

**Item No:** 6  
**Application No:** 15/01808/FUL Author: Maxine Ingram  
Date valid: 18 November 2015 ☎: 0191 643 6322  
Target decision date: 13 January 2016 Ward: Longbenton

Application type: full planning application

**Location: Land North Of, 1 Whitecroft Road, West Moor, NEWCASTLE UPON TYNE,**

**Proposal: Construction of pub/restaurant with associated car parking**

Applicant: Mitchells And Butlers Retail Limited, FAO Mr Rick Clarke 27 Fleet Street Birmingham B3 1JP

Agent: Signet Planning, FAO Mr John Wyatt 26 Apex Business Village Annitsford Newcastle-upon Tyne Northumberland NE23 7BF

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

1.0 The main issues for this proposal are:

- The principle of the development, including loss of safeguarded land;
- Impact on surrounding amenity and amenity of proposed occupiers;
- Design and layout;
- Car parking and access;
- Other issues.

### 2.0 Description of the site

2.1 The site to which this application relates is a parcel of land located to the east of the A189. The site itself is designated as safeguarded land within the Council's Unitary Development Plan and a wildlife corridor. The site subject of this application was previously included as part of the hybrid application for the wider Whitehouse Farm development which included a full details for the residential development and outline details for a commercial aspect.

2.2 The original Whitehouse Farm buildings are located to the north east of the application site.

2.3 Highway works to the A189 associated with the previous planning applications (11/02337/FUL and 14/00666/FUL) are substantially underway, including the provision of a new roundabout to provide access to the application site and the wider residential development.

2.4 Beyond the A189 is the Wyvedale garden centre and Gosforth Park race course and nature reserve. Existing residential dwellings are located approximately 180m to the south of the application site.

### 3.0 Description of the Proposal

3.1 Planning permission is sought for the construction of a public house with a floor area of approximately 624 square metres.

3.2 The proposed development has been designed to present a traditional building form of public house that can accommodate the needs of restaurant activities. The building is a large two storey building with single storey additions.

3.3 Access to the development would be gained via the new roundabout into the new housing development. It would be sited to the north of the new access road. Car parking would be sited to the north of the building. A total of 65no. car parking spaces are provided, including 4no. disabled spaces.

3.4 A seating area is proposed to the west and south of the building.

### 4.0 Relevant Planning History

11/02337/FUL - Hybrid planning application comprising of; Full planning application for an executive scheme of 366 dwellings incorporating landscaping, wildlife corridors, open space, access, new roundabout and off site highways works and an outline application for up to 465 square metres of ancillary commercial development (Use Class A1/A2/A3/A4) – Refused 20.04.2012. Allowed at appeal.

14/00666/FUL - Variation of conditions for planning permission 11/02337/FUL to allow a change to phasing of the development to six phases, and clarification of timing including the submission of details for bridges, the provision of fencing adjoining railway line, and details of the commercial development – Permitted 26.09.2014

### 5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002). Direction from Secretary of State under Paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP.

### 6.0 Government Policy

6.1 National Planning Policy Framework published 27 March 2012.

6.2 Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in the determination of this planning application. It requires local planning authorities to apply a presumption in favour of sustainable development.

6.3 National Planning Practice Guidance.

## PLANNING OFFICERS REPORT

### Main Issues

The main issues in this case for members to consider are:

- The principle of the development, including loss of safeguarded land;
- Impact on Surrounding Amenity and amenity of proposed occupiers;
- Design and Layout;
- Car Parking and Access;
- Other Issues.

Consultations responses and representations received as a result of the publicity given to this application are set out in the appendix to this report.

### 8.0 Principle of the Proposed Development, including the loss of safeguarded land

8.1 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It identifies 12 core planning principles for Local Authorities that should underpin decision making. One of these is to encourage the effective use of land by reusing land that has been previously developed (brownfield land). However, this is not a prerequisite.

8.2 The National Planning Policy Framework states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth in order to create jobs. The Government is also committed to ensuring that the planning system does everything it can to support sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

8.3 NPPF states that for larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale (residential) developments, key facilities such as .....local shops should be located within walking distance of most properties. Officers note that whilst this does not directly relate to this application on its own it is considered relevant as the application site sits within a wider approved residential scheme.

8.4 NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with and up-to-date Local Plan.

8.5 The North Tyneside Retail and Leisure Study include restaurants as commercial leisure. According to the study spending on leisure is set to increase and capturing a sizeable proportion of this growth as well as clawing back expenditure currently lost to leisure destinations outside of the borough will be vital to the future health of North Tyneside Centres. The study goes on to state that there appears to be significant scope for the development of a mix of restaurants, pubs and bars across North Tyneside over the next decade or so.

8.6 It is important to take into consideration that an aspect of commercial development within the wider residential development was originally submitted with planning application 11/02337/FUL. This previous application assessed a commercial aspect comprising of 465 square metres of A1, A2, A3 and A4 use classes. This application also considered the impact of the commercial scheme in relation to existing town centres, including the Killingworth Centre. A sequential test was undertaken and this concluded that the development would not affect the vitality or viability of this existing town centre.

8.7 As the commercial development formed part of a wider residential scheme it also complied with the requirements of NPPF which clearly supports providing key facilities on large residential developments.

8.8 It is noted that the floor area of the proposed development exceeds the previously accepted floor area by 159 square meters. However, the A4 Use Class was previously accepted as being an acceptable commercial use in this location.

8.9 The site is allocated as safeguarded land, which is defined as land that may be required for development beyond the plan period according to policy E21 of the UDP. Plan period is defined in paragraph 2.2 of the UDP as running to 2006 and we are beyond this. Therefore this application in principle represents a departure from that saved policy. Policy E21/1 states that development within the area defined as safeguarded land will not be permitted unless the following apply:

- it preserves the open nature of the area especially where this forms important open breaks between or within built up areas, and
- it does not cause significant visual intrusion, and
- it does not adversely affect access for recreation, and
- it will not adversely affect important landscape features, and
- it will not cause significant harm to agricultural or forestry operations,

And no alternative site is reasonably available.

8.10 It is noted that the application site is designated safeguarded land. However, the principle of developing this land for residential and commercial development was allowed at appeal in 2013. Even if planning permission were refused for this application the commercial aspect could still be pursued as a reserved matters application. It is noted that a condition was imposed to prevent the commercial aspect being brought forward without the residential development. Given the amount of investment that has been spent to date in terms of providing the highway infrastructure for the residential development there is no reason to assume that the housing would not be brought forward.

8.11 Members need to determine whether the principle of development and the loss of safeguarded land are acceptable. It is officer advice that it is.

#### 9.0 Impact on Surrounding Amenity and amenity of proposed occupiers

Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

9.1 UDP Policy E3 seeks to minimise the impact of pollution on the environment, including existing land uses and on proposed development and will support and encourage measures including the monitoring of pollution to reduce it to the lowest practicable levels.

9.2 UDP Policy H13 states that applications for non-residential development within or adjacent to residential areas will only be approved where the local planning authority consider that they would not adversely affect residential amenity.

9.3 One letter of objection has been received as a result of the consultation process. They have raised objections regarding the impact on residential amenity, including noise and disturbance.

9.4 The proposed development would be located over 180m to the north of existing residential dwellings. It is also important to consider that new dwellings would be sited on the parcel of land between the existing dwellings and the public house. Therefore, it is not considered that the residential amenity of these existing dwellings would be significantly affected.

9.5 The proposed development would be sited over 60m to the west of the original Whitehouse Farm buildings. The car parking associated with this development would be sited in the northern part of the application site closest to these existing buildings. Therefore, it is not considered that the amenity of these existing buildings would be significantly affected.

9.6 The proposed development would be located to the north of the new access road from the A189. This access road would separate the development from the future residential dwellings to the south. Wide grass verges and landscaping to the south of the access road would provide a further degree of separation from the development and these dwellings.

9.7 The application site would be located approximately 12m from the rear boundaries of the future residential dwellings located to the north of the site. The public house would be sited over 50m from their garden areas. The car park for this development would be sited closest to these boundaries. On balance, it is not considered that the residential amenity of these properties would be significantly affected.

9.8 The Manager for Environmental Health has been consulted. She has recommended conditional approval.

9.9 Members need to determine whether the proposal would have a detrimental impact on the amenity of existing properties and future occupants. It is officer

advice that the layout of the proposed development is acceptable in terms of impact residential amenity subject to conditions and therefore the proposal would accord with NPPF and policy H13.

#### 10.0 Design and Layout

10.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design. NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development. It also confirms that authorities should set out their own approach to housing density to reflect local circumstances.

10.2 NPPF states 'LPA's should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'.

10.3 DCPS No.6 'Landscape and Environmental Improvements' states that the proximity of existing trees to the proposed development, and the effect of these trees on the amenity of future occupiers must be taken into account.

10.4 LDD11 Design Quality provides guidance on layout and design for both new buildings and extensions to existing properties. This states that the context of the site itself, through to its immediate surroundings and to the wider local area should be taken into account in formulation of a design concept. Positive features of the local area should be used as design cues. Whilst contemporary and innovative designs are appropriate in certain locations each site should be considered individually. In some areas a more traditional design may be more appropriate that uses authentic details and local materials.

10.5 In addition LDD11 provides that the scale, mass and form of a building are the most important factors in producing good design and ensuring development integrates into its setting in the wider environment.

10.6 LDD11 states that "All new buildings should be well proportioned and have a well-balanced and attractive, external appearance. Good design requires a harmonious and consistent approach to the proportions of details, the position, style and location of windows and doors, the type and use of materials and the treatment to the roof, its eaves and verges. Preference should be given, when selecting materials, for using materials produced with the greatest consideration given to their environmental impacts, re-used or reclaimed materials, locally produced materials and those products comprising recycled materials."

10.7 Both the NPPF and the local policies seek to achieve a high standard of design for new residential development.

10.8 New developments should be well designed and should not be viewed in isolation. The proposed development would be sited in a prominent location at

the entrance leading into the wider residential development. The building has been positioned towards the southern boundary with the car parking provided to the north. The building would assist in screening part of the car parking when entering this new development.

10.9 The proposed development would have an overall width of approximately 30m and an overall depth of approximately 22m. The development would accommodate two storey and single storey structures all with pitched roofs. The two storey part of the development would have an overall height of approximately 10.7m.

10.10 The principal elevations of the building facing onto the main A189 dual carriageway, the new roundabout and the new access road are well designed to provide an attractive appearance of high quality domestic construction enhanced to reflect the design of the future dwellings.

10.11 The landscape proposals to this site are in principle ornamental in nature characterised by hard landscaping, with planted shrub borders and close-kept amenity grassland. The main buffer planning is provided by the existing established planting to the outside of the application site which is to be retained. An existing hedgerow to the north of the site will provide a further buffer with the future housing to the north and the planting associated with the wider housing development will provide screening to the west and along the new access road to the south.

10.12 There is no loss of landscape associated with the application site. However, the Council's Landscape Architect has expressed concerns that the style of landscape proposed offers very little other than managed scrub borders that portray a tidy image to the public. She has advised that the development is acceptable in principle subject to a condition requiring a detailed landscape scheme.

10.13 Members need to determine whether the proposal is in keeping with the character of the area. It is officer advice that the impact on the character of the area is acceptable. This proposal will enhance the future residential development from this site and will accord with NPPF and UDP policies E14 and LDD11.

#### 11.0 Car Parking and Access

11.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development and also in contributing to wider sustainability and health objectives. The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

11.2 UDP Policy T6 states that the highway network will be improved in accordance with the Council's general objective of amongst other matters improving the safety and convenience of the public highway.

11.3 UDP Policy T8 seeks to encourage cycling by amongst other matters ensuring cyclists needs are considered as part of new development.

11.4 UDP Policy T9 states that the needs of pedestrians, including people with disabilities and special needs will be given a high priority when considering transport and development issues.

11.5 UDP Policy T11 states that parking requirements will in general be kept to the operational maximum and should include adequate provision for people with disabilities and special needs.

11.6 Development Control Policy Statement (DCPS) 4 'Car and Cycle Parking Standards' has been devised to minimise the impact on the private car by encouraging the greater use of public transport and cycling. This will be achieved by, amongst other matters, adopting a reduced requirement for car parking.

11.7 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

11.8 An objection has been received regarding the impact on parking provision, highway and pedestrian safety and traffic congestion. These objections are noted.

11.9 The site is accessed from the main access road that will serve the Whitehouse Farm development (11/02337/FUL). A Transport Assessment (TA) was submitted as part of the original planning application that included the site subject of this application. Therefore, the overall transport analysis fully assessed the residential development and commercial aspect of the original application. The offsite highway mitigation identified in the TA is currently under construction. It is noted that the proposed development would result in an increase in floor area, approximately 159 square metres. However, the increase in floor area is not considered to result in a severe impact on the adjacent highway network. Furthermore, it would be anticipated that a number of customers would visit the public house outside the network peaks.

11.10 Car parking is provided to the north of the public house. The Highways Network Manager has been consulted. He has advised that the parking provided meets the needs of the development and it is considered that a Travel Plan (TP) should be developed if planning permission is granted. A condition is recommended to secure this.

11.11 A service area is proposed to the rear of the public house with turning facilities for delivery vehicles.

11.12 Members need to determine whether the proposal will have a severe impact on the transport network. It is officer advice that the development would have an acceptable impact on highway safety and the local road network. Albeit, parking exceeds the maximum parking standards this would assist in dealing with



parking during peak hours such as Sunday lunchtime, which would be outside of the network peak. The proposal would not result in a severe impact. Subject to conditions the proposal would accord with NPPF, policy T8, T9, T11 and LDD 12.

## 12.0 Other Issues

### 12.1 Biodiversity

12.2 NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible and contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12.3 It also states that decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

12.4 NPPF states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

12.5 E12/6 states that development which would adversely affect the contribution to biodiversity of a wildlife corridor identified on the proposals Map will not be permitted unless: no alternative site is reasonably available; or, appropriate measures of mitigation of, or compensation for, all the adverse effects are secured, where appropriate through planning conditions or obligations. In all cases any adverse effects of development shall be minimised. In addition the positive effect of a proposed development on the contribution to biodiversity of a Wildlife Corridor will be taken into account in determining planning applications.

12.6 The applicant has submitted a Phase 1 Habitat Survey. The Council's Ecologist has been consulted. She has recommended conditional approval.

### 12.7 Archaeology

12.8 NPPF states that heritage assets are an irreplaceable resource and therefore should be considered in a manner appropriate to its significance.

12.9 UDP Policy E19/6 states "Where an assessment and evaluation have established that proposed development will affect a site or area of archaeological interest the applicant will be required to preserve archaeological remains in situ unless this is clearly inappropriate or destruction of the remains is demonstrably unavoidable, in which case a programme of archaeological works will be required to be submitted and agreed with the Local Planning Authority before the start of the development".

12.10 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objections.

### 12.11 Flooding

12.12 NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only considers development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

12.13 A Flood Risk Assessment (FRA) was provided for the original planning application. The residential development incorporates a Sustainable Urban Drainage System (SUDs). The Environment Agency and Northumbria Water raised no objection to the original planning application. It is not considered that the proposed development would result in a significant impact upon flood risk over and above that previously assessed.

12.14 The Lead Local Flood Authority (LLFA) has been consulted. They have recommended conditional approval.

### 12.15 Aircraft

12.16 Newcastle International Airport and NATS have been consulted. Neither have raised any objections to the development.

### 13.0 Conclusion

13.1 This proposal seeks to develop a commercial aspect in the same location as the original planning application (11/02337/FUL). The proposal will construct a new modern and contemporary building which will enhance the character and appearance of the site and the future surrounding residential area. The proposal will also assist in providing employment. The proposal subject to conditions will not adversely affect neighbours living conditions. Additional parking is proposed above and beyond the Council's standards, however this is to deal with peak time during Sunday lunches and would be outside of the network peak.

Members need to weigh the benefits of the proposal against the impacts and determine whether or not to grant planning permission.

It is the opinion of officers that the development would accord with relevant national and local planning policy and would therefore be acceptable.

**RECOMMENDATION:     Application Permitted**

#### **Conditions/Reasons**

- |                                      |       |   |
|--------------------------------------|-------|---|
| 1. In accordance with approved plans | MAN01 | * |
| 2. Standard Time Limit 3 Years FUL   | MAN02 | * |

3. Notwithstanding Condition 1, prior to the construction of any part of the public house above ground level a schedule and/or samples of all surfacing materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to Policy H13 of the North Tyneside Council Unitary Development Plan 2002.

4. Restrict Hours No Construction Sun BH HOU04 \*

5. Notwithstanding Condition 1, prior to the commencement of construction works of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This information is required to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

6. Notwithstanding Condition 1, prior to the development hereby approved begin brought into use a fully detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with these agreed details. The agreed landscaping shall be planted in accordance with these details within the first planting and seeding seasons following the commencement of development. Any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

7. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include

mechanical street cleaning, provision of water bowsers and wheel washing and/or road cleaning facilities). The approved statement shall be implemented and complied with during and for the life of the works associated with the development, unless otherwise is approved in writing by the Local Planning Authority.

Reason: This information is required to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees and residential amenity having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.

8. The scheme for refuse storage indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose and shall be permanently retained.

Reason: To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

9. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

10. Notwithstanding Condition 1, no development shall commence until a detailed scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: These details are required from the outset to ensure satisfactory means of surface water drainage can be accommodated within the site having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

11. The scheme for parking indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not be used for any other purpose and shall be permanently retained.

Reason: In the interest of highway safety having regard to Policy H13 of the North Tyneside Council Unitary Development Plan 2002.

12. No other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

13. Altered Access Access Alt Before Devel ACC14 \*H13

14. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

15. Turning Areas Before Occ ACC25 \*refuse/delivery  
\*H13

16. Notwithstanding Condition 1, prior to the construction of any part of the public house above ground level a Travel Plan (TP) shall be submitted to and approved in writing by the Local Planning Authority. This plan shall take into account the new development and shall include an undertaking to conduct travel surveys to monitor whether or not the TP targets are being met.

Reason: To accord with NPPF and local policies concerning sustainable transport.

17. No vegetation removal shall take place within the bird nesting season (March-August inclusive) unless a suitably qualified ecologist has confirmed there are no nesting birds.

Reason: This is required from the outset in the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

18. Notwithstanding Condition 1, prior to any works commencing on site a badger checking survey, results and an appropriate working method statement (if required) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with these agreed details.

Reason: This is required from the outset in the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

19. Notwithstanding Condition 1, prior to works commencing on site all existing hedgerows and trees along the site boundaries shall be protected via appropriate tree protection measures. These protection measures shall remain in situ until completion of the development hereby approved.

Reason: This is required from the outset in the interests of wildlife protection having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002 and NPPF.

20. Noise No Tannoys Externally Audible                      NOI02    \*H13

21. Notwithstanding Condition 1, prior to the construction of any part of the development above ground level details of an odour suppression system for the arrestment of food odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

22. Notwithstanding Condition 1, the development hereby approved shall only be open between the hours of 07:00 and 00:00 on any day (excluding New Years Eve).

Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

23. Notwithstanding Condition 1, deliveries to the development hereby approved shall only be between the hours of 07:00 and 22:00 on any day.

Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

24. Flood Lighting Scheme Details                                      LIG01    \*

25. External seating areas shall only be provided to the areas shown on the submitted proposed site plan (Dwg No. AP06 Revision A) and shall not be provided anywhere else on the site.

Reason: In the interest of residential amenity and/or highway safety having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

26. Notwithstanding Condition 1, the development hereby approved shall not begin until details of the disposal of surface water from the highway, footpaths and other hard surfaces have been submitted to and approved in writing by the Local Planning Authority and no building shall be brought into use until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: This information is required from the outset to ensure a satisfactory development and having regard to Policy H11 of the North Tyneside Unitary Development Plan (2002).

27. Notwithstanding Condition 1, the development hereby approved shall not commence until a detailed scheme for the disposal of foul sewage from the development hereby approved has been submitted to and approved in writing by

the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To ensure a satisfactory development and having regard to Policy H11 of the North Tyneside Unitary Development Plan (2002).

28. Notwithstanding Condition 1, prior to the occupation of the development hereby approved all surface water to be discharged into any watercourse, surface water sewer or soakaway system from any hardstanding car parking areas comprising more than 50 parking spaces or any hardstanding car parking areas over 800m<sup>2</sup>, shall be passed through an oil interceptor in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

Reason: In the interest of highway safety and biodiversity and having regard to policies H11 and E12 of North Tyneside Unitary Development Plan (2002).

29. Notwithstanding Condition 1, prior to commencement of the development hereby approved, a method statement setting out measures to be taken to prevent contamination and pollution to watercourses and groundwater sources shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the measures shall be undertaken in full and works on site shall only be in accordance with the approved method statement.

Reason: To prevent any pollution incident and in the interest of biodiversity, having regard to Policy E12 of the North Tyneside Unitary Development Plan (2002).

### **Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

### **Informatives**

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

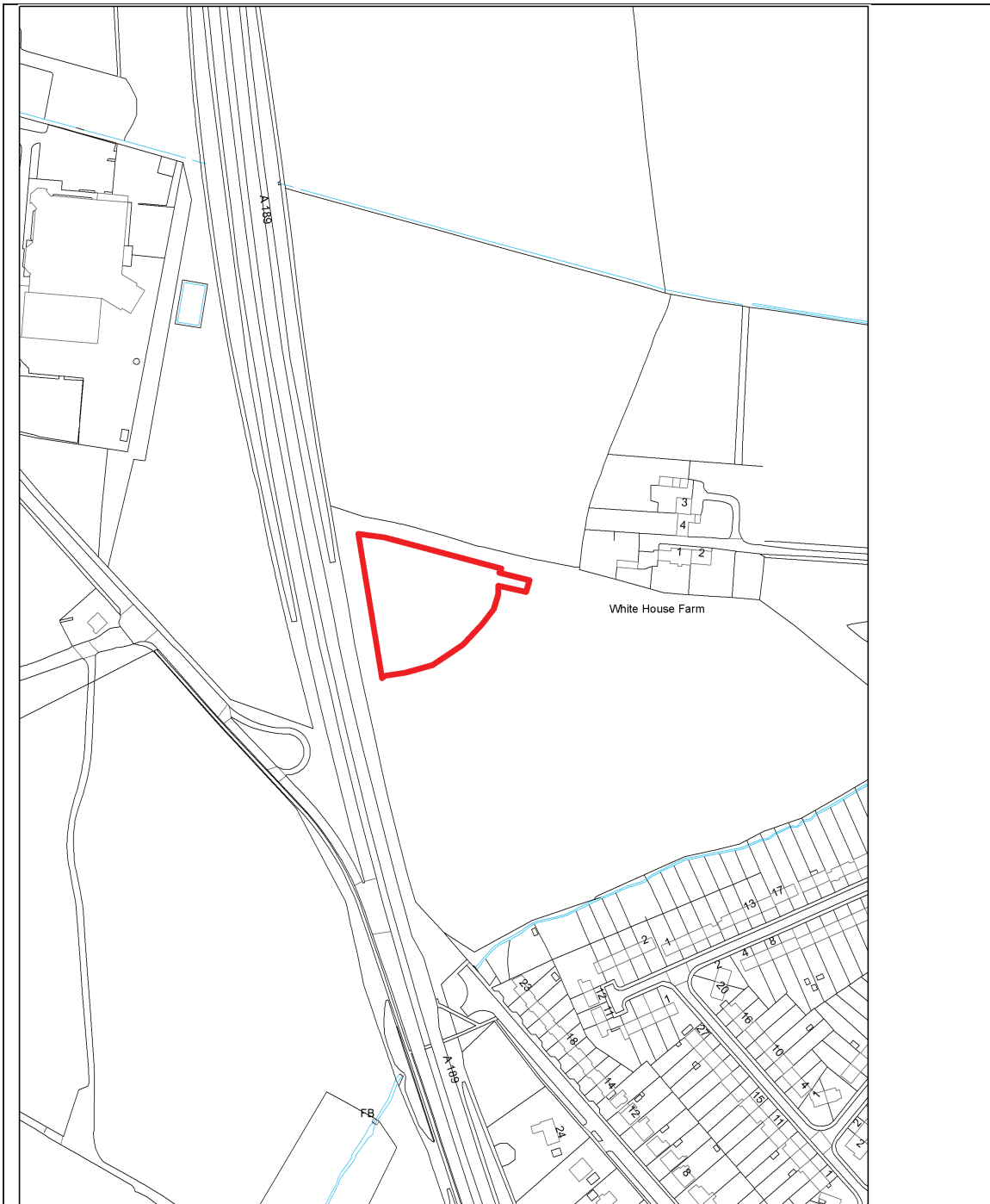
Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)





**Application reference: 15/01808/FUL**

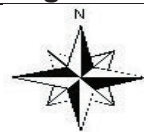
**Location: Land North Of, 1 Whitecroft Road, West Moor, NEWCASTLE UPON TYNE**

**Proposal: Construction of pub/restaurant with associated car parking**

Not to scale

Date: 18.01.2016

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## **Item 5.6**

### **Appendix 1 – 15/01808/FUL**

#### **Consultations/representations**

##### 1.0 Ward Councillors

1.1 Councillor Jim Allan has requested that this planning application is presented to Planning Committee.

##### 2.0 Internal Consultees

###### 2.1 Highways Network Manager

2.2 This application is for the construction of pub/restaurant with associated car parking. The site is accessed from the main access road of the White House Farm development (11/02337/FUL) and a Transport assessment (TA) was submitted as part of the original White House Farm application that included this site as part of the overall transport analysis. The offsite highway mitigation identified in the TA is currently under construction.

2.3 Parking has been provided to meet the needs of the development and it is considered that a Travel Plan (TP) should be developed if permission is granted.

2.4 There is a service area proposed to the rear of the proposed pub with turning facilities for delivery vehicles within the site. It is expected that large service/delivery vehicles would only visit the site outside of opening hours and would turn within the site.

2.5 For these reasons outlined above and on balance conditional approval is recommended.

2.6 Recommendation - Condition Approval

2.7 Conditions:

ACC10 - New Access: Access before Devel

ACC14 - Altered Access Access Alt Before Devel

ACC20 - Visibility Splay: Detail, Before Devel (\*2.4m by 43m by 0.6m)

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

SIT01 - Building Site Compound Storage

SIT02 - Building Site: Construction Access

SIT03 - Dust suppression

SIT04 - Lorry routing

The scheme for cycle parking indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: In the interests of highway safety.

The scheme for refuse storage indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: In the interests of highway safety.

No development shall commence until a Travel Plan taking into account the new development has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management

#### 2.8 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming and Numbering

I46 - Highway Inspection before dvlpt

#### 2.9 Environmental Health

2.10 I would have no objections but would request conditions to protect against potential noise, odour and light pollution. I would request a condition to ensure that the car parking area is restricted to prevent use for temporary seating. I would recommend a condition to restrict the hours of opening to minimise noise disturbance from customers entering and leaving the premises. I would recommend the following conditions:

NOI02

HOU04

EPL04

The opening hours shall be restricted to between 07:00 and 00:00 hours throughout the week excluding New Year Eve.

LIG01

Delivery Noise shall be restricted to between 07:00 and 22:00 hours

#### 2.11 Landscape Architect

2.12 The site is occupied by the pub building and the associated car park provision. The landscape proposals to this site are in principle ornamental in nature characterised by hard landscaping, with planted shrub borders and close-kept amenity grassland. The main buffer planting is provided by the existing established planting to the outside of the application site which is to be retained.

An existing hedgerow to the north of the site will provide a buffer with the

housing to the north and the planting associated with the wider housing development will provide screening to the west and along the new access road to the south.

2.13 There is no loss of landscape associated with the application but the style of landscape proposed offers very little other than managed shrub borders that portrays a tidy image to the public. However the scheme is acceptable in principle subject to a detailed landscape scheme as the landscape outside the site boundaries will play a much greater role in terms of screening, visual amenity and contribution to the wider biodiversity of the local area.

#### 2.14 Ecology Officer

2.15 With regard to the above application, the following conditions will need to be attached to the application:-

- No vegetation removal to be undertaken outside of the bird nesting season unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to development commencing
- A badger checking survey should be undertaken immediately prior to works commencing and results submitted to the Local Authority with an appropriate working method statement , if required.
- Existing hedgerows and trees along the boundaries of the site should be protected via appropriate tree protection measures during all works.
- A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing.

#### 2.16 Lead Local Flood Authority

2.17 This application is for the construction of pub/restaurant with associated car parking. The site is accessed from the main access road of the White House Farm development (11/02337/FUL).

2.18 A Flood Risk Assessment (FRA) has been submitted as part of the application and surface water will be discharged into the proposed SUDS scheme for the wider site at agreed rates.

2.19 It is considered that the outline proposals are acceptable in principle and subject to detailed design, conditional approval is recommended.

2.20 Recommendation - Conditional Approval

2.21 Condition:

No development shall commence until a scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of effective surface water management

### 3.0 Representations

3.1 One letter of objection has been received. These objections are set out below:

-There are many pubs and restaurants in the area already, we do not need a new one, many of the existing ones appear to be struggling due to lack of clientele anyway.

-The area is residential and not suitable for a pub/ restaurant with associated noise, extra traffic and potential for unruly behaviour late at night

-When the Whitehouse Farm development planning was passed against local objections no mention was made of commercial/ entertainment developments.

#### 4.0 External Consultees

##### 4.1 Newcastle International Airport (NIA)

4.2 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

##### 4.3 Tyne and Wear Archaeology Officer

4.4 The site was archaeologically evaluated in 2011 as part of the wide White House Farm site. Medieval ridge and furrow and a couple of post medieval field boundaries were recorded.

4.5 Archaeological fieldwalking has just been completed across the site. Although I have yet to receive a report, the appointed archaeologists, Northern Archaeological Associates, tell me that no early material was collected.

4.6 No further archaeological work is required on this site.

##### 4.7 NATS

4.8 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

4.9 However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

4.10 If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.