

**Item No:** 5.3  
**Application No:** 17/00473/FUL Author: Julia Dawson  
Date valid: 27 March 2017 ☎: 0191 643 6314  
Target: 22 May 2017 Ward: St Marys  
decision date:

Application type: full planning application

**Location: The Briar Dene, The Links, Whitley Bay, Tyne And Wear, NE26 1UE**

**Proposal: Variation of conditions 1 (Approved Plans), 4 (Veh Parking Garaging before Occ), 5 (Refuse Storage) and 20 (Landscape Scheme) of planning approval 15/02027/FUL - to omit 3no planters, amendment to parking, addition of timber fence to north boundary, amend planting and retention of existing garage for bin storage**

Applicant: Sir John Fitzgerald Ltd, FAO Mr David Horgan Cafe Royal Buildings 8 Nelson Street Newcastle Upon Tyne Tyne And Wear NE1 5AW

Agent: Jane Darbyshire & David Kendall Ltd, FAO Mr Stuart Franklin Jane Darbyshire David Kendall Ltd Millmount Newcastle Upon Tyne Tyne And Wear NE5 3AL

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

1.0 The main issue for members to consider in this case is the impact of the proposed variations to the original consent on highway safety, the visual amenity of the site, and the residential amenity of surrounding occupants.

#### 2.0 Description of the Site

2.1 The site to which the application relates is The Briar Dene public house, which is located on The Links in Whitley Bay. The premises are a relatively large two storey building, which has recently been re-opened after being refurbished and extended (see planning history). The site is accessed via an opening within its eastern boundary onto The Links. The application site has a car park, which immediately abuts the building to the west and south.

2.2 The Briar Dene Car wash is located to the south of the application site, and the nearest residential properties are located on Grenada Close and Grenada Drive, to the south west of the application site. No.7 Grenada Close is located approximately 46m from the public house itself. Immediately to the west of the application site is an area of open grassed land (set at a higher level than the

application site), a small scout hut building and a public car park. To the north and north west is the Dene, and beyond this are residential properties on Brierdene Crescent.

### 3.0 Description of the Proposed Development

3.1 The proposal relates to an application to vary conditions 1 (approved plans), 4 (car parking layout), 5 (refuse storage) and 20 (landscape scheme) of planning approval 15/02027/FUL in order to omit 3no. planters, 2no. disabled parking bays, the addition of timber fence to north boundary, amend planting and the retention of existing garage for bin storage.

### 4.1 Relevant Planning History

17/00543/FUL - Variation of condition 14 to extend the opening hours of the external seating area from 21:00 to 22:30 of planning approval 15/02027/FUL – Pending Consideration

16/01896/COND - Discharge of Conditions 7 (Service Management Strategy), 9 (Chimney or Vent), 10 (Ventilation system), 11 (Refrigeration), 12 (Odour Suppression), 13 (External Lighting), 15 (Noise scheme - live and amplified music), and 16 (Background noise levels - plant) of planning approval 15/02027/FUL – Approved 23.05.2017

16/01390/FUL - Removal of Condition 14 of planning approval 15/02027/FUL - to allow use of outdoor seating area after 21:00 – Refused 07.11.2016

15/02027/FUL - Proposed refurbishment and extensions to the existing public house, improving the existing lounge/kitchen and provision of an additional accessible WC and inclusion of a take-away fish bar to the rear. Addition of a veranda and canopy and 3no. accessible draft lobbies. Erection of small extension to the first floor to accommodate new enclosed escape stair and improvement to existing living accommodation. External alterations to include new windows, roof lanterns, new cladding/render, new landscaping and accessible parking – Approved 15.02.2016

98/00786/FUL - Form new cellar drop within footpath to front of building. – Approved 24.07.1998

96/02631/FUL - Refurbishment of existing public house, including extension to existing family area. – Approved 09.05.1997

90/00458/FUL - Alterations and extensions to public house. – Approved 25.04.1990

85/01453/FUL - change of use of car park to beer garden. – Approved 17.09.1985

### 5.0 Development Plan

5.1 North Tyneside Council Unitary Development Plan (adopted March 2002)

5.2 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)

#### 6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 National Planning Practice Guidance (As Amended)

6.3 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**

#### 7.0 Main Issues

7.1 The principle of the works approved via planning application 15/02027/FUL (refurbishment and extensions to the existing public house, including the addition of a take-away fish bar to the rear) has already been established as acceptable and this is not for re-consideration as part of the current application.

7.2 Within the current application the applicant is proposing the variation of conditions 1, 4, 5 and 20 in order to make the following amendments:

- Retention of the existing garage in order to use it as an enclosed refuse storage area.
- Omission of 2no. disabled parking spaces.
- Omission of 3no. planters.
- Installation of a fence within the northern boundary of the site.

7.3 The only matters for consideration by way of this planning application are the impact of the proposed variations, as set out above, on highway safety, the visual amenity of the site, and the residential amenity of surrounding occupants.

#### 8.0 Highway Safety

8.1 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.

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

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

8.4 Local Development Document 12 'Transport and Highways' sets out the Council's adopted parking standards.

8.5 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.

8.6 A significant level of objection has been submitted with regard to the parking provision within the application site and the use of the public car park adjacent to the scout hut by customers and staff of The Briar Dene. The objections are noted. However, the proposed variation to the approved car parking layout results in the loss of 2no. disabled parking spaces within the application site. Even with this loss of 2no. spaces, parking has been provided in accordance with the Council's car parking standards as set out in LDD12. For this reason the Local Planning Authority cannot recommend refusal of the proposed variation to the approved parking layout.

8.7 The public car park located adjacent to the scout hut is currently free for any member of the public to use. It is not for the exclusive use of the scout hut. Indeed, it is used by visitors to the coast, the Brierdene, dog walkers etc. Whilst it is appreciated that since the application site has re-opened there has been increased use of the public car park, the Local Planning Authority has no powers to prevent this. It is understood that relevant Council departments (i.e. the Parks team and Asset Management and Valuation), are looking into the management of the public car park to see if any measures can be put in place to improve the situation, i.e. signage, barriers, parking control, etc.

8.8 The applicant is also aware of the situation and the significant level of concern from local residents. They have advised that they are committed to managing their own car park properly and minimising any detrimental impact on the public car park. To this end, they have advised the following:

- They will instruct their staff not to use the public car park adjacent to the scout hut.
- They will promote car sharing and lifts amongst staff.
- Provide taxis for staff working late when public transport is not available.
- Promote cycle use and a cycle purchase scheme.
- Increase on site cycle parking for both staff and customers.
- Install a 'patrons only' sign at the car park entrance (to prevent non-customers using incurtilage car parking spaces) leaving more spaces free for customers.

6.9 It is also understood that local Councillors are looking into requesting a formal pedestrian crossing point across the dual carriageway (to provide safe access to the public car park at The Links, which would also encourage customers of the

public house to park there), and that they are seeking a reduction in the speed limit. These matters are also outside the control of this planning application.

8.10 The Council's Highway Network Manager has been consulted on the proposed variations and has advised that parking remains in accordance with current standards and that refuse storage is considered to be acceptable

8.11 The proposal is therefore considered to be acceptable in terms of its impact on existing on street parking and highway safety.

#### 9.0 Impact on Residential Amenity

9.1 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.

9.2 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.

9.3 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.

9.4 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.'

9.5 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.

9.6 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.

9.7 Development Control Policy Statement (DCPS) 16 'Hot Food Takeaway and Other Food and Drink Uses' of the UDP states the material planning criteria to be taken into account when considering applications of this nature should include the effect on nearby occupiers, especially residential householders, noise from patrons, and the views of nearby occupiers and other consultees.

9.8 Policy H13 states that applications for non-residential development within or adjacent to residential areas will be approved 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.

9.9 Objections have been raised on the grounds that inadequate parking provision has been provided within the application site, which has led to overflow use of the public car park adjacent to the scout hut. Residents are concerned that this has led to increased noise and disturbance, particularly late at night, whereas previously the car park was not used in this way.

9.10 The public car park is not within the control of the applicant and this planning application cannot be used as a method of putting extra controls in place over the use of the public car park – this is beyond the remit of the local planning authority. It is understood that complaints have previously been submitted to the Council's Environmental Health team and the police with regard to late night noise from the car park, and objections also allude to the fact that there have been previous issues with late night noise from the car park (prior to the pub re-opening).

9.11 Whilst residents may have noticed an increase in activity at the public car park since the pub re-opened it is not considered that any noise and disturbance which has occurred as a result of people walking to and from their cars is so detrimental to the living conditions of surrounding occupiers that refusal of the application can be justified for this reason.

9.12 Concerns have been raised with regard to the steps from the application site car park, which provide access to the open grass to the west of the site. These steps have always been in this location and the applicant has merely fixed the bottom step as it was loose, this did not need planning permission. The applicant has not created a new access to encourage people to walk from their site to the public car park, but they have merely secured the existing access. The parking space at the foot of the steps is used as a car parking space and the steps do not prevent it from being used as such.

9.13 A fence has been installed along the northern boundary of the site. The applicant has advised that this was due to the height of the existing wall/drop to

the ground in this location and that the fence was installed in order to protect health and safety.

9.14 It is noted that concerns have been raised with regard to refuse storage. The applicant has confirmed that they have temporarily been storing the refuse bins outside of the garage as the garage floor is currently being re-laid. As soon as this is complete, the garage will be used for the storage of refuse bins. It is considered that this will have a minimal impact on the residential amenity of surrounding occupants. The approved plans show a refuse storage area in the location of the garage. The retention of the garage, rather than the creation of a new open roofed enclosure, will ensure that all refuse is completely enclosed/covered. This will have less impact on the amenity of residents (in terms of vermin, smells, etc.) than the approved refuse storage area, and it is therefore acceptable.

9.15 Concerns have also gain been raised with regard to the impact of the development approved via application 15/02027/FUL in terms of vermin, waste, litter, light pollution, and the introduction of a takeaway fish bar. However, such matters were taken into account during the consideration of 15/02027/FUL, and are not for consideration again via the current application, which relates solely to the variations set out in this application. Concerns have also been raised regarding impact on property value, this is not a material planning consideration.

9.16 A concern has been raised about the timing/nature of the application (i.e. variation of conditions for works which have already been carried out). The concerns are noted. However, whilst it is not ideal, the applicant has followed the correct process to make changes to the planning permission. The current application is so that a full assessment of the variations can be made, this includes inviting representations from members of the public and relevant consultees. The fact that the works have already been carried out does not have any bearing on the planning merits of the proposals and a full and proper assessment can still be undertaken.

9.17 Officer advice is that the proposed variation of conditions will not result in any significant harm to the residential amenity of nearby occupants.

## 10.0 Visual Amenity

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.

10.2 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. 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.

10.3 The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity. When determining planning applications the NPPF states that local planning authorities should refuse planning permission if significant harm resulting from development cannot be avoided, adequately mitigated or compensated for.

10.4 UDP policy E14 requires the LPA to seek to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development and wherever possible in other suitable locations.

10.5 It is considered that the proposed external changes (the retention of the garage and the installation of a fence along the northern boundary) are acceptable in terms of their impact on the visual amenity of the site and surrounding area.

10.6 The only other external alterations relates to the omission of 3no. planters. These have been removed in response to feedback originally supplied by the Council's Landscape Architect and also to maximise space within the site for car parking provision.

10.7 The Council's Landscape Architect has raised concerns that the form and height of the proposed plants make little contribution in terms of a meaningful impact within the context of the external seating and parking areas and are unlikely to mitigate or compliment the impact of the larger scale of the adjacent architectural development.

10.8 However, he has noted that there is not a great deal of opportunity within the external areas surrounding the building and has suggested that tree planting could be accommodated in the space occupied by the raised plants and on the grassed areas and embankments surrounding the car park. Whilst these suggestions are noted, it is not considered reasonable to insist upon tree planting in these locations. Prior to its refurbishment there was no landscaping at all within the Briar Dene site. The proposal now incorporates a small amount of landscaping on a site where there is little opportunity. Tree planting in the grass (some of which is not within the ownership of the applicant) and the embankment may result in structural issues and raise concerns regarding a loss of outlook/vistas for existing residents and users of the open space. There have never been any trees in this location and it appears unreasonable to insist they are provided now.

10.9 Officer advice is that the proposed omission of 3no. small planters, the retention of the garage and the installation of a fence, are considered to be acceptable in terms of their impact on the visual amenity of the site and the wider area.





Reason: In order to safeguard the amenities of adjoining properties having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

7. Any air ventilation systems to any part of the approved development shall be installed in complete accordance with the details approved via application 16/01896/COND on 23.05.17 and permanently retained thereafter.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

8. All refrigeration plant in connection with the development shall be installed in complete accordance with the details agreed via application 16/01896/COND on 23.05.17 and permanently retained thereafter.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

9. The system of odour suppression for the arrestment of cooking odours shall be installed in complete accordance with the details agreed via application 16/01896/COND on 23.05.17. Thereafter it shall be maintained in accordance with the details provided by the manufacturer and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

10. All external lighting to the approved development shall be in accordance with the details approved via application 16/01896/COND on 23.05.17. All external lighting must be in accordance with guidance provided by the Institute of Lighting, and the lighting must be angled in such a direction so the residents of the surrounding dwellings do not experience any glare from the approved development. Thereafter the lighting shall be maintained and operated in accordance with the aforementioned guidance.

Reason: To protect the appearance of the area, the environment and local residents from light pollution having regard to Policies LE2 and H13 of the North Tyneside Council Unitary Development Plan 2002.

11. The external seating areas, including the area covered by a veranda, shall not be used by customers of the application site outside of the hours of 08:00 to 21:00 on any day.

Reason: In order to protect the residential amenity of surrounding occupants and occupants of the hotel in accordance with Policies LE2, E3 and H13 of the North Tyneside Unitary Development Plan 2002.

12. The development must be operated in accordance with the noise scheme agreed via application 16/01896/COND on 23.05.17.

Reason: In order to protect the residential amenity of surrounding occupants and occupants of the hotel in accordance with Policies LE2, E3 and H13 of the North Tyneside Unitary Development Plan 2002.

13. The noise rating level from the combined plant and equipment must not exceed the background noise level of 38 dB LA90 30 min at Grenada Close and Brierdene Close, by any more than 5dB, as detailed in noise report reference 5162.1.

Reason: In order to protect the residential amenity of surrounding occupants in accordance with Policies LE2, E3 and H13 of the North Tyneside Unitary Development Plan 2002.

14. There shall be no deliveries or collections to the development hereby approved between 22:00 hours and 07:30 hours on any day.

Reason: In order to protect residential amenity in accordance with Policies LE2 and H13 of the North Tyneside Unitary Development Plan 2002.

15. Noise No Tannoys Externally Audible                      NOI02      \*H13

16. The development hereby permitted shall be landscaped and planted in accordance with the details provided on approved drawing no.3533-90-01, Rev.C 'Landscape Proposals'. Any 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 and DCPS No.6 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.

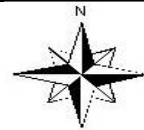


**Application reference: 17/00473/FUL**  
**Location: The Briar Dene, The Links, Whitley Bay, Tyne And Wear**  
**Proposal: Variation of conditions 1 (Approved Plans), 4 (Veh Parking Garaging before Occ), 5 (Refuse Storage) and 20 (Landscape Scheme) of planning approval 15/02027/FUL - to omit 3no planters, amendment to parking, addition of timber fence to north boundary, amend planting and retention of existing garage for bin storage**

Not to scale

Date: 01.06.2017

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## **Appendix 1 – 17/00473/FUL Item 3**

### **Consultations/representations**

#### **1.0 Representations**

36 representations have been received from local residents. These broadly offer support for the principle of the refurbishment of the application site, however they raise concerns/objections, which are summarised below:

- Inadequate parking has been provided within the pub car park.
- Every effort should be made to maximize parking within the application site.
- The public car park next to the scout hut building is being used as an overflow car park, this is a danger to the children due to the increased traffic and congestion.
- Signage should be provided to direct pub customers to the NTC car park over the road, the scout hut car park should not be used by staff or customers of the pub.
- Signage should also warn drivers that there are pedestrians on the road.
- It is a safeguarding issue to allow pub customers to use the scout hut car park.
- Pub customers will be parking in spaces that should be for the use of the cub/beaver hut only.
- The small car park at the scout hut at the Brierdene wildlife reserve has been overloaded with vehicles. There are a lot of pedestrians, dog walkers and children who use this area as an open access to the beach and the wildlife site. The number of vehicles in the Brierdene car park is ridiculous and somebody is going to get injured or worse if this is not addressed .
- Whilst I appreciate the pub is an asset to the local community, this should not be at the expense of a well-tendered nature reserve and the safety of our children.
- There is plenty of space for people to park in the car park opposite the pub on the Links. If necessary, why not make this car park free for pub goers?
- The pub should maximise their areas e.g. removing planters, installing signage forbidding the use of the community car park for pub patrons and staff, install signage redirecting people to the public car park over the road and possibly even have a barrier that comes down at night after the Beavers / cubs meetings to deter people from parking there in the first place.
- A heavy volume of traffic will not be safe for the children using the facility (beavers, cubs and scouts); they need reliably safe access to the Dene for wide games and activities.
- Increased waste.
- Noise late at night due to use of the scout hut car park by customers and staff.
- The council policy of maximum car parking spaces of 48 (for 270 seats + say 25 staff) is inappropriate. The site is overdeveloped.
- The Council and the Briar Dene need to create an incentive to park at the public car park on The Links.
- BS4142 states that the most unacceptable time for noise for humans is at the time of going to bed. The applicants are operating contrary to this. We have had quiet at this time at this address for 35 years. Why should it change?

- Commercial use of the scout hut car park is a change of use and contrary to restrictive covenants.
- The planning application should be rejected. If approved, there should be conditions attached restricting the use of the scout hut car park, it should at least be out of bounds to pub customers after 21:00, or even 18:00.
- Potential detrimental affect to wildlife, amenity and recreation.
- Bins are not being stored in the garage. The bins are overflowing and there are full refuse sacks next these. This will increase vermin.
- Why has their not been a fence constructed at the west exit of the Briardene Car Park, this is just encouraging people to take their takeaway meals to the grass area and then leaving waste food and rubbish behind as there is no bin facilities available due to it being a residential area and upsetting the people leaving in these dwellings
- The proposal effects the value of the surrounding properties now and the risk of public hygiene in this environment and the problem of public nuisance this will cause with visitors not caring about the surrounding areas.
- Have some responsibility to the original plans put forward and the subsequent need to continue "to move the goal posts" and then change the planning permission already issued. Why has the applicant not complied with the original permission?
- Major change to the circumstances under which our views were originally sought on the development.
- Dual Carriage way has no pedestrian crossing and prospect of parents attempting to bring their children across the road fills me with dread.
- Additionally, there are disabled children attending the Scouts, currently these parents do not generally have a problem with parking. With increased cars from the pub, these parents would be unable to park as there are no allocated disabled spaces.
- Some planters should be removed at the pub to allow for extra parking.
- The proposal will amplify the problems currently experienced as a result of inappropriate use of the scout hut car park for overnight parking and illegal trading.
- I object to the fact that I received your letter informing me of amendments to this development whilst the works, including the fence, were already in the process of being carried out. This appears to be a case of the Council already making decisions and approving changes without allowing proper consultation or opportunity for any possible objection.
- The speed limit on the dual carriageway should be reduced.

## 2.0 Internal Consultees

### 2.1 Highway Network Manager

2.2 This application is for a variation of conditions 1 (approved plans), 4 (vehicle parking and garaging before), 5 (refuse storage) and 20 (landscape scheme) of planning approval 15/02027/FUL - to omit 3 planters, amendment to parking, addition of timber fence to north boundary, amend planting and retention of existing garage for bin storage. Parking remains in accordance with current standards and refuse storage is considered to be acceptable. Objections have been raised regarding the use of the nearby Briardene car park by staff and

customers of the pub which historically has been used by the scout hut and visitors to the dene albeit without any formal restrictions in place.

2.3 Following a meeting with the pub operators, they have agreed to manage their staff with regard to this car park by instructing them not to use the car park, encourage car sharing, use of public transport and promote cycling, provide taxis for staff who end their shift after public transport has ceased for the night and also advised that some of these measures are already in place. Meanwhile, the council is in discussions with local residents and ward councillors regarding the management of the dene car park although this fall outside the remit of this application. For these reasons and on balance approval is recommended on the variation of conditions with all other conditions and informatives remaining.

Recommendation - Approval

#### 2.4 Environmental Health (Pollution)

Thank you for consulting the pollution team in relation to these conditions. I have no comments to make.

#### 2.5 Landscape Architect

The reduction of (3no.) raised planters will compound the original concern as detailed in the original submission at that time in relation to the proposed landscape strategy (15/02027/FUL) and the reasons given, as follows, *'the landscape design details provided are not a long-term investment in terms of a meaningful scheme and it is doubtful how long the planting in the raised planters is likely to last. I am not sure the design detail provided for soft landscaping is appropriate or what we would expect from a leisure development of this scale. Planting of this nature is all too often contaminated with, cigarette ends, rubbish and drink disposal; resulting eventually in their failure and as a consequence the landscape presence'*

The form and height of the proposed plants will make little contribution in terms of a meaningful impact within the context of the external seating and parking areas and is unlikely to mitigate or compliment the impact of the larger scale of the adjacent architectural development. There is not a great deal of opportunity within the external areas surrounding the building, unless they are provided, but spaces do exist and tree planting of appropriate species and size (fastigiated) could occur within the space occupied by the raised planters. There are also opportunities for tree planting on the grassed areas and embankments surrounding the car park or the grassed spaces flanking the building.

The planting of trees leaves a longer-term legacy and that is why they are often proposed as they make a greater instant impact. Once established they can be relatively free from further maintenance needs.