

**Committee Report**

<b>Application No:</b>	<b>DC/21/01203/COU</b>
<b>Case Officer</b>	<b>Josh Kenolty</b>
<b>Date Application Valid</b>	<b>5 October 2021</b>
<b>Applicant</b>	<b>Mr Omar Jaber</b>
<b>Site:</b>	<b>The Ark Main Road Barmoor Ryton NE40 3UG</b>
<b>Ward:</b>	<b>Crawcrook And Greenside</b>
<b>Proposal:</b>	<b>Change of use from use class F1 to use class E(b) (Sale of food and drink for consumption (mostly) on the premises) and installation of extraction system with external flue to roof level.</b>
<b>Recommendation:</b>	<b>Refuse Permission</b>
<b>Application Type</b>	<b>Change of Use</b>

**1.0 The Application:**

**1.1 DESCRIPTION OF THE SITE**

The application site relates to the currently vacant Robert Young Memorial Methodist Church which is included on the Council's Local List of Buildings, Parks and Gardens of Special Local Architectural or Historic Interest. The property comprises the original Church building and attached hall, as well as a more modern glass extension built to the side of the Church. It also benefits from an 8-space car park within its curtilage, with vehicular access to the site provided from the south of the site along Eleanor Terrace.

1.2 The site is located on Main Street (B6317) running through Crawcrook, Ryton. Residential properties are located to the rear (south) of the site along Eleanor Street, directly to the side (east) of the car park along Gibson Terrace and the Gibson Buildings, and to the side (west) of the property along South View and Main Street.

**1.3 DESCRIPTION OF THE APPLICATION**

The application seeks planning permission for the change of use of the site from Use Class F1 (Learning and Non-Residential Institutions) to Use Class E(b) (Sale of Food and Drink for Consumption (Mostly) on the Premises) and the installation of an extraction system with external flue at roof level.

1.4 Amended plans and additional information were received on 19 July and 1 August 2022, comprising the following:

Amended plans

- Addition of a new external bin store to south of main building on new concrete hardstanding
- Addition of motorcycle parking, electric vehicle charging points and Sheffield style cycle storage within the curtilage of the site
- New 2-metre-high fence proposed to be installed along the eastern boundary of the site
- Removal of staff accommodation from proposed floor plans, changed to storage
- Removal of bar area from proposed floor plans, changed to reception/ servery area

#### Additional Information

- Noise Impact Assessment
- Odour/ Filtration details for kitchen extraction equipment
- Main Town Centre Use Sequential Assessment
- Highways Comments and Transport and Travel Plan Document

### 1.5 PLANNING HISTORY

Planning permission was granted by Planning Committee in March 2011 (reference: DC/10/01260/FUL) for internal and external alterations to the existing Church to provide a soft play area and a café as ancillary functions to the use of site as a place of worship. This included the construction of a lean-to glass extension to the church, the installation of an access ramp and a parking area with 8 associated parking bays at the side, along with the formation of a new access.

- 1.6 Subsequently, an application seeking to install an extraction system with external flue to roof level (reference: DC/21/00914/FUL) was submitted and then withdrawn after it was determined that a change of use was also required. The current planning application was submitted to address this requirement.

## **2.0 Consultation Responses:**

### 2.1 Northumbria Police Designing Out Crime Officer:

At the time we made no objection to the principle of change of use but sought clarification on a number of matters that caused us some concern.

In November 2021 we had noted the following:

- The documents on the planning portal suggest significant space for dining. Based upon average full dining space provision the premises might be able to accommodate almost 140 covers yet it has provision for a rather small kitchen.
- The application for *use class E(b) (Sale of food and drink for consumption (mostly) on the premises)* seems at odds with the inclusion of a designated Bar in the entrance lobby from the car park

and I note that there is no reference to the sale of alcohol, nor has there yet been an application to licensing in that respect.

- There seems to be provision for three rooms of Staff Accommodation, but no private bathroom provision?

2.2 The current consultation follows submission of some amendments, but whilst addressing two issues, the amendments have raised similar and extra concerns:

1. The space for dining hasn't changed and it is still the case that the premises will have an estimated capacity for somewhere in the region of 140 covers. This seems at odds with the provision of limited car parking and that access to that car park is from the rear via narrow roads and a ninety degree bend..
2. We note that the agent assumes that there are six on street parking spaces, but these would be contested in respect they couldn't be restricted to patrons only, and the surrounding residential streets are narrow and in the evening used extensively by residents.
3. The lack of adequate parking is further emphasised by the applicants inclusion of *Sale of food and drink for consumption (mostly) on the premises* description as this suggests the provision of takeaway food, and in turn increases the traffic demand. It is our experience that such traffic issues and lead to conflict and increase demand on the police.
4. We note that the designation of space for a bar in the entrance lobby has been renamed as Reception/Servery, but in the absence of any other provision for dispensing "drinks" elsewhere in the premises this must solely be a matter of nomenclature and the space still retains the use and intention we had concerns about initially from a noise and potential pinch point perspective.(i.e. pinch points can be problematic in the night time economy as people buying drinks block access )
5. The provision for staff accommodation has been relabelled storage, but it is of a concern to us that this might also be a matter of nomenclature also. We would therefore recommend a condition on any planning consent that the premises whilst in use as use class E(b) food and drink cannot be used as accommodation.
6. The included Noise Impact Assessment report suggests consideration of an additional stiff fence to the eastern boundary, which is itself already walled, which would suggest that it is acknowledged that the premises will cause a level of disturbance.
7. We also note that in consideration of the noise from the building itself the assumptions are based on the lobby being a buffer between the outside and the restaurant, yet the space is the main entrance and a servery/bar. Similarly the most likely source of noise from inside the premises is identified as the conservatory and the assessment is

seemingly based upon assumptions regarding the use and performance of double glazing, which seemed odd given that the conservatory is already present and one might have thought could have been actually tested rather than based on assumptions.

8. The previous use of the premises was mainly between the hours of 9am to 3pm, with some evenings by private booking, but this application seeks 12 noon to 10.30pm and 10pm on Sundays all year round.

2.3 In conclusion there still remain a number of unresolved issues that give rise to us having concerns regarding the impact this change of use will have on residential amenity and we therefore object to it in its current form.

## **1.0 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 notice.
- 3.2 An objection has been received from Ward Councillor Haran on the grounds of noise, inappropriate development in breach of the NPPF, and concerns over hot food takeaway use.
- 3.3 A further total of 37 letters of objection were received in relation to the original proposal, the details of which are summarised within the following headings below:

### Visual Amenity

- Out of character with streetscene.
- It is not designed to be a restaurant. The building will continue to have its architecture damaged by further building works.
- Overbearing.
- A once tranquil, pretty village is being spoilt by overdevelopment.

### Residential Amenity

- The Ark is sited in a mainly residential area, which we consider unsuitable for this business, especially as the car park borders onto residents' gardens/properties affecting their privacy and causing a significant decrease in the enjoyment of the outside areas, they will also be subject to noise, disturbance and possibly offensive odours.
- The streets are narrow and close, so any music and general disruption from people coming and going and delivery drivers will be heard.
- A takeaway service could result in increased littering and increased pollution from cars collecting their takeaways.
- Hours of opening are far too late. This does not encompass time for employees when closing down and for stock deliveries etc. so noise would likely continue beyond these hours.
- Glass bottle disposal can be quite noisy.

- The installation of an extraction system could well be noisy and smelly. The applicant appears not to have undertaken an odour assessment yet is proposing a scheme of treatment which may well be inadequate.
- Without undertaking a noise assessment it is impossible to assess the potential acoustic impact of the development on the existing residential receptors or use this information to inform a suitable noise condition.
- If this development goes ahead, the amount of waste and recyclable waste will increase significantly. This is likely to involve larger outdoor bins which will need to be emptied on a more regular basis involving waste lorries calling and causing noise and disruption.
- Late license 10:30PM gives rise to anti-social behaviour.

#### Traffic and Parking

- Concerned about increased traffic and parking in an area already facing massive parking and traffic issues.
- Any increased traffic to the area creates a concern for safety, especially as with any licensed venue there is the potential for drink drivers.
- The access to the Ark car park involves coming around a blind bend into the square where there is a large amount of foot traffic.
- The access to the restaurant car park is via congested narrow lanes which are not suitable for any additional traffic.
- With the previous business, while there were issues with customers not considering resident's needs, at least the business in line with typical business hours, meaning at its busiest times for residents there was less competition for a parking spot close to home.
- The Ark tried to advise people to consider our needs and park in the nearby rugby club but since this couldn't be enforced, it never happened.
- Where will staff park?
- As a minimum the applicant should be required to submit a parking assessment and travel plan so it can be considered up-front with the rest of the application documents.
- While we are on a bus route and have local taxis available we are also on a main road and these buses do not go into neighbouring villages on a regular basis, especially on evenings and weekends.
- The increase in traffic would also be detrimental to the wildlife.

#### Other Matters

- There are already numerous eateries in the local area - there is no need for any more.
- Work has already begun.
- Will staff be living on the premises?
- No details of drainage connection.
- Food waste could attract vermin to the area.
- House prices will be negatively impacted.

3.4 A total of 20 letters of support were received in relation to the original proposal, the details of which are summarised below:

- Shortage of existing places to eat out in the local area. Another local restaurant would be great.
- Local restaurants The Snug, Aroma in Ryton and Crawcrook Tandoori offer no parking but cause no issues.
- Previously, The Ark was a soft play and many adult customers chose to drive their children to the venue.
- The site already has ample parking options including local car parks and is served by a central bus route with bus stops right outside.
- There is ample room at the front of the property for taxis and other vehicles to safely drop off visitors to the building.
- As the new owners would be selling alcohol, public transport or local taxi companies will be used to get customers to and from the venue.
- Proposal will bring revenue to the villages and create jobs.
- Having another restaurant in Crawcrook will bring people to the area and those who visit will also have the opportunity to support other local businesses.
- Support this application to bring a derelict building back into use and enable further use of this historic building.
- Happy they are keeping the good disabled access as currently there are no places in Crawcrook to eat out with disabled toilet access. In the current climate of increasing access and compliance with the DDA I feel it is really important.

3.5 Following the submission of amended plans and additional information on 19 July and 1 August 2022, a new round of neighbour notification has been undertaken and is due to expire on 26 August 2022. At the time of completing this report, a further 17 objections have been received against the proposed development, summarised within the following headings below:

#### Residential Amenity

- Strong smells and odours from cooking
- At 2m, I believe a fence will block the sun for the residents whose gardens back on to the current carpark
- May generally make the area less safe if there are drunk people wandering around late at night
- While a document has appeared that is a noise assessment - this was not done at a time where there was a business operating and will not take into account the increased number of cars and people in the area
- Errors in noise monitoring and makes all conclusions based on this monitoring invalid and as such the report is not demonstrable of the existing background noise level
- Noise impact assessment fails to consider the impact in the garden areas of either Gibson Buildings or Gibson Terrace

- It is specified in the NPPF that reports should be undertaken by competent persons . The acoustician has not demonstrated any competency in undertaken environmental noise assessments, nor or they, or their company, members of either the Institute of Acoustics or the Association of Noise Consultants.
- the noise report does not accurately assess the potential acoustic impacts,
- seating areas are described as 'loose seating' is a concern. We have no idea how many people may be there at one time and there is further concern when it comes to takeaway pick up and delivery and private functions

#### Traffic and Parking

- Development will add to congestion and further parking issues in what is already a highly stretched area.
- With the nature of this business there will an increase in road traffic during peak times
- There is still not adequate parking provision or specific plans on how to manage the increased demand for parking this business will bring
- Transport Statement does nothing to address concerns about take-away and delivery drivers that were raised.
- Large delivery vehicles would not get along narrow lane
- Area proposed for on-street parking is already being used by residents due to the existing pressures on parking spaces
- Inadequate car parking

#### Other Matters

- The amount of storage seems excessive and was not required in the original plan
- We are a rural area not a commercial area.
- Creating a raised platform for the bins does nothing to deter pests
- The addition of hardstanding concrete would add to run off down the hill to an area already affected by flooding and ineffective drainage

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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 and Enhancement of Heritage Assets

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

### **5.1 PRINCIPLE OF CHANGE OF USE**

The development falls within a main town centre use, as defined by the National Planning Policy Framework (NPPF); however, the application site is outside of a defined centre, within an edge-of-centre location in relation to Crawcrook Local Shopping Centre, as identified in policies CS7 and MSGP6 of the Local Plan for Gateshead.

5.2 As set out within paragraph 87 of the NPPF, local planning authorities should apply a sequential test to planning applications for main town centre uses. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. National Planning Practice Guidance (NPPG) *Paragraph: 011 Reference ID: 2b-011-20190722* makes clear that it is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission).

5.3 Paragraph 88 of the NPPF states that applicants (and local planning authorities) should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre sites are fully explored. Paragraph 91 of the NPPF makes clear that where an application fails to satisfy the sequential test, it should be refused.

5.4 Policy CS7 (Retail and centres) of the Local Plan for Gateshead states 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.

5.5 To address this requirement, the applicant has submitted a sequential assessment to consider the availability, suitability and viability of premises/sites within or on the edge of Crawcrook Local Shopping Centre. This assessment has considered alternative sites for the proposed development, and concludes that no sites are appropriate for the use in



the nearby local centre, that could be considered sequentially preferable to the proposed development.

5.6 While consideration was not given by the Sequential Assessment to the availability of sites with Ryton District Shopping Centre, it is acknowledged that the application site is approximately 1.3km from the boundary of this centre, compared to its accessible location on the edge of Crawcrook Local Centre. Officers also note that the application property is large, with the site extending to in excess of 1000sqm; and the latest Council records on vacancy from 2021 in both Crawcrook and Ryton identified only much smaller premises as currently vacant.

5.7 On the basis of the submitted information and Council records, Officers are of the view that the requirements of Local Plan Policy CS7 and the NPPF have been satisfied with regard to the proposed town centre use. The principle of the change of use is therefore considered to comply with the requirements of the NPPF or the aims and objectives of policies CS7 and MSGP6 of the Local Plan for Gateshead. However, the acceptability of the development remains subject to allow other material considerations being satisfied.

#### 5.8 VISUAL AMENITY INCLUDING HERITAGE ASSETS

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.

5.9 Furthermore, Paragraph 203 of the National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.10 It is acknowledged that the proposed change of use would bring vacant floorspace back into use. The installation of an external flue at roof level is proposed to serve the new kitchen at the premises. The flue would be modest in scale. It would be positioned to the rear of the building and would not extend beyond the ridgeline of the main roof of the property. As such, it would not appear visually prominent and would not result in harm to the character and appearance of this Locally Listed Building, or the visual amenity of the street scene.

- 5.11 The proposed bin store would represent a small-scale addition to the site, set against the southern elevation of the Church Hall building. The existing stone boundary wall would also offer some screening of the store and concrete hardstanding when viewed from the public road.
- 5.12 It is acknowledged that there is a mixture of boundary treatments within the surrounding street scene including stone walls, metal railings and timber fences. The new 2-metre-high fence proposed to the eastern boundary of the site would be located next to the car park of the site, so separated from the main Church Building and not directly adjacent to the public highway. Although public views of the fence would be possible from both the B6317 and Eleanor Terrace, it is not considered that its position, design or scale would result in significant harm to the visual amenity and significant of the Locally Listed Building or the surrounding area.
- 5.13 Taking the above into account, Officers consider that the proposal would comply with the aims and objectives of the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.
- 5.14 RESIDENTIAL AMENITY  
Paragraph 130 of the NPPF states that planning decisions should ensure that development create places with a high standard of amenity for existing and future users.
- 5.15 Local Plan policy CS14 requires development to prevent negative impacts on residential amenity including from noise.
- 5.16 In addition, Local Plan policy MSGP 17 (Residential amenity) 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. Planning permission will be granted for new development where it does not have an unacceptable impact on amenity or character of an area, and does not cause unacceptable harm through an increase in noise, disturbance, traffic and parking congestion, smells, fumes or other harmful effects, or conflict with other adjoining uses. Furthermore, Policy MSGP 18 (Noise) advises that noise-sensitive development will be assessed for its compatibility with existing land uses and activities.
- 5.17 It is acknowledged that the application site was previously in use as a Church with soft play facilities and a small ancillary café. However, it is located within a predominantly residential area, with a number of dwellings within close proximity of the site. Consideration must therefore be given to the potential impact of the new use on the occupiers of these dwellings.
- 5.18 The application proposes the change the use of the entire building, comprising 495.6 square metres of gross internal floorspace, for use under use class E(b) for the sale of food and drink for consumption (mostly) on the premises. As shown on the proposed floor plans, details

have not been provided of the total number of covers for dining, with loose seating shown within the main building and glass conservatory extension.

- 5.19 Application details state that the opening hours proposed for the new restaurant use would be from 12pm (noon) until 10.30pm between Monday to Friday and from 12pm (noon) until 10pm on Sundays and Bank Holidays. Although no extension of the building would be required to facilitate the change of use, the installation of an extraction system with external flue is proposed serve the new kitchen.
- 5.20 Whilst it is acknowledged that the most recent use of the building included an ancillary café element, it only made up 42 square metres of the internal floorspace of the building, with a planning condition limiting the operation of the café to the hours of 9am until 3pm Monday to Friday only. It is also understood that the soft play facility at the Church was limited to weekday opening hours between 9am and 3pm. The proposed use sought is substantially different to the approved lawful planning operation of the premises, with the potential to have a much greater impact on the amenity of local residents, particularly during quieter evening and weekend times.
- 5.21 The types of activity likely to be undertaken at the site in connection with the proposed restaurant use include noise and disturbance arising from staff using the external bin storage, particularly from the emptying of bottles. In addition, the comings and goings of delivery drivers and customers attending the site to collect takeaway food has the potential to contribute significantly to an increase in disturbance, including through higher levels of traffic and congestion. As proposed, a substantial amount of the floorspace of the building is designed for storage purposes, which suggests the potential for greater numbers of delivery vehicles accessing the site. The impact from these operations would be exacerbated by the fact that the site is not located within a commercial setting, being surrounded on three sides by dwellings, so does not currently see high levels of activity other than from local residents.
- 5.22 The occupiers of the nearest residential properties to the site, especially those sited directly adjacent to the car park and main entrance to the building along the top of Eleanor Terrace, Gibson Terrace and the Gibson Buildings (who's rear windows overlook the site), have the potential to be unacceptably impacted by the disturbance of staff and customer activity associated with the proposed use, as well as through a loss of privacy especially during evening periods. This is taking into account the change in times of activity when compared to the permitted hours of opening for the ancillary café use at the site, as well as the much larger areas of seating now proposed for customers using the premises, which will increase foot and car traffic attending the premises.
- 5.23 It is noted that the Designing Out Crime Officer for Northumbria Police has considered the amended plans and additional information and has raised an objection to the proposal in its current form. They share Officer concerns in relation to the impact of the development on residential

amenity through an unacceptable increase in noise, disturbance and the potential for parking pressures to create conflict within the surrounding streets.

5.24 Additional information has been provided to support the application in the form of a noise impact assessment and details in relation to odour and filtration details of the kitchen extraction system. Although some discrepancies were noted in the noise assessment, even taking revised calculations into account, Officers are satisfied that the application has demonstrated compliance with the requirements of MSGP18 and can mitigate sufficiently to reduce the noise levels below the threshold of significant impact. Similarly, on the basis of the odour control measures outlined, Officers are satisfied that the risk of odour impacts on nearby properties will be low.

5.25 Whilst some noise and odour concerns have been addressed, it is still considered that the development would have an unacceptable detrimental impact on the amenity of existing residents due to the disturbance arising from the operation of the proposed use and intensification of activity at the site, having regards to the predominantly residential character of the area, the substantial floor space proposed in relation to the proposed use and the limited separation distances to the nearest dwellings. Therefore, the proposal would conflict with the aims and objectives of the National Planning Policy Framework, and policies CS14 and MSGP17 of the Local Plan for Gateshead.

#### 5.26 HIGHWAY CAPACITY AND ROAD SAFETY

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.27 Policy CS13 of the Local Plan for Gateshead seeks to ensure that any new development minimises car trips, promotes and enhances public transport, connects safely to and mitigates the effects of development on the existing transport networks; and provides safe, secure and direct pedestrian links.

5.28 The 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. In addition, development will be expected to provide the level of parking necessary to secure the safe and effective operation of the development by limiting car parking for non-residential development in line with the Council's parking standards.

5.29 These parking standards are set out within Appendix 4(b) of the Making Spaces for Growing Places (MSGP) Local Plan Document. For café and

restaurant uses (formerly use class A3 now use class E), a maximum parking provision of 1 space per 10 square metres of gross floor area is required, while it may also be appropriate to provide additional parking for resident members of staff.

- 5.30 Following objections being raised to the original proposal in respect of highways impacts, particularly from increased parking and congestion, additional information was submitted by the agent for the application. This included a Transport and Travel Plan Document and an amended site plan proposing cycle parking, motorcycle parking and electric vehicle charging points within the curtilage of the site, while also highlighting the potential availability of 6 on-street parking spaces outside the curtilage of the site. Re-consultation with council Transport Officers was then carried out.
- 5.31 As detailed within the submitted application form, the development proposes the change of use of 495.6 square metres of gross internal floor space to be used for the sale of food and drink for consumption (mostly) on the premises. Change of use applications are also considered to be new development for the purposes of policy MSGP 15.
- 5.32 The submitted Transport Document suggests that only the 179.2 square metres of floorspace for the dedicated restaurant area should be taken into account when determining parking provision, resulting in a maximum of 18 spaces being required. However, the figures in the council's parking guidelines (as required by Local Plan Policy MSGP15) relate to external gross floor area unless otherwise stated. This means that consideration must be given to the parking requirements of the full 495.6 square metres of floorspace proposed for the new use. Therefore, there would be a maximum requirement to provide 50 car parking spaces to serve the development (1 space per 10 square metres).
- 5.33 No new car parking is proposed to be created to serve the development, beyond the 8 parking spaces currently provided in the existing car parking of the property. The proposed (amended) site plan and submitted Transport Document contends that 6no. on-street parking spaces to the west side of the building could be used for the restaurant, as it is suggested that this section of the carriageway is a coach drop-off point not for use of local residents. While consideration can be given to on-street parking, this is an unrestricted and unallocated section of the adopted highway for parking within the local area, and has historically been used for residential parking, thus further limiting the amount of parking available to this proposal.
- 5.34 Furthermore, no independent parking survey has been submitted with the application to demonstrate that there is spare capacity for the maximum 42 additional parking spaces required under policy MSGP15 to be accommodated within the surrounding streets, without detriment to highway safety.

- 5.35 To assess how much on-street parking is available, Officers have undertaken an evening survey of the parking in the area on 10 August 2022 at 9:15pm. This site visit identified only 4 free parking spaces. On top of this, 1 vehicle was already parked on the green open space and another was parked illegally over the footway, blocking the pedestrian route entirely. This suggests that prior to the arrival of officers on site, the area was already operating above capacity, resulting in unsafe, indiscriminate parking. This survey was undertaken on the 9 August 2022 during the school holidays, and thus represents a period when parking is likely to be lower than usual, suggesting that this is a “best case scenario” for parking in this area. It should be noted that the previous use was not in operation at the time of the site visit.
- 5.36 Officers have also liaised with councils Network Management Team, and it is understood that complaints have been received in the past regarding overspill and indiscriminate parking associated with the former mixed-use site. It is also noted that complaints about parking in relation to the previous use of the site were received through the council’s Planning Enforcement Team. Furthermore, council Transport Officers also attended the previous site operation and observed the car park full and with patrons unable to park in the busy side streets.
- 5.37 This reaffirms the concern that the previous use generated parking problems and that the additional parking requirements for the restaurant is likely to see problems exacerbated. Anecdotally, parking problems and road congestion (in relation to both the previous and proposed uses of the site) have also been cited in a significant proportion of the objections received against the proposal.
- 5.38 Keep clear markings have been introduced in the two turning heads adjacent to the open grass/green area (south of the application site), and double yellow lines have been introduced on the bend just beyond the southern corner of the site, to protect vehicle passing and repassing movements. Such measures are not typical of residential areas, and therefore underline the extent of existing traffic problems in the immediate vicinity of the site.
- 5.39 The previous use of the site as a Church which included ancillary soft play, and café elements would have different peak times and operating hours; such a use would mainly be used during the day when most residents would be at work and parking associated with the residential uses would have been at its lowest. This also taking into account the condition attached to the permission limiting the opening hours of the café at the site to daytime, weekday only, between 09:00 and 15:00. The proposed restaurant use would have a much wider range of operating hours and is more likely to be busiest on an evening when most residents will be parked at their properties, thus reducing available on-street parking in the area.

- 5.40 Officers have reviewed the TRICS (Trip Rate Information Computer System) database for the proposed use, with the peak periods of operation likely to occur in the evening, with the busiest hour between 7pm and 8pm. This would clearly coincide with high demand for residential parking, with this increased demand having the potential to lead to further indiscriminate parking.
- 5.41 Furthermore, based on the submitted floor plans, it is unclear how many covers the proposed use could cater for at any time. Officers are also conscious that the proposal could result in takeaway and delivery services, with no details provided by the applicant in relation to these activities and how they would be managed. This type of ancillary use could further add to congestion and parking pressures within the immediate area.
- 5.42 For the above reasons, it is considered that the proposal would increase the amount of indiscriminate parking seen by Officers in the area (parking on pavements, opposite junctions, at bends and on open grass/"green" areas), and would have a detrimental impact upon the safe operation of the transport network.
- 5.43 It is considered by Officers that the applicant's suggestion (in Point 3 of their Transport Document) of introducing resident parking permits would not help the situation regarding limited space available to those residents, as the existing parking problems and concerns about the development relate not to the control of parking space in the area, but rather to outright capacity problems within the surrounding streets.
- 5.44 The proposed use would therefore result in an unacceptable increase in traffic movements and pressure on existing parking provision within the locality to the unacceptable detriment of highway safety, having regard to the hours of operation, as well as the floorspace of the building and associated parking requirements. The application is therefore contrary to the requirements of the National Planning Policy Framework and Policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.45 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.
- 5.46 Comments made in relation to the potential for future 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, including the representations received, it is considered that the development would have an

unacceptable detrimental impact on the living conditions of existing residents due to the level of disturbance arising from the use and loss of privacy. Officers also consider that insufficient information has been provided to demonstrate that the proposed use would not result in an unacceptable increase in traffic movements and pressure on existing parking provision within the locality, to the unacceptable detriment of highway safety.

6.2 It is therefore concluded that the proposed development would be contrary to the aims and objectives of both national and local planning policies and it is recommended that planning permission be refused.

**7.0 Recommendation:**

That permission be refused for the following reason(s):

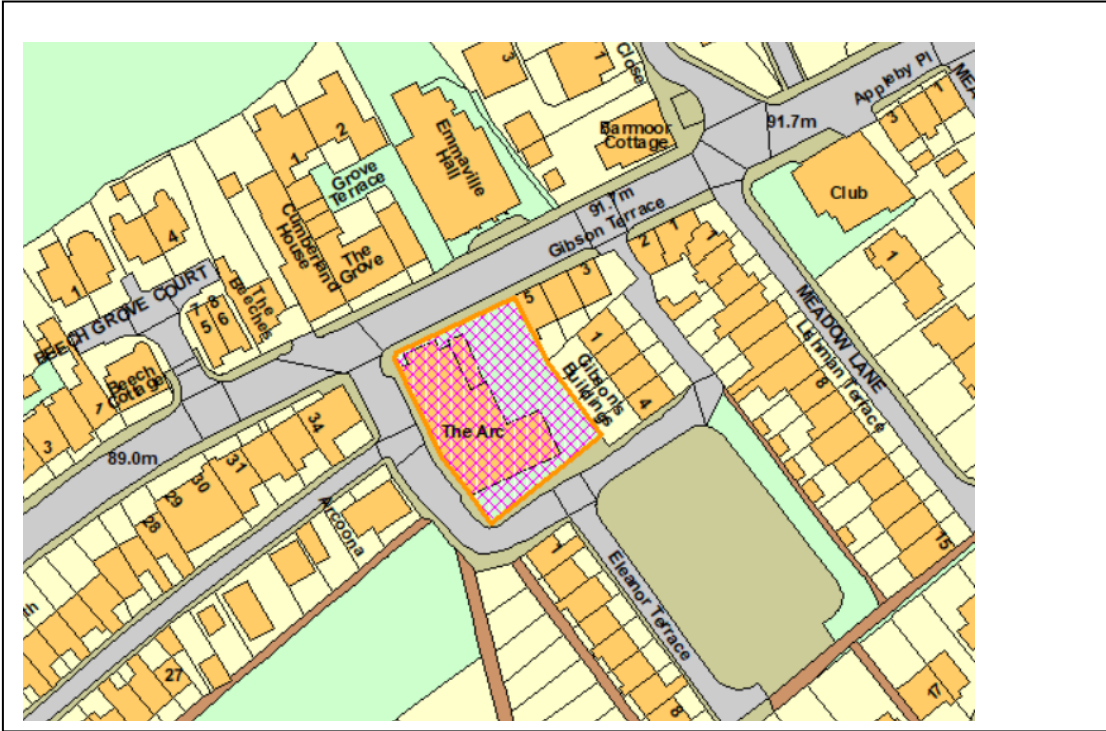
1

The development would have an unacceptable detrimental impact on the amenity of existing residents due to the disturbance arising from the operation of the proposed use and intensification of activity at the site, having regards to the predominantly residential character of the area, the substantial floor space proposed in relation to the proposed use and the limited separation distances to the nearest dwellings. Therefore, the proposal would conflict with the aims and objectives of the National Planning Policy Framework, and policies CS14 and MSGP17 of the Local Plan for Gateshead.

2

The proposed use would therefore result in an unacceptable increase in traffic movements and pressure on existing parking provision within the locality to the unacceptable detriment of highway safety, having regard to the hours of operation, as well as the floorspace of the building and associated parking requirements. The application is therefore contrary to the requirements of the National Planning Policy Framework and Policies CS13 and MSGP15 of the Local Plan for Gateshead.





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