

**Item No:** 1  
**Application No:** 16/00569/FUL Author: Julia Crebbin  
Date valid: 15 April 2016 ☎: 0191 643 6314  
Target: 10 June 2016 Ward: Whitley Bay  
decision date:

Application type: full planning application

**Location: Unit 6, Monkseaton Metro Station, Norham Road, Whitley Bay, Tyne And Wear**

**Proposal: Change of use from Class B8 to Class A4 to form micropub within Monkseaton Metro Station and associated external works**

Applicant: Mr Andrew Findlay, 2 High Town Morpeth NE65 8BH

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

The main issues in this case are;

- Whether the principle of proposed use is acceptable at this site;
- The impact on neighbouring amenity;
- The impact of the proposal upon the character and appearance of the Conservation Area and the Metro Station;and
- Whether sufficient parking and access would be provided.

#### 1.0 Description of the Site

1.1 The site to which the application relates is a vacant unit (Unit 6) within Monkseaton Metro Station. The unit has no previous recorded planning use and appears to have historically been used as a left luggage room and booking office. The application site is located within the defined town centre of Whitley Bay, and also within the designated Monkseaton Conservation Area. The metro station is also included on the Council's register of buildings and parks that are of special local architectural and historic interest. Access to the unit is gained internally from the Metro Station. The external wall facing onto Norham Road has no access doors, but does have a small number of obscure glazed high level windows, the bottom half of the window openings have previously been bricked up. Existing units within the metro station are in use as a hot food takeaway, coffee shop, tattoo studio and retail unit.

1.2 Adjacent to the application site to the south east is 'Children's Choice Nursery'. The entrance to this is located on Norham Road. A small gap, which houses an external play area for the children, is located immediately between the side elevation of the application site (building and platform covering/enclosure)

and the nursery building itself. The larger external area for the nursery is separated from the application site by the nursery building and is located several metres further to the south east.

1.3 Souter Park is located opposite to the metro station on Norham Road. Beyond this are residential dwellings on Osborne Gardens. Opposite the application site/metro platform, to the south west of the metro station are residential dwellings on Kensington Close.

## 2.0 Description of the Proposed Development

2.1 The proposal relates to the change of use of Unit 6 to a micro pub (Use Class A4). The applicant has indicated that they intend to open between the hours of midday and 11pm every day.

2.2 The applicant has submitted supporting information with their application which outlines the way in which the proposal will operate. The business will be operated as a micro pub, which is defined by the Micropub Association as '.....a small freehouse which listens to its customers, mainly serves cask ales, promotes conversation, shuns all forms of electronic entertainment and dabbles in traditional pub snacks'. As such the business will not be serving alcopops, cheap lagers, or running drinks promotions, and there shall be no televisions, music systems or gambling machines.

2.3 The business intends to operate with an off-licence to allow customers to purchase bottles of ale and cider.

2.4 Externally, the following is proposed:

- Reinstatement of bricked up windows facing onto Norham Road with timber frame windows and shutters.
- Replacement of wood/metal panels to windows next to the entrance door (platform side) with new glazing.
- Installation of new eaves/gutters/downpipes and shutters.
- Installation of shutters to cellar.
- Installation of exterior air conditioning unit at ground level on the platform side.
- External flue on western facing roof slope at southern end of the building.

2.5 Internally, a new cellar will be created by partitioning an area within the original booking office. A new internal lobby will also be created.

## 3.0 Relevant Planning History

### 3.1 Application Site (Unit 6)

15/01560/FUL - Change of use to a personal training studio (Use Class D2) – Approved 30.11.2015

### 3.2 Unit 4:

13/01257/FUL - Change of use to A1 retail – Approved 13.09.2013

### 3.3 Unit 3:

12/02046/FUL - Change of use to open unit 3 in Monkseaton metro station as a tattoo studio – Approved 18.02.2013

### 3.4 Unit 5 (adjoining):

07/02698/FUL - Change of use to operate unit as a coffee shop no external alterations – Approved 26.10.2007

### 4.0 Development Plan

4.1 North Tyneside Council Unitary Development Plan (adopted March 2002)  
Direction from Secretary of State under Paragraph 1(3) of Schedule 8 to Town and Country Planning and Compulsory Purchase Act 2004 in respect of Policies in the North Tyneside UDP (August 2007)

### 5.0 Government Policy

5.1 National Planning Policy Framework (March 2012)

5.2 National Planning Practice Guidance (As Amended)

5.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 6.0 Main Issues

- Whether the principle of proposed use is acceptable at this site;
- The impact on neighbouring amenity;
- The impact of the proposal upon the character and appearance of the Conservation Area and the Metro Station; and
- Whether sufficient parking and access would be provided.

### 7.0 Material Planning Considerations

#### 7.1 Principle of the Proposed Development

7.2 The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity.

7.3 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Significant weight should be placed on the need to support economic growth through the planning system.

7.4 The NPPF states that local planning authorities amongst other matters should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. It also states that local planning authorities should promote competitive town centres that provide customer choice, and should support existing business sectors.

7.5 Policy S3 identifies the town centre of Whitley Bay as the main focus for retail provision and associated facilities.

7.6 Policy LE2 support proposals for the development of tourist and leisure facilities provided they are acceptable in terms of their impact on the natural and built environment and on surrounding land uses.

7.7 There has been a significant level of objection submitted in respect of the proposed development, both via a petition and individual objections. The content of the objections are noted. In terms of the principle of proposed change of use to a micro pub at this location, many of the objectors consider this to be inappropriate due to the existing nursery which is located adjacent to the application site. Several objectors have also questioned the need for a further drinking establishment.

7.8 There has also been a significant level of support expressed for the proposal, with many supporters expressing their view that the proposed micro pub is an appropriate use for the metro station.

7.9 The application site is a vacant unit within a busy metro station, within the designated town centre of Whitely Bay, albeit it is on the periphery of the town centre. There are existing commercial uses in the station including a hot food takeaway, a coffee shop/cafe, tattoo studio and a retail unit. The proposed micro pub would introduce a further commercial use at this existing commercialised location. For the purposes of this application, the applicant is not required to demonstrate a need for the proposed micro pub, and competition with existing public houses in the Monkseaton area is not a material planning consideration.

7.10 Members need to determine whether the principle of the change of use of the vacant unit into a micro pub (Use Class A4) is acceptable. It is Officer advice that, in planning policy terms, the proposal is in accordance with the provisions of the NPPF and local planning policies S3 and LE2. It would bring a vacant unit back into active use helping to secure economic growth and contributing towards the vitality and vibrancy of the metro station and the local economy.

#### 8.0 Impact on Surrounding Amenity

8.1 The NPPF states that there are three dimensions to sustainable development; economic, social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

8.2 The NPPF outlines 12 core planning principles which should underpin decision taking. It states that local planning authorities should contribute to conserving and enhancing the natural environment and reducing pollution. It goes on to state that new and existing development should be prevented from contributing to unacceptable levels of air or noise pollution. To prevent unacceptable risks from pollution local planning authorities should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

8.3 Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

8.4 The NPPF defines pollution as 'anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.'

8.5 Paragraph 123 states that planning policies and 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; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

8.6 Paragraph 123 further goes on to state that planning decisions should recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

8.7 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 existing pollution to the lowest practicable levels.

8.8 Policy H13 of the UDP provides that applications for non residential development within or adjacent to residential areas or for changes of use from residential to other uses, or for the intensification of an existing residential use will be approved only where the local planning authority consider that they would not adversely affect residential amenity. Uses that generate excessive noise, smell, fumes, traffic, or on street parking problems will not be allowed. Applications for the expansion or intensification of existing non residential uses within residential areas will be judged against the same criteria.

8.9 The main objections relate to the impact of the proposed micro brewery on the children and staff at the adjacent nursery, and also the residential amenity of nearby occupiers.

8.10 The Council's Environmental Health Officer has also raised concerns with regard to potential noise, such as plant and equipment noise and customer noise, and other associated noise from the operation of the site as a micro pub affecting neighbouring residential properties located adjacent to the site in Kensington Close and Kensington Gardens and to the front of the Metro Station at Osborne Gardens.

8.11 Firstly, with regard to the impact on the nursery, the concerns relating to safeguarding issues, anti-social behavior, littering, bad language, strangers, smells and vandalism are all noted. However, it should be highlighted that the

entrance to the micro pub will be via the station platform, which is located internally within the station and not visible or near to the nursery entrance or visible from the nursery's outdoor areas. The nearest entrance to the metro station itself from Norham Road is located almost 65m to the north west of the nursery entrance.

8.12 There is a small outdoor area within the nursery site which is located immediately adjacent to the application site boundary. However, this area abuts the gable end of the metro station building and the side elevation of the platform enclosure. This enclosure, which consists of boarding and full height glazing to roof level (which is also enclosed), ensures that there will be a solid barrier between the nursery and the outdoor seating area/entrance to the micro brewery, which will help to prevent noise transmission from patrons of the micro brewery to the nursery children and staff (both whilst using the outdoor seating area and whilst entering/leaving the unit).

8.13 In addition, the applicant has provided the following response to these concerns:

- The station is in constant use throughout the day and used by over 740,000 passengers annually, as such, there is a constant stream of people gathering on both platforms and, by virtue of its location, the nursery is already exposed to this noise as part of the station's noise environment. We wouldn't expect our external seating area to significantly change the existing noise environment.
- The nursery use their outside area during daytime weekdays only, while we expect our busiest trading hours to be evenings (commuters returning home) and weekends. We, therefore, don't expect to have a large number of people congregating in our external seating area at the same time the nursery is using their outside area. Based on our discussions with other micropub operators, daytime (and other times) clientele tend to be older and mature.
- Although not specifically requested, we will also put notices (for the benefit of the nursery and metro users) up around the external seating area asking patrons to be considerate towards our neighbours and refrain from swearing.
- As a general comment about the screen separating the station from the nursery, with the exception of the stained glass portion, the lower part is boarded and the nursery children won't be able to see anyone through the screen and the boards should provide a reasonable level of acoustic screening.

8.14 The Environmental Health Officer has noted the outdoor seating area. She has raised no objection to this in principle, but has recommended a condition to control the hours at which it can be used in order to prevent unacceptable levels of noise breakout to residents of Kensington Close (on the opposite side of the metro track) at unreasonable hours. The applicant has agreed to this condition.

8.15 The Environmental Health Officer has also noted that no background noise assessment (in accordance with BS41242) has been submitted in respect of potential noise from external plant. In order to ensure that this is adequately controlled in terms of protecting nearby residents, a condition is suggested to ensure that the assessment is undertaken and submitted for approval prior to the operation of any such equipment.

8.16 The concerns relating to the impact on the residential amenity of nearby residents, including Osborne Gardens and Kensington Close, are noted. However, in terms of Kensington Close, it is considered that the suggested conditions will mitigate for any potential impact from noise. The applicant has not advised that they will be serving or cooking any foods on the premises, as such there will be no impact from cooking smells, and this element of the operation of the proposed micro pub will be controlled via planning condition. There is no reason to suggest that there will be any increase in litter. There are existing bins within the metro station and the proposed micro pub will provide onsite refuse storage facilities.

8.17 With regard to Osborne Gardens, the concerns regarding the potential for disturbance as a result of increased numbers of people coming and going to the premises, and also congregating on Norham Road to smoke (as smoking is not permitted within the station) are noted. However, due to the small size of the pub it is unlikely that it will lead to a significant number of people using Norham Road as a smoking area at any one time. In addition these properties are located a significant distance from the application site (at least 87m away) and are separated by Souter Park. The concerns relating to a potential increase in youngsters congregating in the park and an exacerbation of existing anti-social behavior are noted. However, there is no reason to suggest that the proposed micro pub will negatively contribute towards this. Such concerns are perceived fears and a sound planning refusal cannot be based on such fears without any evidence. The issue of whether a license is granted is not a planning matter. Existing anti-social behaviour issues should be dealt with by the police and cannot be addressed via the planning system.

8.18 The Environmental Health Officer has recommended a condition to restrict the performance of live and amplified music at the site. However, the applicant has requested that they are allowed to play non-amplified live music, particularly as they are introducing a lobby to limit noise breakout and have proposed fixed windows. Given the distance to the nearest dwellings it is considered that, providing the windows and doors are kept closed, non amplified live music is acceptable. The Environmental Health Officer has advised that this is acceptable.

8.19 Given that this may also result in the need for some mechanical ventilation within the premises (when the windows and doors are shut), it is also considered reasonable to require a background noise assessment to be undertaken, and full details of an air ventilation system to be submitted to the LPA, prior to the installation of such a system.

8.20 Members must determine whether the proposal is acceptable in terms of its impact on the adjacent children's nursery, and also the residential impact on surrounding occupiers. The proposal is considered to accord with the NPPF, and policies H13 and E3, subject to the suggested conditions.

## 9.0 Impact on Conservation Area

9.1 In respect of designated heritage assets the NPPF states that when determining the impact on the significance of a heritage asset great weight should be given to the assets conservation. The more important the asset the

greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

9.2 Policy E16/2 states that proposals that do not enhance or preserve the character, setting and appearance of a conservation area will not be permitted. And that assessment of schemes will concentrate on: design, scale, layout and materials; impact on trees, treatment of surrounding spaces and relationship to surrounding development.

9.3 Development Control Policy Statement No.8 relates to material planning considerations that will be taken into account for development within conservation areas.

9.4 The Monkseaton Conservation Area Character Appraisal was adopted in October 2006. This refers to metro station and the prominence of the metro corridor from Norham Road. Policy E17/5 of the UDP this seeks to give protection to buildings on the Council's 'Register of buildings and parks that are of special local architectural and historic interest'. Monkseaton Metro Station is on the Council's Local Register of buildings of special local architectural and historic interest and is therefore afforded some protection by Policy E17/5 as set out.

9.5 The main proposed external alterations are considered to be acceptable in that they will result in the appropriate and sensitive reinstatement of the original window openings in the main public facing elevation onto Norham Road. The applicant seeks to use timber frames and shutters to match those already in place at the nearby café in the metro station. The internal changes are minimal relating to the replacement of panel/boards, which have been placed over existing windows near the entrance, with new glazing.

9.6 The applicant has advised that a new matt black twin wall flue (to serve a new wood stove heater) will be installed on the western facing roof slope. This is acceptable in principle. However, further details are required on this prior to its installation to ensure that it does not negatively affect the building. A condition is suggested to control this matter.

9.7 Members need to determine whether the proposed external changes will harm the appearance of the host building, which is on the Council's Register of buildings and parks that are of special local architectural and historic interest' and also located within Monkseaton Conservation Area. Officer advice is that the proposed external alterations will not cause any harm or detriment to the character and appearance of the Monkseaton Conservation Area and the locally registered metro station and is therefore in accordance with policies E16/2, E17/5 and DCPS No. 8 of the North Tyneside Unitary Development Plan.

#### 10.0 Car Parking and Access

10.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.



10.2 The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

10.3 Policy T11 states that parking requirements will in general be kept to the operational maximum.

10.4 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.

10.5 Concern has been raised by local residents with regard to the impact of the proposal on existing parking problems and traffic congestion, including whilst deliveries are taking place. These are noted.

10.6 However, the Highway Network Manager has raised no objection to the proposal due to the location within the station therefore allowing good access to the site by public transport and to the availability of both on and off street parking nearby.

10.7 A condition is also suggested to control the hours at which deliveries can take place.

10.8 It is considered that the proposed use would not cause additional on-street parking to the detriment of highways safety and would therefore accord with Policy T11.

#### 11.0 Other Matters

11.1 Concern has also been raised with regard to safety, due to the nature of the proposed use and the proximity to the metro line. However, there is no evidence before the Local Planning Authority to demonstrate that proposed use would result in danger at this location. Furthermore, this would be a matter to be considered separately under licensing legislation.

#### 12.0 Conclusion

12.1 On balance, and with regard to all of the above, it is considered that the proposed micro pub is an appropriate use of this existing commercial site. Subject to the suggested conditions the proposal will not result in an adverse impact on the day to day operation of the nursery, the staff or children, or the residential amenity of surrounding residents. Approval of the application is recommended subject to conditions.

**RECOMMENDATION:     Application Permitted**

#### **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in accordance with the following approved plans and specifications:
  - Application Form dated 04.04.2016

INIT

- Site Location Plan, Unit 6, Monkseaton Metro Station, dated 01.04.2016
  - Site Plan, Unit 6, Monkseaton Metro Station, dated 01.04.2016
  - Proposed Plan, Unit 6, Monkseaton (Scale 1:100)
  - Supplementary Information (Planning Application - Change of Use from B8 to A4. New Business as a micropub within Monkseaton Station)
- Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 \*

3. Prior to the installation of any plant and equipment at the application site, a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme, which must be in accordance with BS4142, shall determine the current background noise levels at the nearest residential property for the times when the plant and equipment is to be operated. Thereafter, the rating level for all plant and equipment (including the combined noise created by use of all plant and equipment) shall not at any time exceed the agreed levels by more than 5dB.

Reason: In order to protect the residential amenity of the nearby occupiers of in accordance with policies E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

4. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority in writing. The scheme shall include details of the noise levels expected to be created by the combined use of plant and equipment in order to ensure compliance with the noise rating level. The sound insulation scheme shall be installed prior to the operation of the plant and machinery and retained thereafter.

Reason: To protect the occupants of nearby residential properties from noise and disturbance having regard to policies E3 and H13 of the North Tyneside Unitary Development Plan 2002.

5. The premises shall not be open for business outside the hours of 12:00 hours to 23:00 hours on any day.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

6. The outdoor seating area shall be not be used outside the hours of 08:00 hours to 21:00 hours on any day.

Reason: To safeguard the occupiers of surrounding properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

7. No amplified music in the form of bands, solo, duo artists, discos, DJ's and karaoke or any recorded background music is permitted to be played at the premises at any time. When any other form of music is being played at the premises all windows in the premises must be kept closed and all doors must be kept closed, except for access and egress and in the case of an emergency.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

8. There shall be no playing or performance of any music within the external seating area at any time.

Reason: To safeguard the amenity of nearby residents having regard to policy H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

9. There shall be no deliveries to the premises or collections from the premises outside of the hours of 07:30 and 19:00 hours Monday to Saturday.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

10. There shall be no cooking of foods in any form or reheating of hot foods permitted at the premises at any time. Only cold food provisions and hot and cold beverages shall be served to customers at the premises.

Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

11. Prior to the installation of any external lights full details of the location and design must 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: In order to preserve and enhance the character of the conservation area, having regard to policies E16/2 and DCPS No. 8 of the North Tyneside Unitary Development Plan 2002.

12. Prior to the operation of the approved use facilities for the storage of refuse at the premises shall be installed within the premises. The facilities shall thereafter be permanently retained and used for this purpose.

Reason: In order to safeguard the amenities of the area having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

13. Noise No Tannoys Externally Audible                      NOI02    \*H13

14. Prior to the installation of the external flue, details of the flue including its location, size and appearance 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: In order to preserve and enhance the character of the conservation area, having regard to policies E16/2 and DCPS No. 8 of the North Tyneside Unitary Development Plan 2002.

15. Prior to the installation of the external air conditioning system, details of this including its location, size and appearance 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.

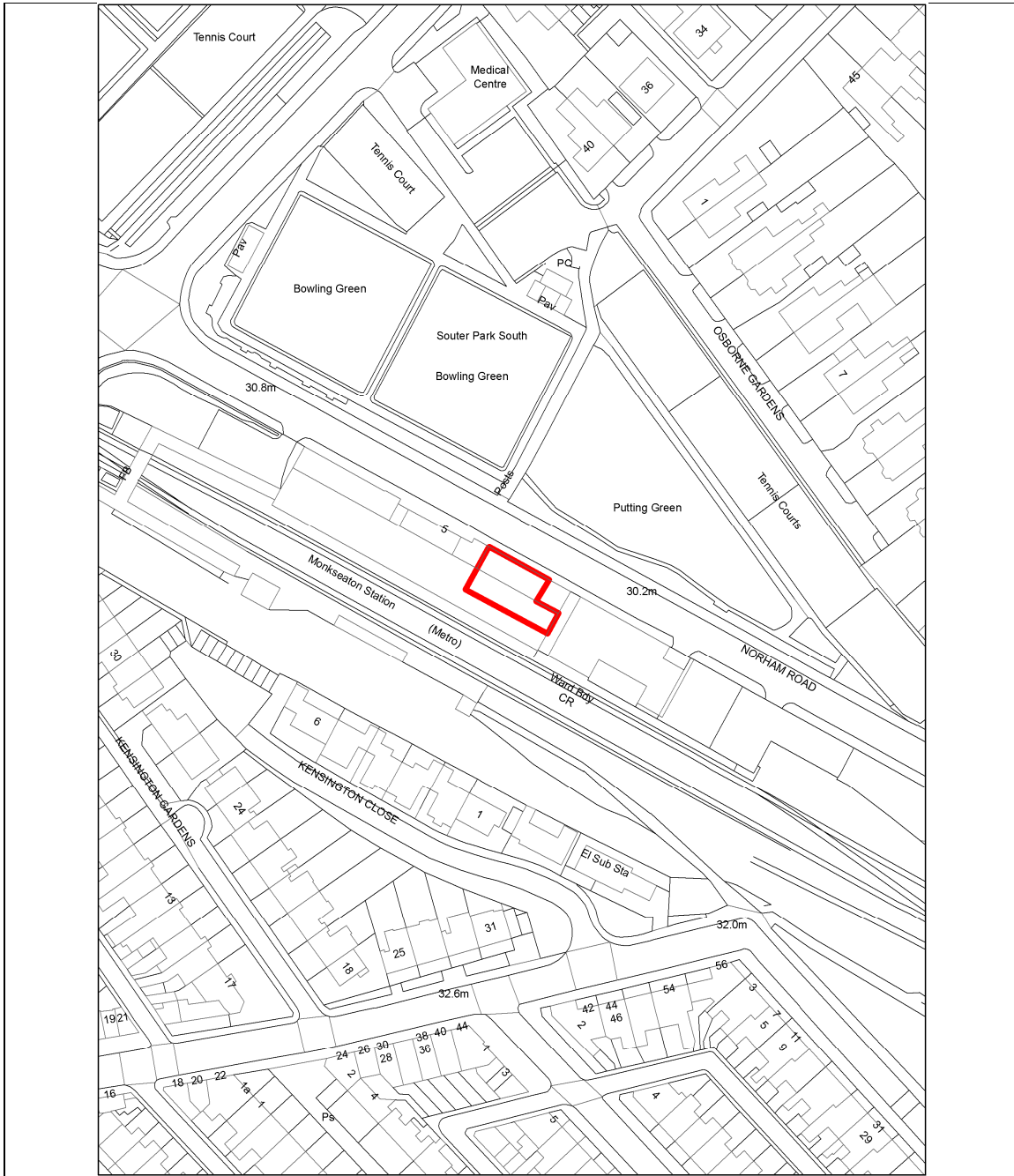
Reason: In order to preserve and enhance the character of the conservation area, having regard to policies E16/2 and DCPS No. 8 of the North Tyneside Unitary Development Plan 2002.

16. Prior to the commencement of the alterations to the windows, details of these alterations including the shutters 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: In order to preserve and enhance the character of the conservation area, having regard to policies E16/2 and DCPS No. 8 of the North Tyneside Unitary Development Plan 2002.

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

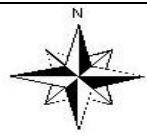
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority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



**Application reference: 16/00569/FUL**  
**Location: Unit 6, Monkseaton Metro Station, Norham Road, Whitley Bay**  
**Proposal: Change of use from Class B8 to Class A4 to form micropub within Monkseaton Metro Station and associated external works**

Not to scale  
 Date: 02.06.2016

© Crown Copyright and database right  
 2011. Ordnance Survey Licence Number  
 0100016801



## **Appendix 1 – 16/00569/FUL Item 1**

### **Consultations/representations**

#### **1.0 Representations**

1.1 A petition organised by a representative of the Children's Choice Nursery, signed by 1502 people, has been submitted to the LPA objecting to the proposal for the following reasons:

- The nursery has 3 outdoor play areas, one of which is adjacent to the proposed pub. This play area is for our youngest children aged between 3 months and 2 years. Most days the children will be playing outside at lunchtime and at tea time.
- Our covered outdoor play area at the rear of the nursery is close to the station itself and any shouting would be heard by children playing aged 3 to 5 years. There is potential for anti social behaviour as people walk past our largest play area adjacent to Norham Road which is used between am to 6pm.
- Safeguarding issues
- Anti social behaviour
- Noise
- Littering
- Bad language
- Strangers
- Smell (cooking / smoking)
- Vandalism, security of our outdoor areas
- Increase in traffic and parking.

The note accompanying the petition states that only 5-10% of petition signatures are from nursery parents or staff.

1.2 31no. objections and 33no. letters of support have been submitted. These are summarised below:

#### **1.3 Objections**

- Inappropriate venue in such close proximity to a children's nursery for reasons including anti-social behaviour, swearing, and rowdiness. This will show children negative behaviour and gives a negative impact for new parent to bring their children.
- There are already two micropubs opening up in Whitley Bay and there is no need for another so close.
- There are already so many pubs in the area so there is no need for another, which will affect the viability of the existing pubs.
- If application goes ahead they will be putting children at risk.
- Safeguarding is issues for staff and children.
- Passive smoke will be so close to the nursery (people smoking outside) and the noise will be crazy. There is a play area next door at the nursery.
- Impact on residents on Kensington Close in terms of higher levels of noise, unsocial behaviour, more litter, unwelcome smells.
- Concerns about off licence where people can take alcohol away with them, particularly as we have so many children hanging around Souter Park of an evening. This will encourage youngsters to hang around more than they already do.

- Proposal will exacerbate existing drug and alcohol problems in Souter Park.
- Increase in parking will worsen existing parking problems.
- Designated outdoor seating area is on station platform and non-smoking, leaving only smoking options either on Norham Road or Souter Park, both of which are close to our house (Osborne Gardens).
- General noise/disruption of customers leaving.
- Presence of a pub within the station will encourage people to use the metro whilst intoxicated, leading to potential incidents and disturbances, and safety issues.
- Deliveries on a very busy road will create obstacles and danger to pedestrians.
- Traffic congestion will increase resulting in danger to pedestrians and road users.
- Smells from microbreweries are noxious.
- Nursery's outdoor and sensory areas will be directly affected by any noise and disturbance.

#### 1.4 Support

- Good to bring the main station building back into use and boost tourism at the coast.
- New product/service not offered elsewhere locally.
- Good alternative to noisier local pubs and should not attract 'undesirables'.
- Should support other small businesses and existing café in station by bringing critical mass to the station as a venue.
- Should encourage people to travel by metro.
- As the owner of a small brewery (Cullercoats brewery) I know that micro pubs of this type tend to cater for mature, responsible real ale enthusiasts and the chances of anti-social behaviour are negligible. No music, no loud events, just conversation.
- Small business should be supported, they tend to employ local people and support other small businesses and local economy.
- Station developments attract visitors as shown at Whitley Bay and Tynemouth.
- Publicised objections from local grounds are ill founded. Local pubs, especially micro pubs, are part of the fabric of our community.
- Concerns of the nursery are unfounded and based only on supposition.
- Highly unlikely to have detrimental impact on nursery or residents, who are located over 100 yards away. Good example is 'Red House Farm' pub which successfully trades only a few yards away from 'Busy Bees' nursery on Hepscott Drive. Proof that a pub can operate successfully in close proximity to houses and schools.
- Proposal will offer a genuine social amenity to the community, which is sadly missing from that area.
- No logical reason for objecting from a planning or other perspective.
- Not the sort of place that I would expect anti-social behaviour.
- The unit currently detracts from the streetscene.
- There is enough separation between the nursery and the site, particularly outdoor elements, to go largely unnoticed.
- People using metro who wish to smoke must do so outside the station, the small size of the pub is unlikely to lead to any significant increase.
- Similar uses at Whitley Bay and Tynemouth, with outdoor seating, help the areas feel more vibrant, secure and bring natural surveillance decreasing anti-social behaviour.

- Nature of business and clientele should not cause any problems to nursery or residents.
- Ideal venue for such a venture, nothing like a normal pub, much smaller.
- Interface with nursery will be minimal, with peak use when nursery is closed, i.e. evenings and weekends.
- Concerns about violence and anti-social behaviour are police issues and are not material planning considerations – it is not the role of the planning system to predict future behaviour of certain groups. Objections based on an assumption as to how future users may act are not robust and certainly should not be taken into account by the Council when reaching a decision.
- Benefits of the development in maximising the vitality and leisure of the area are significant.
- Care must be taken with new ventures such as this but there is no reason why it can't be an excellent hub.

### 1.5 Ward Councillors

#### Councillor John O'Shea (Whitley Bay)

I wish to object to the application on the following grounds:

- Inadequate car parking.
- Close proximity to a nursery school.
- Health and safety concerns because of nearness to station platform/metro track.

### 1.6 Councillor Ian Grayson (Monkseaton South)

I am concerned about this application for the following reasons:

1. Possible safeguarding issues as this is situated near a nursery which is already in the station buildings.
2. Noise and possibly anti-social behaviour in the metro area and possibly on the metro.
3. Additional traffic in an already congested area.

The siting of the micro pub may also have a detrimental effect on existing businesses particularly the Children's Nursery.

### 1.7 Internal Consultees

#### 1.8 Regeneration

No objection.

### 1.9 Highway Network Manager

This application is for a change of use from Class B8 to Class A4 to form a micro pub within Monkseaton Metro Station and associated minor works. The unit is located in a disused area of the station and whilst there is no parking associated with the unit, there is a station car park available for general use and parking control measures in place on the adjacent highway. For these reasons approval is recommended. Recommendation – approval.

### 1.10 Manager of Environmental Health (Pollution)

1.11 I have concerns with regard to potential noise, such as plant and equipment noise and customer noise, and other associated noise from the operation of the site as a micro pub affecting neighbouring residential properties located adjacent to the site in Kensington Close and Kensington Gardens and to the front of the



Metro Station Osborne Gardens. The area is primarily a residential area with a few commercial units within the Metro Station.

1.12 The A4 class use requests late evening opening hours and weekend opening hours which will give rise to associated customer noise late evening and at weekends which will not be characteristic of the current noise climate for the area. The applicant is proposing operating hours until 23:00 hours, which is likely to be a significant change on the current opening hours used for the B8 class use and will give rise to customer noise, plant noise and noise in the street when customers are likely to stand outside smoking as there is no designated smoking area specified on the layout plan for the site.

1.13 No noise assessment has been provided to verify if the proposed change of use will not cause give rise to disturbance for nearby residential properties. The applicant indicates that noise from external plant will not be of a level to give rise to disturbance at nearest residents but the assessment has not been carried out in accordance to BS41242. I would therefore recommend a condition to require any new external plant and equipment to be assessed in accordance to this guidance.

1.14 I note the applicant indicates that an outdoor seating area will be provided on an area of the platform next to the unit. I have concerns regarding noise arising from the outdoor seating area late at night. I disagree with the applicant that the background noise levels from the customers using the Metro station late at night will mitigate any noise arising from the customers using the seating area. No noise assessment has been provided to justify this presumption and I would suggest that Metro train customer noise will be transient in nature and of a limited duration. The only method of controlling external noise is to restrict the times of use and by the provision of acoustic screening. I would therefore recommend a condition to restrict the outdoor seating area use to no later than 21:00 hours. This would comply with the Good Practice Guide on the Control of Noise from Pubs and Clubs by Institute of Acoustics 2003 for outdoor seating areas.

1.15 I would also be concerned about noise arising from deliveries and collections and if planning consent is to be given I would recommend a condition to restrict the hours for this activity to 07:30 and 19:00 hours Monday to Saturdays only.

1.16 If any new external lighting is installed as part of the scheme an assessment will be required to ensure it is compliant with the Lighting Engineers outdoor lighting guidance.

1.17 If minded to approval, I would recommend the following conditions:

1.18 Noise condition for plant and equipment installed:

1.19 A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for the time when the plant and equipment is to be operated. The rating level for all plant must not exceed by more than 5 dB the background noise level for daytime and night time in accordance with BS4142.

1.20 NO104 this will include details of the noise levels expected to be created by the combined use of plant and equipment to ensure compliance with the noise rating level.

1.21 NOI02

1.22 HOU03: to those on the application

1.23 The use of the outdoor seating area shall be restricted to between 08:00 hours and 21:00 hours.

1.24 Non-standard condition: Entertainment Restrictions

1.25 No live music in the form of bands, solo and duo artists and no amplified music in the form of discos, DJ's and karaoke or any recorded background music to be permitted to be played at the premises at any time.

1.26 Deliveries and collections shall be restricted to between 07:30 and 19:00 hours Monday to Saturdays only.

1.27 EPL02; EPL03; REF01, and; REF02

1.28 Non standard condition: Cooking of foods

1.29 There shall be no cooking of foods in any form or reheating of hot foods permitted at the premises at any time. Only cold food provisions and hot and cold beverages shall be permitted to be served at the premises.

1.30 LIG01 for any new external lighting.

1.31 Further comments from Manager of Environmental Health (Pollution):

I would advise that the suggestion for the provision of background music is considered acceptable on the basis that the condition is included as amended by the applicant, but must include a requirement that all doors are kept closed, except for access and egress and in the case of an emergency and all windows in the premises are kept closed whenever background music is played.

1.32 External Consultees

1.33 Tyne and Wear Archaeology Officer

No comments.