

-Drawing Number P2 First Floor Proposal, received on 13 January 2022

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

No amplified sound system or similar equipment associated with the use hereby approved shall be installed or used on the premises at any time.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with the NPPF and policies CS14, MSPG17 and MSGP18 of the Local Plan for Gateshead.

4

External plant for refrigeration or heating/cooling at the premises associated with the use hereby approved shall not be installed until final details of such plant (including decibel levels 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 to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

5

The external plant approved under condition 4 shall be installed in accordance with the approved details and maintained as such thereafter.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

6

Prior to the installation of any new external lighting related to the use hereby approved, full details of the proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include sufficient information to demonstrate that there would be no glare or light spillage beyond the site boundaries

Reason

To ensure that the lighting would not result in an unacceptable level of disturbance to neighbouring properties to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

7

The new lighting approved under condition 6 shall be installed in accordance with the approved details.

Reason

To ensure that the lighting would not result in an unacceptable level of disturbance to neighbouring properties to accord with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

8

Prior to its first occupation, the window of the rear first floor seating area as shown on the approved plan (P2 First Floor Proposal, received on 13 January 2022) shall be fitted with obscure glazing/film or obscure frosted vinyl and shall thereafter be retained as such for the duration of the use hereby approved.

Reason

To ensure that the use would not result in an unacceptable loss of privacy to neighbouring properties, in accordance with NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

9

The rear yard area of the property identified as outdoor external storage on the approved plan (P1 Proposed Ground Floor, received on 13 January 2022) shall not be used or accessed by customers/ patrons associated with the use hereby approved for any purpose, other than in the event of an emergency evacuation of the building.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

10

Any cooking carried out in accordance with the use hereby approved shall be restricted to 'light cooking' only, such as toasties and panini's etc. which does not require external mechanical ventilation/ extraction.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance or smells at neighbouring properties to accord with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

11

The use hereby permitted shall only be open to customers/ patrons between the hours of 11.00 and 23.00 on any day.

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

12

The emptying of bottles associated with the use hereby approved shall only take place 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 NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

13

Deliveries associated with the use hereby approved shall only take place between 08:00 and 21:00 on Monday to Saturday.

Reason

To ensure that the use would not result in an unacceptable level of noise/disturbance to neighbouring properties, in accordance with NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

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