



North Tyneside Council

Planning Committee

23 June 2023

To be held on **Tuesday, 4 July 2023** in Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 6.00 pm.**

Agenda Item	Page
1. Apologies for absence To receive apologies for absence from the meeting.	
2. Appointment of substitutes To be informed of the appointment of any substitute members for the meeting.	
3. Declarations of Interest You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting. You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes To confirm the minutes of the previous meeting held on 13 June 2023.	To follow.

Members of the public are welcome to attend this meeting and receive information about it.

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For further information please call 0191 643 5359.

Agenda Item	Page
5. Planning Officer Reports	5 - 8
<p>To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.</p>	
6. 16/01710/FUL, Tynemouth Open Air Pool, North of Percy Gardens, Tynemouth	9 - 52
<p>To determine a full planning application from Friends of Tynemouth Outdoor Pool for the refurbishment, renovation and reinstatement of existing structures to create a 25 metre open-air leisure pool (heated), and splash pad, and construction of temporary changing, refreshment and toilet facilities.</p> <p>The Chair is to consider several requests for speaking rights ahead of the meeting.</p>	
7. 16/01711/OUT, Tynemouth Open Air Pool, North of Percy Gardens, Tynemouth	53 - 90
<p>To determine an outline planning application from Friends of Tynemouth Outdoor pool for outline consent for the construction of a new building to provide changing facilities, cafe, retail unit and gym associated with open-air swimming pool.</p> <p>The Chair is to consider several requests for speaking rights ahead of the meeting.</p>	
8. 23/0469/FUL, Buzz Bingo Club, Middle Engine Lane, Wallsend	91 - 112
<p>To determine a full planning application from BMW (UK) Trustees Ltd for a proposed change of use of existing bingo hall (Sui Generis) to retail (Class E(a)) together with external works to the building and alterations to the service yard and car park.</p> <p>Speaking rights granted to:</p> <ul style="list-style-type: none"> • Sally Robinson, North Shields resident, • Alex Rogerson, on behalf of the applicant 	

Circulation overleaf ...

Members of the Planning Committee:

Councillor Sarah Burtenshaw
Councillor Julie Cruddas (Deputy Chair)
Councillor Chris Johnston
Councillor Jim Montague
Councillor Pat Oliver
Councillor Matthew Thirlaway

Councillor Steve Cox
Councillor Tracy Hallway
Councillor Pam McIntyre
Councillor John O'Shea
Councillor Willie Samuel (Chair)

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PLANNING COMMITTEE

Date: 4 July 2023

PLANNING APPLICATION REPORTS

Background Papers - Access to Information

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

Principles to guide members and officers in determining planning applications and making decisions

Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed, preferably in writing, so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open

mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

Application No: 16/01710/FUL Author: Rebecca Andison

Date valid: 15 November 2016 ☎: 0191 643 6321

Target decision date: 7 March 2017 Ward: Tynemouth

Application type: full planning application

Location: Tynemouth Open Air Pool, North of Percy Gardens, Tynemouth, Tyne and Wear,

Proposal: Refurbishment, renovation and reinstatement of existing structures to create a 25 metre open-air leisure pool (heated), and splash pad, and construction of temporary changing, refreshment and toilet facilities

Applicant: Friends Of Tynemouth Outdoor Pool

Agent: Big Tree Planning Ltd

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- Whether the principle of the development is acceptable;
- Impact on the living conditions of surrounding occupiers;
- Impact of the proposal on the character and appearance of the site and its surroundings, including heritage assets;
- Impact on ecology, including on designated coastal sites;
- Whether there is sufficient car parking and access provided;
- Flood risk; and
- Other issues including ground conditions and archaeology.

1.2 Consultation responses and representations received as result of the publicity given to this application are set out in the appendix to this report. Publicity was initially undertaken in 2016 but given the passage of time, the application was subject of further publicity and re-consultation in May 2023.

2.0 Description of the Site

2.1 The site comprises a disused concrete outdoor swimming pool, located on Tynemouth seafront. It includes the pool itself and the adjoining land to the south.

2.2 The pool was built in the 1920's but declined in popularity during the 1970's and fell into disrepair. In the mid-1990's the ancillary buildings were demolished, and the pool infilled with concrete and boulders to form an artificial rock pool.

2.3 The site is located directly adjacent to Longsands beach, with the sea to the north. To the east are steep cliffs, and to the south is an embankment leading up to Percy Gardens. Steps and footpaths lead down to the pool from street level.

2.4 The pool is included on the Local Register of buildings and parks and lies within Tynemouth village Conservation Area. The site is located adjacent to a site of special scientific interest (SSSI), the Northumberland Coast Special Protection Area (SPA) and Ramsar Site, and is within a wildlife corridor. It is located within Flood Zone 3 and allocated as Open Space within the Local Plan.

3.0 Description of the Proposed Development

3.1 Two separate planning applications have been submitted to redevelop the pool and provide associated visitor facilities. Phase 1 of the proposal is to renovate the pool to create a 25m leisure pool and splash pad, with associated temporary buildings to provide changing, refreshment and toilet facilities. Phase 2 is to construct a permanent building to provide changing facilities, a cafe, gym and retail unit.

3.2 This application relates to the phase 1 development only. The phase 2 works are subject to a separate application for outline planning permission (16/01711/OUT).

3.3 The proposed leisure pool and splash pad would sit within the footprint of the original pool. They would be surrounded by concrete infill and a stepped surround. It is proposed to erect temporary units around the pool to provide 2no. refreshment kiosks (double units), a lifeguard station, toilets and 4no. pop-up units. Temporary changing facilities are also proposed at the west end of the pool. The applicant envisages that the temporary facilities/kiosks would be required for a maximum of five years.

3.4 The pool would be accessed via steps from Percy Gardens and a ramped access from the promenade to the west. 2no further temporary refreshment kiosks, each comprising 2no. shipping containers, are proposed part way up the embankment adjacent to the steps.

3.5 A new landrail and balustrade are proposed along the sea edge of the site.

3.6 The pool would operate throughout the year. The proposed hours of use are from 07:00 to 22:00.

3.7 The application is accompanied by an Environmental Impact Assessment which contains the following supporting documents:

- Planning Statement
- Noise Assessment
- Preliminary Ecological Appraisal
- Ornithological Report
- Flood Risk Assessment
- Intrusive Site Investigation
- Cultural Heritage Statement
- Landscape and Visual Impact Assessment
- Coal Mining Risk Assessment
- Transport Statement

3.8 A Report to Inform a Habitats Regulations Assessment has also been submitted.

4.0 Relevant Planning History

12/01217/FUL - Works to the old Tynemouth outdoor pool to improve access and provide a robust multi-user space capable of supporting cultural and sports events Withdrawn

13/02085/SCREIA - Request for screening opinion - geothermal borehole
Opinion given – EIA required

13/02084/EIASCO - Request for EIA scoping opinion - geothermal
Opinion given

13/02087/SCREIA - Request for screening opinion - outdoor swimming pool
Opinion given – EIA required

13/02086/EIASCO - Request for scoping opinion - outdoor swimming pool
Opinion given

16/01012/ADV - Proposed banner signage 1m high x 5m wide
Permitted

16/01711/OUT - Outline consent for the construction of a new building to provide changing facilities, cafe, retail unit and gym associated with open-air swimming pool
Pending consideration

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 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 main issues for Members to consider are:

- Whether the principle of the development is acceptable;
- Impact on the living conditions of surrounding occupiers;
- Impact of the proposal on the character and appearance of the site and its surroundings, including on heritage assets;
- Impact on ecology, including designated coastal sites;
- Whether there is sufficient car parking and access provided;
- Flood risk; and
- Other issues including ground conditions and archaeology.

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

8.0 Principle of the Development

8.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 The NPPF (para.81) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.4 The NPPF (para.87) 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 an up-to-date Local Plan.

8.5 Paragraph 98 of NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

8.6 Paragraph 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

8.7 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area.

8.8 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development or areas specific policies of the Local Plan.

8.9 Local Plan Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged. This includes the creation, enhancement and expansion of tourist attractions, visitor accommodation and infrastructure, capitalising on the Borough's exceptional North Sea coast, River Tyne and International Ferry Terminal.

8.10 Policy DM3.4 of the Local Plan states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;
- b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;
- c. There is flexibility in the business model and operational requirements in terms of format; and
- d. The potential sites are easily accessible and well connected to town centres. Proposals for retail development outside a town centre will require an impact assessment where they would provide either:
 - e. 500m² gross of comparison retail floorspace, or more; or
 - f. 1,000m² gross of retail floorspace for supermarkets/superstores, or more.

The proposal would be supported when the necessary Impact Assessment has shown that:

- g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.11 Policy AS8.15 seeks to integrate growth and development at the Coast with the protection and enhancement of the built and natural environment, in particular the area's heritage assets at Tynemouth, Cullercoats, Whitley Bay and St. Mary's Island and the protected nature conservation sites of the Northumbria Coast SPA/Ramsar site, Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSI.

8.12 Policy AS8.16 states that North Tyneside's coastal area provides popular tourist attractions, facilities and accommodation that are of importance to the tourism industry for the region. Proposals for new or the extension of existing attractions, facilities and accommodation will be actively supported to maintain and enhance an attractive, vibrant and viable seafront offer where they are:

- a. Able to maintain the overall openness of the coastal area through their location and the incorporation of high quality design and materials in keeping with the character of the area; and
- b. Of an appropriate scale in-keeping with surrounding buildings; and
- c. Located where the impact from increased visitors can be accommodated:
 - i. By existing infrastructure capacity making best use of public transport provision and avoiding increased road congestion; and
 - ii. Without significant adverse harm upon the designated coastal environment sites and wider biodiversity.

8.13 Policy DM5.2 states that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or,
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or,
- d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections. Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

8.14 The application site contains a derelict swimming pool and part of the adjacent bankside, which previously contained a pavilion building. The proposal would regenerate a derelict site, secure economic growth and help to attract visitors to the area strengthening the role of the Tynemouth coast as a tourist destination, in accordance with the NPPF and Policies S2.1 and AS8.16.

8.15 The proposal includes 4no. refreshment kiosks and 4no. pop-up units. It is proposed to retain the commercial units for up to 5-years to generate revenue which would fund the pool and the bankside building proposed under application 16/01711/OUT. The proposed retail and food/drink units are town centre uses as defined by the NPPF. The application site is not located within the borough's designated town or local centres and a sequential test has not been carried out.

8.16 Planning Practice Guidance (Paragraph: 012 Reference ID: 2b-012-20190722) recognises that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. In this case the proposed commercial uses are linked to the operation of the pool and intended to support it financially. This could not be achieved if they were located elsewhere.

8.17 Nonetheless, 8no. commercial units is a significant quantum of development and, in officer opinion, more than could be considered ancillary to the primary function of the site. It has not been clarified whether the commercial units would be open to all members of the public or just pool customers. Opening the units independently of the pool risks the retail/food and drink offer becoming the primary function of the site and could draw customers away from Tynemouth District Centre.

8.18 The is allocated as Open Space by the Local Plan and the application must therefore be considered under the terms of Policy DM5.2. The proposal would be located within the footprint of the existing pool with two refreshment kiosks on the adjacent bankside. The former pool site currently has little value in terms of public recreation/visual amenity. It is not considered that the proposal conflicts with parts a and c of Policy DM5.2. The ecological impacts are discussed later in the report.

8.19 Having regard to the above, it is officer opinion that the principle of reinstating an outdoor pool is acceptable. While there are concerns regarding the number of commercial units proposed it is accepted that there are no sequentially preferably sites where these could be located that would meet their intended function, ie.to support the operation of the pool. Therefore. the requirements of NPPF (para.87) and Local Plan Policy DM3.4 are met. The principle of the proposal is therefore considered to be acceptable.

9.0 Impact on Residential Amenity

9.1 NPPF paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

9.2 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.3 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.4 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.5 The proposal includes 2no. refreshment kiosks adjacent to the poolside and 2no. part way up the bankside. Each kiosk comprises a kitchen/servery, internal seating area and an external timber deck. At the rear of each kiosk would be a service shelf with the oven and flues.

9.10 The bankside kiosks would be located approximately 35m from residential properties on Percy Gardens and therefore could impact on residents as a result of noise disturbance and cooking odours.

9.11 The Manager of Environmental Health has commented on the application. She raises concern regarding the potential impact of noise from customers, music, outdoor seating and deliveries on residential premises on Percy Gardens. She notes that the embankment would provide some natural screening.

9.12 A noise assessment has been carried out and this specifies a noise rating level for plant and equipment based on the existing background noise levels. The Manager of Environmental Health advises that a validation condition should be imposed to ensure that the actual noise levels comply with the noise assessment. She recommends further conditions to restrict the delivery times, the hours of use of the outside seating, the hours of opening and requiring that details of the odour abatement system and lighting scheme are provided.

9.13 Members need to consider whether the proposal would have a detrimental impact on the nearby residential occupiers. It is officer advice that the impact of the development upon residential amenity would be acceptable subject to the imposition of the conditions recommended by the Manager of Environmental Health.

10.0 Impact on Character and Appearance

10.1 The Local Planning Authority must have regard to its statutory duty to ensure the

preservation and enhancement of the character and appearance of conservation areas, as outlined in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It must also consider the impact of development proposals upon the special interest of listed buildings as required of section 66 of the same Act.

10.2 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

10.3 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.4 NPPF (para. 197) states that in determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

10.5 Par.199 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.6 Para.200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

10.7 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (NPPF

para.201-202).

10.8 At paragraph 206 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation area....and within the setting of heritage assets to enhance or better reveal their significance."

10.9 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.10 Policy S6.5 states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

10.11 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.

10.12 Design guidance for high quality design is set out in Design Quality SPD. Relevant sections of the Design Quality SPD include:

4.2 "The appearance and materials chosen for a scheme should create a place with a

locally inspired or otherwise distinctive character. Identifying whether there are any architectural features or specific materials that give a place a distinctive sense of character should be a starting point for design.”

5.3 “North Tyneside's historic environment creates a sense of place, well-being and cultural identity for the borough.....New buildings clearly need to meet current needs and reflect the availability of modern materials and techniques while also respecting established forms and materials that contribute towards the character of an area. As with all development, understanding significance of the place is crucial.”

5.3 “Development within the curtilage of heritage assets must have full regard to the following:

- a) The heritage asset should be retained as the visually prominent building.*
- b) The special architectural and visual qualities of the area or asset and their setting.*
- c) The pattern of existing development and routes through and around it.*
- d) Important views.*
- e) The scale, design, detail and character of neighbouring buildings.*
- f) Any potential impacts of the proposed development on heritage assets and their setting.”*

10.13 The Local Register of Buildings and Parks SPD was adopted in 2018. The SPD advises that proposals for alterations to Local Register Buildings should respect the architectural quality, character and interest of the building and will be determined on their ability to do so. It notes that a building may require alteration in order to help with maintenance, preservation or viability, but expects alterations to remain sympathetic and to be of high quality. It describes Tynemouth Outdoor Pool as follows:

“Opened 27 June 1925.....It was originally built without provision for changing rooms. The pavilion at the cliffside was not opened until 2 July 1927. The queue to use the pool often stretched along Grand Parade.”

10.14 The Tynemouth Village Conservation Area Character Appraisal requires all developments within the conservation area to be sympathetic to the areas character.

10.15 The TVCAMS makes specific reference to the outdoor pool, describing it as an eyesore but with the potential for development and to become an astounding attraction.

10.16 The pool opened 1925 and closed in 1991. It is now abandoned and filled with rocks and mud. The TVCAMS states:

“...the desire is that any plans to repair, update, enhance or otherwise change the pool site should not adversely affect the overall aim of returning it to its former use as an outdoor swimming pool. The planned refurbishment of the Outdoor Pool has the greatest potential opportunity to become an outstanding asset, not

only for the coast but the northeast region. A “lido” could be a unique selling point, especially in its location next to a Blue Flag beach.”

10.17 A Landscape and Visual Assessment (LVA) and a Cultural Heritage Assessment have been submitted. These documents refer to the now expired North Tyneside Unitary Development Plan and earlier versions of the National Planning Policy Framework. There is no evidence that the applicant has considered the proposals within the current local and national planning policy and guidance framework.

10.18 The LVA predicts that the development, would result in a low magnitude of change to the local landscape, and that the overall significance of effect upon the landscape resource would be ‘Minor Beneficial’. The Cultural Heritage Assessment concludes that the development would have a major beneficial impact on the heritage asset itself, the character of the conservation area and other nearby heritage assets.

10.19 The reinstatement of the outdoor pool is in accordance with the aims of the TVCAMS and has the potential to greatly enhance the appearance of the site and the character of the conservation area. However, the TVCAMS also notes that the design of any development would have to be carefully considered and should reflect the modern movement architecture the pool represents.

10.20 The proposal includes a number of temporary structures to provide facilities for visitors in the interim period before a permanent building is constructed. The 4no. proposed refreshment kiosks measure 12.1m by 2.4m and comprise 2no. adjacent shipping containers. The rear elevation would be painted, and the front fitted with glazed screens and doors. The lifeguard hut, toilets and 4no. pop-up units comprise individual shipping containers. Temporary changing facilities are proposed at the west end of the pool. The external elevations of these would be laminated, and the building would have a flat roof with 2no turrets and flagpoles. Also proposed is a flat roofed plant room, measuring 8.7m by 6.3m. The front and side elevations would be rendered and the rear elevation fitted with Louvre panels.

10.21 The site is located within a highly prominent and sensitive location within Tynemouth Village Conservation area. The proposed temporary buildings are not considered to be of a design quality that is acceptable for the location. They do not reflect the design of the original pool building or the character and appearance of the conservation area. It is officer opinion that the temporary structures would result in harm to the conservation area and Local Register due to their design of the number of units that are proposed. It is considered that this harm would be less than substantial. NPPF (para. 202) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.22 The surrounding area contains several listed and local register buildings, and Tynemouth Priory Scheduled Ancient Monument (SAM) is located approximately 0.5km to the south.

10.23 In considering the impact on the setting of these heritage assets it is important to distinguish between the impact on views of the wider landscape and the impact on views that contribute to understanding the significance of the heritage asset. While the proposed development may be seen when the SAM and listed buildings are viewed from certain points along the coast it is not considered to be a major component of their setting or to impact on the ability to appreciate the assets' significance.

10.24 The applicant has stated that the temporary structures would be required for up to 5 years to allow funding to be secured for the building proposed under application 16/01710/OUT which would provide permanent facilities. While temporary, 5 years is a considerable period of time, and officers have significant concerns regarding the viability of removing the units after this period.

10.25 Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only. Planning Practice Guidance (Paragraph: 014 Reference ID: 21a-014-20140306) explains a temporary planning permission may be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use'). It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so.

10.26 The Director of Commissioning and Asset Management has provided comments on the proposals. He advises that build costs for the development have been analysed and are estimated to be significantly in excess of £21m, some £15, above the applicant's estimates. The external funding opportunities have also been reviewed and found to be lacking. Given that the applicant has failed to demonstrate any commitment from funders of the level required the Director of Commissioning and Asset Management considers that the development is un-fundable and therefore undeliverable.

10.27 The applicant seeks to retain the temporary units for a period of up to 5 years. It is officer opinion that the units would result in harm to heritage assets due to their design and the number of units that are proposed. It is also considered likely that the 5-years period would elapse without a long-term proposal for the site being agreed. The temporary units would then either need to be retained permanently, which would result in permanent harm to the heritage assets, or they would be removed resulting in the closure of the pool.

10.28 Para. 197 of NPPF makes clear that that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation is a material planning consideration. While restoring the pool would enhance the heritage asset it is not considered that the proposal is a viable use given the quantum of commercial activity required to support the scheme, the lack of detail on the proposed commercial arrangements within the site i.e. a credible business plan to underpin the scheme, and without any confirmation / commitment of external funding. There is a significant risk that

the temporary uses would need to be retained long term and in officer opinion it would not be appropriate to grant a temporary permission in these circumstances.

10.29 The submitted Heritage Statement describes the proposal as “enabling development”. This type of development is one that does not comply with planning policy and would otherwise be refused except for the fact it would secure the future conservation of a heritage asset. The case for enabling development rests on there being a conservation deficit, i.e. the amount by which the cost of repair (and conversion to optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repair or conversion, allowing for appropriate development costs.

10.30 The defining characteristic of enabling development is that it would secure the future conservation of a heritage asset if other reasonable efforts have failed, and the balance articulated in NPPF paragraph 208 is met, i.e. the future conservation of the asset is secured and the disbenefits of departing from conflicting planning policies are outweighed by the benefits. Enabling development would not normally harm the heritage asset it is intended to conserve. In some circumstances it may be necessary to accept some harm if there are no reasonable alternative means of delivering or designing the scheme with less or no harm.

10.31 In this case the proposed temporary units would harm the significance of heritage assets and it has not been demonstrated that they would secure the variable long-term future conservation of the pool. It is not therefore considered that the proposal meets the requirements of enabling development.

10.32 The NPPF is clear that harm of any level to designated heritage assets is undesirable and that great weight should be given to the asset’s conservation. The identified harm must be clearly and convincingly justified in terms of public benefits. Planning Policy Guidance on the Historic Environment is clear that these must be benefits to the public at large and could be anything that delivers economic, social or environmental objectives.

10.33 Re-instating an outdoor pool would benefit the public by providing an additional leisure facility with associated benefits for physical and mental health. There would also be benefits to tourism and the economy through job generation and the potential for additional trade for nearby businesses, albeit this must be balanced against the potential draw of trade away from Tynemouth centre. The re-instatement of an outdoor pool would also benefit the character and appearance of the conservation area by regenerating a vacant site and re-instating its original function. It is also noted that the level of public support for the proposal has been significant.

10.34 The potential benefits of the proposal are acknowledged, and the re-use of the pool is supported in principle. However, it is not considered that these benefits would outweigh the harm caused by the proposed temporary buildings to the character of the conservation area and the Locally Registered pool.

10.35 It is therefore officer opinion that the development fails to comply with the NPPF, Policies DM6.1 and DM6.6 of the North Tyneside Local Plan, the TVCAMS SPD, Local Register of Buildings and Parks SPD and the Design Quality SPD.

11.0 Impact on Biodiversity

11.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

11.2 Para.180 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

11.3 Para. 182 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

11.4 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the

BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,

e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,

f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

11.5 Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. Expert advice will be sought on such proposals and, if necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of two or more of the following mitigation measures:

- a. Appropriate signage to encourage responsible behaviour;
- b. Distribution of information to raise public awareness;
- c. Working with local schools, forums and groups to increase public understanding and ownership;
- d. Use of on-site wardens to inform the public of site sensitivities;
- e. Adoption of a code-of conduct;
- f. Zoning and/or seasonal restrictions to minimise disturbance in particular sensitive areas at particularly sensitive times;
- g. Specially considered design and use of access points and routes;
- h. Undertaking monitoring of the site's condition and species count;
- i. Provision of a Suitable Accessible Natural Green Space (SANGS).

11.6 Policy DM5.7 states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

11.7 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

11.8 The site is located in a highly sensitive location adjacent to the Northumberland Shore SSSI, the Northumbria Coast SPA and Ramsar Site. These designations are due to the rarity of the geology and the presence of nationally and internationally important wintering and passage waterbirds that feed and roost along the coast. The development has the potential to impact on the Northumbria Coast SPA and Ramsar site, during both the construction phase and once operational, through an increase in noise, lighting and additional visitor disturbance.

11.9 The application includes a Shadow Habitat Regulation Assessment (sHRA) and wintering bird surveys. A habitat survey of the site found that it is dominated by poor semi-improved and semi-improved neutral grassland areas as well as bare ground and hard standing, associated with the former pool area. Additional information has been submitted during the course of the application, including details of visitor numbers, a construction environmental management plan, drainage strategy and Report to Inform a Habitats Regulations Assessment. Mitigation is proposed both during the construction and operation periods to minimise any effects on the coast. These measures include appropriate working methods, screening, the design of lighting and appropriate drainage methods.

11.10 Natural England have been consulted and provided comments. They state that the bird surveys are outdated and cannot be relied on for an accurate impact assessment. In the absence of up-to-date wintering bird surveys and an amended HRA Natural England state that they may need to object to the proposal.

11.11 The Biodiversity Officer has also commented. Her comments support Natural England's advice that the bird survey data is out-of-date and that it cannot be used to make an accurate assessment of the likely effects. She also states that the NPPF and LP Policy DM5.5 require developments to deliver a net gain in biodiversity. The application does not include a Biodiversity Net Gain Assessment to determine the current biodiversity value of the site and what impact the development would have. Given that it has not been shown that a BNG is achieved the proposal fails to comply with the NPPF and Policy DM5.5.

11.12 Based on the visitor numbers provided by the applicant a financial contribution of £15,165 towards the Coastal Mitigation Service is required in accordance with the Coastal Mitigation SPD to ensure the recreational impacts of the scheme on the Northumbria Coast SPA and Ramsar Site are fully mitigated.

The applicant has agreed to this contribution. In this case, the LPA has not requested that the applicant enter into the legal agreement given that the proposed development is considered unacceptable for other reasons. Should the applicant wish to appeal against a refusal of planning permission the legal agreement could be completed prior to an appeal being submitted.

11.13 It is the advice of officers that the proposal fails to comply with the NPPF and Local Plan Policies DM5.5 and DM5.6 due to the provision of insufficient information to assess the impact on qualifying features of the Northumbria Coast SPA and Ramsar site and the Northumberland Shore SSSI, failure to provide a biodiversity net gain and, in the absence of a legal agreement, the impact of additional visitors on the SPA.

12.0 Car Parking and access

12.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

12.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

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

12.4 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

12.5 The Transport and Highways SPD sets out the Council's adopted parking standards.

12.6 The development does not include any provision for car or cycle parking. It is less than 200m from bus stops on Grand Parade and Percy Park Road, and within 1km walking distance of Tynemouth Metro Station. There are several pay and display car parks on Grand Parade. Servicing would take place via the existing Longsands south access road. A Transport Statement (TS) has been submitted to assess the impact of the development on the adjacent highway network.

12.7 Information has been submitted in respect of estimated visitor numbers. It is estimated that during the summer months the pool would attract an average of 320 visitors per day, decreasing to an average of 98.5 per day during the winter.

12.8 The applicant anticipates that the majority of people going to the pool will be making linked trips and would already be visiting other attractions in the area.

Parking surveys of existing public car parks were carried out in 2016. The surveys showed that even at the busiest times there was capacity available.

12.9 The Highway Network Manager has commented and raises no objections to the development. He notes that there are parking controls in the vicinity of the site, public car parks along the seafront, and that the area benefits from good links to public transport as well as excellent cycle and pedestrian links.

12.10 While the development would result in additional visitors to the application site it is officer opinion that the impact on the highway network is acceptable when taking into account the site's location in relation to public transport and public car parks.

13.0 Other Issues

13.1 Flooding

13.2 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.

13.3 Policy DM5.12 of the Local Plan states that all major development will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall floor risk from all sources, taking into account the impact of climate change over its lifetime.

13.4 Policy DM5.14 seeks a reduction in surface water runoff rates for all new development.

13.5 The site is located within Flood Zone 3 and the site is assessed to be at a high risk of flooding from fluvial and tidal sources. The nature of the swimming pool development means that it is classified as being a 'Water-compatible development'. The associated ancillary buildings are classified as being 'Less Vulnerable' according to the Planning Practice Guidance on Flood Risk.

13.6 A Flood Risk Assessment was submitted in 2016 and a drainage Strategy provided in 2020. Foul water from the proposed toilet facilities and plant room would be collected in a storage tank (located in the pool surround) before being pumped up the embankment and fed into the sewage network. Surface water (rain and sea) would drain into the sea from the pool surrounds. Backwash water would be pumped from the pool water treatment plant to the top of the embankment and into the existing drainage network.

13.7 Northumbrian Water have commented and raise no objections subject to the imposition of a condition requiring that the development is carried out in accordance with the submitted drainage strategy.

13.8 The Environment Agency have commented on the application and raise no objections on grounds of flood risk. They advise that the submitted flood risk assessments will not contain the most recent flood risk data and climate change allowances.

13.9 The Local Lead Flood Authority (LLFA) has commented and raises no objections. A condition is recommended stating that the development must be carried out in accordance with the submitted drainage strategy.

13.10 The development site directly abuts the sea wall. The Highways and Infrastructure Manager has provided comments. He states that the development would not impact on the sea wall in relation to its function as a sea defence given that the only work proposed is to replace the top balustrade and railings. He notes that the sea wall is occasionally overtopped in storm conditions. The applicant has accepted that inundation is inevitable, and this has been accommodated in the design.

13.11 It is officer advice that that the proposed development would not have an adverse impact on flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14 of the Local Plan.

13.12 Contaminated Land

13.13 NPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

13.14 Policy DM5.18 of the Local Plan states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which shows that investigations have been carried out and that detailed measures to allow the development to go ahead safely without adverse effect.

13.15 The Council's Contaminated Land Officer has advised that conditions should be imposed to address gas emissions and land contamination due to the location of the site within a coal referral area and the unknown material of the development area and infilled pool.

13.16 The Coal Authority have recommended that a condition is imposed requiring that intrusive site investigation works are undertaken in order to establish the exact situation regarding coal mining legacy issues on the site.

13.17 Members must determine whether the proposal is acceptable in terms of land stability and contamination. Officer advice is that, subject to the suggested conditions, the proposal is acceptable in this regard.

13.18 Archaeology

13.19 The NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

13.20 Policy DM6.7 of the Local Plan states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

Developments that may harm archaeological features will require an archaeological desk based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this. The results of the preliminary evaluation will determine whether the remains warrant preservation in-situ, protection and enhancement or whether they require full archaeological excavation in advance of development. Should the loss of significance of the archaeological remains be outweighed by substantial public benefits so that preservation in-situ would not be justified, preservation by record will be required to be submitted to and agreed with the Local Planning Authority, and completed and the findings published within an agreed timescale.

13.21 The County Archaeologist has advised that the historic building recording appropriately describes the built heritage, and that no further archaeological work is required.

13.22 Local Financial Considerations

13.23 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

13.24 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms.

13.25 The development would deliver benefits in terms of the provision of jobs during the construction of the development and when the pool is operational. These factors are considered to be material.

14.0 Conclusion

14.1 Members should consider carefully the balance of issues before them and the need to take into account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

14.2 The proposal would bring benefits to the area in terms of securing economic development and jobs, re-using a derelict site and bringing additional tourist and leisure facilities. The significant level of public support for the proposal has also been taken into account. It is officer opinion that the principle of re-instating an outdoor pool is acceptable.

14.3 It is officer advice that the proposal is also acceptable in terms of the impact on the nearby residents and the highway network.

14.4 In terms of impact on the designated heritage assets, it is officer opinion that the proposal would result in a level of harm which would be defined as less than

substantial. NPPF is clear that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

14.5 The public benefits are acknowledged, but on balance it is not considered that these outweigh the harm associated with the proposed temporary buildings when taking into account that it has not been satisfactorily demonstrated the proposal is viable or would secure the long-term conservation of the heritage asset.

14.6 From an ecological standpoint, the submitted bird surveys are now out of date and do not allow the impact on the Northumbria Coast SPA to be accurately assessed and it has not been demonstrated that a net gain in biodiversity would be achieved. Measures have not been agreed to mitigate the adverse impact of additional visitors on the Northumbria Coast SPA and Ramsar site. This is because a legal agreement has not been pursued given other concerns about the impact of the proposals. In its absence the additional visitors would have an adverse impact on the Northumbria Coast SPA and Ramsar site.

14.7 It is officer opinion that the development fails to comply with the NPPF and Local Plan Policies, DM6.1, DM6.6, DM5.5 and DM5.6, and it is therefore recommended that planning permission should be refused.

RECOMMENDATION: Application Refused

Reasons

1. The proposal by virtue of the design and number of temporary units would result in less than substantial harm to the character and appearance of the conservation area and the Locally Registered pool. It has not been demonstrated that the development would secure the site's optimum viable use. The public benefits of the proposal are not considered to outweigh the identified harm and the proposal fails to comply with the NPPF, Policies S6.5 and DM6.6 of the North Tyneside Local Plan 2017, the Tynemouth Village Conservation Area Management Strategy SPD, the Local Register of Buildings and Parks SPD and the Design Quality SPD.
2. In the absence of a scheme of mitigation to address the impact on the Northumbria Coast Special Protection Area and Ramsar Site, the additional visitors to the coast as a result of the proposed development and a subsequent increase in recreational activity, will result in significant harm to the designated sites. This is contrary to policies S5.4, DM5.5, and DM5.6 of the North Tyneside Local Plan 2017 and the Coastal Mitigation SPD July 2019.
3. The submitted bird surveys are out of date and in the absence of up-to-date information it cannot be determined whether the impact on the Northumbria Coast SPA and Ramsar Site and the Northumberland Shore SSSI is acceptable. The proposal therefore fails to comply with policies S5.4, DM5.5, and DM5.6 of

the North Tyneside Local Plan 2017 and the NPPF.

4. Given that it has not been demonstrated that a net gain in biodiversity would be delivered the proposal fails to comply with Policy DM5.5 of the North Tyneside Local Plan and para. 174 of the NPPF.

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

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the proposal would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. In the absence of amendments or conditions which could reasonably have been imposed to make the development acceptable it was not possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

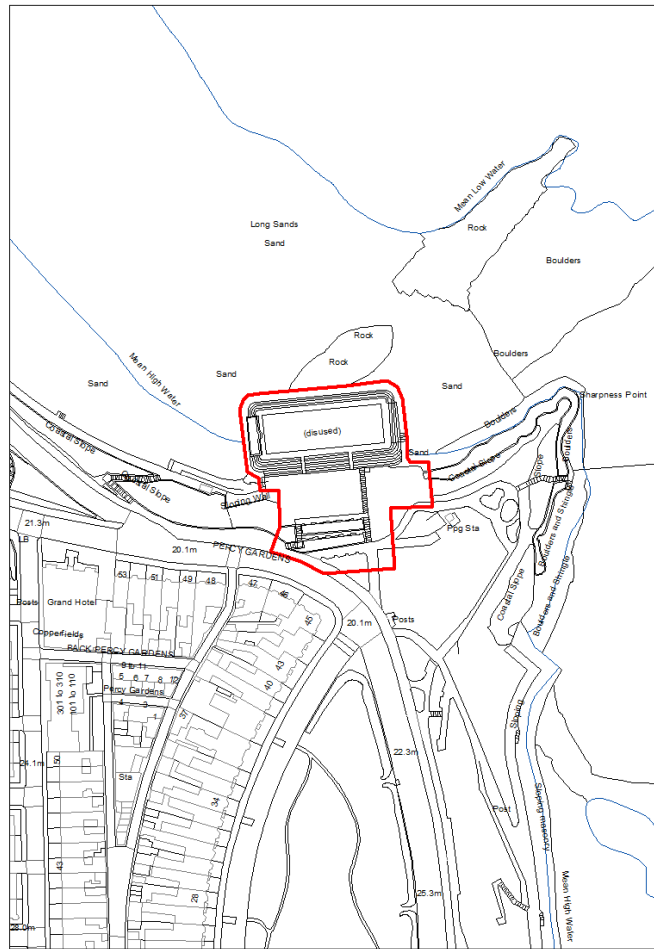
If connections to the public sewer are proposed, the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

Building Regulations Required (I03)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)



Application reference: 16/01710/FUL

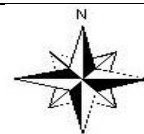
Location: Tynemouth Open Air Pool North Of, Percy Gardens, Tynemouth, Tyne And Wear

Proposal: Refurbishment, renovation and reinstatement of existing structures to create a 25 metre open-air leisure pool (heated), and splash pad, and construction of temporary changing, refreshment and toilet facilities

Not to scale

Date: 22.06.2023

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Consultations/representations

1.0 Internal Consultees

1.1 Local Lead Flood Authority

1.2 This application is for the refurbishment, renovation & reinstatement of the existing structures to create a 25 metre open-air leisure pool (heated), splash pad and construction of temporary changing, refreshment & toilet facilities. Whilst there is potential from storm surges from the sea to enter the site, the applicant has mitigated this as much as reasonably possible and approval is recommended.

1.3 Notwithstanding the above, the views of Natural England and the Environment Agency should be sought regarding the impact of chlorinated water on the local environment. The views of a structural engineer representing the council should also be obtained as the development will also impact on the council's sea defences.

1.4 Highway Network Manager

1.5 This application is for the refurbishment, renovation and reinstatement of the existing structures to create a 25m open-air leisure pool (heated), splash pad and construction of temporary changing, refreshment & toilet facilities.

1.6 Whilst the pool has no on-site parking, there are parking controls in the vicinity of the site are various off-street and on-street parking facilities in the wider Tynemouth area. The site also benefits from good links to public transport as well as excellent cycle and pedestrian links. Conditional approval is recommended.

1.7 Recommendation - Conditional Approval

1.8 Conditions:

No part of the development shall be occupied until details of the storage of refuse and recycling bins has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety

No development shall commence until details of a service management strategy including swept path analysis of appropriate service vehicles has been submitted to and approved in writing by the Local Planning Authority. This service management strategy shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

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, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

1.9 Informatives:

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Local Highway Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that they should contact the Local Highway Authority to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that no part of the gates or doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

1.10 Manager of Environmental Health (Pollution)

1.11 The proposal is for the refurbishment, renovation and reinstatement of existing structures to create a 25 metre open-air leisure pool (heated), and splash pad, and construction of temporary changing, refreshment and toilet facilities. I have concerns regarding potential noise from customers and noise breakout from the refreshment facilities and any outdoor seating that may be provided, delivery noise and plant and equipment noise affecting nearby residential premises on Percy Gardens located some 50 metres from the site.

1.12 There are no proposed operating times in the application form, I would be concerned about noise late at night from customers using the premises or from potential live music and amplified music if offered for public entertainment. The proposal is to provide temporary units for the refreshments and there will be some natural screening provided by the embankment. Noise breakout will occur from customer noise and potential noise if live or amplified music is played at the premises which may cause noise impact issues to residents of Percy Gardens.

1.13 A noise assessment has been provided and this has detailed a noise rating level for plant and equipment based on the existing background noise levels. A validation condition will be necessary to ensure the noise levels from the plant and equipment comply with the noise assessment rating level prior to operation. A condition will also be necessary to restrict delivery times to the premises and to restrict the use of any outdoor seating, if provided, to no later than 21:00 hours.

1.14 An odour abatement condition will be required to deal with cooking odours if intensive cooking is to be provided for any kitchen facilities. The type of odour abatement necessary for installation will be dependent upon the cooking type and intensity. The kitchen extraction system must be based upon the DEFRA report Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust Systems which provides for a risk score to determine the level of odour abatement required for the kitchen area.

1.15 The rear bank area will provide some screening of the building, but it is unclear how much light spill may occur from any external lighting that may be provided and I would therefore suggest that a lighting assessment be provided to ensure any light spill does not cause nuisance to nearby residents of Percy Gardens.

1.16 If planning permission is to be given I would recommend the following conditions.

- NOI02

- Prior to the operation of all external plant at the premises acoustic testing must be undertaken to verify compliance with the noise rating level of 47 dB LAeq detailed in noise report reference 753.1/1 as measured at the nearest sensitive receptors of Percy Gardens, and submitted for written approval to the Local Planning Authority.

- All doors and windows to be kept closed at the refreshments building on any occasion when live music and amplified music is played at the premises.

- Outdoor seating areas to be restricted to the hours to 08:00 to 21:00 hours Monday to Sunday.

Reason: to protect the amenity of the nearby residential premises of Percy Gardens.

- Non-standard: Deliveries

Deliveries and collections must not be permitted to the premises between 21:00 and 08:00 hours.

Reason: to protect the amenity of the nearby residential premises of Beverley Terrace.

- EPL01

- EPL02

- EPL03

- EPL04

- The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with (Standard Condition EPL04).

- HOU03 08:00 - 23:00 hours Monday to Sundays

- HOU04

- HOU05

- REF01

- REF02

- SIT03

- LIG01

1.17 Manager of Environmental Health (Land Contamination)

1.18 FFC0016-Tynemouth Beach Pool Investigations - Appendix F Photo 9 shows a sheen visible which may be indicative of contamination.

1.19 Phase 2 as designated involves excavation and removal of some 150m³ of topsoil, thence some 1,560m³ of medium dense to densely-consolidated fill so as to expose the original, old reinforced concrete wall and slab structure, as assumed to be present on the drawings.

1.20 Phase 3 as designated involves excavation of some 25m³ of topsoil, thence excavating and refilling with some 42m³ of medium dense to densely-consolidated fill so-as to bench the embankment to accommodate the length of the new building complex.

1.21 As the infill material may be contaminated the following must be included:

Con 003

Con 004

Con 005

Con 005

Con 006

Con 007

1.22 Seafront and Environmental Protection Co-ordinator

1.23 I have had a look at the submitted information regarding water inundation and what they are saying makes sense in that the dilution of the pool water will bring the chlorine content down to lower levels but as I am not an expert in this I will need to leave this to the Environment Agency and Natural England to decide on whether or not this will have a negative impact on the SPA/SSSI on an individual event basis or be a problem through cumulative effect due to regular releases/escapes of the pool water in to the natural environment.

1.24 There is no mention in documents of the impact of sea conditions and the frequency of overtopping and how this will be mitigated against particularly as future predictions are for higher sea levels and potentially even more frequent flooding events of the site. In terms of the attenuation chambers will they be sufficient to deal with a flooding events which occur regularly throughout the year, not just during storm surges.

1.25 I get the impression that there is still this belief that the pool only gets flooded under storm conditions which is not the case and actually happens to varying degrees on a regular basis depending on the sea conditions and will possibly be the case over the next couple of days. In recent years I have noticed a changed to the number of times we have had heavy sea conditions throughout the year and particularly coming from the East/South east and we have had 2 storm surges in the last 3 years both of which completely overwhelmed the pool structure with the recent storm surge damaging part of the pools internal structures located to the south west/landward side of the pool and the size of the waves on this occasion where nothing out of the ordinary for a winter swell.

1.26 Therefore I still have concerns of how often the facility may be closed or have reduced functionality and the knock on effect it will have on the businesses viability. It is a great idea to revitalise the pool site but I think the regular flooding of the site will become more of a problem in coming years for the operators due to damage to structures if put within the pool area as shown in the artist impressions and the ongoing clean ups and maintenance etc of the site as a result of sea water flooding.

1.27 Highways and Infrastructure Manager

1.28 The outer wall of the existing pool is classed as a sea defence which protects the adjacent headland from sea erosion. Our Coastal Strategy recommends a “do minimum” management approach at this location which means undertaking localised repairs to the pool wall as and when required. This maintenance regime could continue without any issues if the development went ahead.

1.29 The proposed development has no impact of the wall in relation to its function as a sea defence. The only work proposed is to replace the top balustrade / railings which does have a material effect and is more about improving the aesthetics.

1.30 The sea wall is occasionally overtopped in storm conditions. Previously the applicants had indicated that they planned to put up some sort of protective

screening around the top of the wall which would not have worked. They are now accepting that inundation is inevitable and have accommodated this in the design to allow this to happen.

1.31 NTC in its role as a coastal authority would have no objections to this proposal. The other usual engineering consultees would of course still need to comment and give their views (highways and drainage teams)

1.32 There would need to be discussions with the developer about maintenance responsibilities and possible contributions to the upkeep of the pool wall but I guess those are not planning issues.

1.33 Planning Policy (Conservation)

1.34 Recommendations: Further information and/or amendments required

1.35 Comments:

Full planning permission is sought for the refurbishment of the Tynemouth Open Air Pool to create a heated 25 metre open-air leisure pool and splash pad, plus the construction of temporary changing, refreshment and toilet facilities. Outline planning permission is also sought for the construction of a new building to provide changing facilities, cafe, retail unit and gym, which would be in the place of the proposed temporary structures.

1.36 The site is located within the Tynemouth Village conservation area. The Local Planning Authority must have regard to its statutory duty as outlined in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in determining this application; that is, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

1.37 Several listed buildings are within the vicinity of the site. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering planning proposals that would affect listed buildings, Local Planning Authorities shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

1.38 The Pool is included on North Tyneside's adopted Register of Buildings and Parks of Local Architectural and Historic Interest (the "Local Register"). The Local Register Supplementary Planning Document 2018 advises that proposals affecting locally registered buildings should take into account the design, appearance and architectural features of the building and use materials appropriate to the age and style of the building.

1.39 This application was submitted in 2016 and the supporting documents refer to the now expired North Tyneside Unitary Development Plan and earlier versions of the National Planning Policy Framework. There is no evidence that the applicant has considered their proposals within the current local and national planning policy and guidance framework.

1.40 In at least one of the submitted documents, the Pool is described as a “recognised “at risk” heritage asset”. The appearance and vacancy of the Pool is apparent but to the best of my knowledge I’m unaware of when it’s been formally recognised as at risk. Neither Historic England nor the Local Planning Authority undertake “at risk” surveys of non-designated heritage assets. It would be misleading to state this without referencing the source.

1.41 The Heritage Statement describes the proposal as “enabling development”. This is a specific type of development that would not comply with planning policy and would otherwise be refused except for the fact it would secure the future conservation of a heritage asset. Does the applicant wish for the applications to be considered in this way? If not, it is misleading to include this within the submitted documents.

1.42 Moving on to the proposals themselves, the principle of refurbishing and reusing the Pool is positive in that it would help in conserving the locally registered asset itself and remove vacancy and poor appearance that is currently adversely affecting the character and appearance of the conservation area and the setting of heritage assets within the vicinity.

1.43 The adopted Tynemouth Village Conservation Area Management Strategy Supplementary Planning Document 2014 is supportive of the principle of the reuse of the pool and describes it as an enhancement opportunity of very high priority. It does, however, note that the design of any development would have to be carefully considered and should reflect the modern movement architecture the Pool represents. This mirrors the aims of the Local Register Supplementary Planning Document.

1.44 The submitted plans for the temporary buildings are fairly simple. However, from the amount of information provided, I do have some concerns that the buildings proposed would not be of a design quality that would be required in this sensitive location. They would not reflect design, appearance and architectural features of the building or of the conservation area and would have an adverse impact upon these heritage assets and on the settings of the listed buildings and scheduled monument beyond. Whilst the proposed timescale of these buildings being in place is described as temporary, I would consider five years as a sufficiently long enough time to not have to permit below-standard buildings on the site. I am also uncomfortable with how viable it would be to secure improvement after five years.

1.45 In considering the outline application for a larger building on the site, whilst the specific design would not be considered at this stage, I find the submitted information insufficient to understand height and massing and how this would affect the character and appearance of the conservation area, the special interest of the locally registered Pool or the settings of the nearby listed buildings and scheduled monument. Therefore, I am unable to support the principle of the outline proposal.

1.46 Based on the information before me, I am only able to determine that the proposals would arise in harm to the relevant heritage assets. In considering the National Planning Policy Framework 2021 (the NPPF), the harm would be less

than substantial. The NPPF is clear that harm of any level is undesirable and great weight should be given to the conservation of heritage assets. The identified harm must be clearly and convincingly justified in terms of public benefits (paragraphs 200 and 202 of the NPPF). Planning Policy Guidance on the Historic Environment is clear that these must be benefits to the public at large (<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>).

1.47 Whilst I recognise the potential benefits of the scheme, I am not of the opinion that they would outweigh the identified harm arising from the low-quality temporary buildings in this sensitive location. Due to the lack of information on the proposed outline scheme, I am not able to confidently assess the level of harm to heritage assets.

1.48 Conclusion:

In having regard to the relevant legislation, planning policy and guidance, I am unable to support the submitted proposals.

1.49 Director of Commissioning and Asset Management

1.50 Tynemouth Outdoor Pool is an iconic structure on our North Tyneside coastline. For around ten years, the Authority has sought to work with the Friends of Tynemouth Outdoor Pool (FoTOP) to identify financially viable and deliverable solutions for the site. but we have been clear this is not an investment priority for the Authority. The Authority's focus for regeneration investment is built around the feedback from our residents' surveys and is based on investment in our town centres and employment sites, where our investment will align with national funding priorities, yield significant economic outputs that will benefit our residents, businesses and communities and be a catalyst for further investment.

1.51 Since 2013, the Authority has endeavoured to support the FoTOP, and we have highlighted some of the major challenges in delivering a complex scheme of this nature; a challenge which is compounded by the seafront location. Over the last four years in particular, a number of senior officers have worked with FoTOP to provide insight and advice on a range of matters including the planning process, construction in a coastal environment, leisure operations, need in the Borough and the priorities of its communities.

1.52 Whilst the Authority has continued to support in principle the reinstatement of the pool, in all reality this will be unlikely to happen. As the owner of the site, we have analysed build costs of the scheme proposed by the FoTOP and estimate these to be significantly in excess of £21m (twenty-one million pounds) – some £15m above the FoTOP's estimates. We have also reviewed the external funding landscape and are of the view that the scheme would be unlikely to meet the funding criteria of organisations such as National Lottery, Sport England, Historic England etc. Despite, repeated requests, the FoTOP have been unable to demonstrate any commitment from funders (including private sector contributions) towards the scheme of the level required to deliver the scheme. As such, we are of the view the scheme is currently un-fundable and therefore undeliverable.

1.53 The scheme proposed by the FoTOP is therefore not a scheme that can be supported from a Regeneration and Economic Development standpoint (or from the Authority's position as landowner) for reasons set out below:

1.54 The scheme proposes a number of ancillary buildings, namely around 12 temporary container units, which would support a new 25-metre heated pool and splash pad. This is considered to be far in excess of what would normally be seen as 'ancillary' commercial activity to help support the pool activity. Usually, pools are supported by a small food and beverage offer which would meet the needs of patrons to the venue but would not be an attraction in their own right. There is also a concern and risk that this significant number of 'ancillary' commercial activity, if not managed and controlled effectively, could turn the site into a 'leisure destination' in its own right with the pool activity i.e., open swimming becoming ancillary to the operation of the site. The site is not identified for leisure purposes / development in the Local Plan 2017, and we would always seek to encourage this type and quantum of leisure development into existing commercial locations such as our designated town district and local centres.

1.55 Moreover, we have no understanding from the submitted information around how the temporary commercial units would function. This includes how they would be managed, and the quality of the visitor offer. We are also unclear of opening times and whether they would operate independently of the pool. We would have major concerns if these operated outside of the operating hours of the pool given the presence of open water without any means of preventing unauthorised entry to the pool area with the inherent health and safety risks. Equally, if the units are only to be open when the pool is open then it is unlikely that they would be commercially viable. Again, we have no indication of when the pool would be open and whether there would be significant periods in the winter, or in inclement weather when the pool would be closed to the public.

1.56 Of particular concern is that the FoTOP are seeking a 'temporary permission' for the ancillary units which would be supporting a 'permanent' pool. There is a very likely risk that the temporary consents (which should only be granted in exceptional circumstances and for a limited period) would expire without a long term and high-quality alternative in place. In this scenario, there is a risk that the Authority as landowner would be left with a cluster of inappropriate and unauthorised temporary structures (supporting a permanent pool) that would be unacceptable for this location given that it is part of our national visitor offer and is also located with a designated conservation area requiring a higher design quality threshold. We have assumed that the Council, as Local Planning Authority, will consider carefully the likely visual impact of locating temporary structures in this sensitive location.

1.57 Securing a viable future for the pool is a key consideration which goes to the heart of the principle of the development and the planning permissions which are sought by the FoTOP. Given that temporary planning consent is sought for a significant number of commercial activity to generate income in order to support and enable a permanent scheme, without any detail on the proposed commercial arrangements within the site i.e. a credible business plan to underpin the scheme, and without any confirmation / commitment of external funding to enable the full scheme to proceed, then there is a risk the temporary units might need to

remain on site for a significant period of time with no certainty of a longer term proposal coming forward. There are therefore significant concerns that there is no appropriate basis on which to justify the granting a temporary permission in this instance.

1.58 Turning to the 'full scheme', having reviewed this and although the application is outline in nature it is considered that there is currently insufficient information on which to determine it. Given the sensitivities around the location, a greater amount of detail on the building design would be expected to be provided, namely its bulk and massing, as well as how it interfaces with the pool from an operational standpoint.

1.59 This includes issues such as refuse storage and collection, access for servicing, means of enclosure and site security. As you are aware, this is a sensitive site, within a designated Conservation Area and is part of our national visitor offer. The LPA will need to be satisfied that the proposals preserved and enhanced the character of the area and certainly caused no harm.

1.60 There is particular concern that the design quality the Authority aspires to in such locations may not be achieved. I would note that the North Tyneside coastline is an important natural asset for our residents, visitors and businesses and underpins our visitor offer. It is therefore important to ensure that any new developments along our coastline meet the authority's expectations in terms of design and build quality, especially where we have control as landowner. This is evidenced by our investment at the Spanish City and the Central and Lower Promenades, and we would expect any new developments to be of a similarly high quality.

1.61 On the basis of the above, whilst the redevelopment of the pool site would be supported in principle, unfortunately I would not support the development as proposed in the planning applications for the reasons set out above.

1.62 Biodiversity Officer

1.63 Further updated information is required to enable the LPA to fully assess the above applications.

1.64 Impacts on Coastal Designated Sites

1.65 The previous 'Report to Inform a Habitats Regulations Assessment' (2020) contains bird survey data covering the 2017-18 and 2018-19 non-breeding season which is now over 4 years old and will require updating to provide an accurate and up to date impact assessment. In accordance with Natural England's comments, the HRA carried out in 2020 would need to be updated to assess the impact on the qualifying features of the adjacent designated sites and to rule out any adverse effects. The HRA information would also need to be updated in accordance with any amendments that are made to the previous development plans.

1.66 New wintering bird surveys covering the period September-April will be required to support an updated HRA with adequate surveys carried out each month over this period in accordance with guidelines. The dataset for these surveys should be included within the updated HRA report along with

reports/data from the previous surveys in 2014 and 2017/18 and 2018/20 to support a more complete and robust assessment.

1.67 Updated information on visitor numbers and an assessment of the impacts of visitor numbers associated with the scheme will also be required as part of the updated HRA to enable the LPA to fully assess the impacts of the scheme on designated sites.

1.68 Biodiversity Net Gain

1.69 The application will need to demonstrate that a biodiversity net gain will be delivered as part of the scheme in accordance with Planning Policy, the NPPF and the Environment Act 2021. The following information will be required to support the application:-

- Updated Ecological Impact Assessment (EclA). This should include an assessment of the habitats on site and condition assessments to feed into the Biodiversity Metric/Net Gain Report
- Biodiversity Net Gain (BNG) Assessment Report using the Biodiversity Metric 4.0 calculation. The BNG Assessment should be carried out in accordance with the Mitigation Hierarchy, the BNG 'Good Practice Principles' and following the Biodiversity Metric 4.0 rules and principles. The Biodiversity Metric 4.0 calculation should be submitted along with the BNG Assessment Report as this provides the raw data for review. The scheme would need to deliver a minimum 10% biodiversity net gain.
- A Landscape Mitigation Plan that is in accordance with the BNG Report/Biodiversity Metric

2.0 External Consultees

2.1 Northumbria Police

2.2 I have looked through the application from a crime prevention point of view and have no objections to it progressing.

2.3 Northumberland and Newcastle Society

2.4 The Tyneside Committee of the Northumberland and Newcastle Society lends its full support of the proposal to bring this facility back into use.

2.5 Environment Agency

2.6 Our previous responses remain applicable, but we would like to point out that the flood risk assessments submitted in support of these applications will not contain the most recent flood risk data and climate change allowances.

Previous comments

2.7 Having assessed the supporting information I can advise that we have no objections to the proposed development and have the following comments to make.

2.8 Phase 1 of the development is recognised as water compatible and despite the higher likelihood of flooding (Flood Zone 3); the development is considered appropriate within the risk/vulnerability matrix of planning guidance (Table 3: Flood risk vulnerability and flood zone 'compatibility').

2.9 Northumbrian Water

2.10 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Outline Drainage Strategy Revision A" dated September 2019. This document contains our pre-planning enquiry response which confirms that surface water should discharge directly to the sea and that foul flows can connect to the network via manhole 1905.

2.11 We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Outline Drainage Strategy Revision A" dated "September 2019". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 1905 and ensure that surface water discharges to the sea.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

2.12 Coal Authority

2.13 The Coal Authority last commented on this application in a letter to the LPA dated 2 December 2016. In this letter, we noted the content and conclusions of the supporting Coal Mining Risk Assessment and raised no objection to the application, subject to the imposition on any permission issued of conditions to secure the investigation and, if necessary, the remediation of coal mining legacy affecting the site.

2.14 We note from your re-consultation letter that the application has yet to be determined and that you are seeking our further comments given the length of time that has elapsed and taking into account any changes to legislation and policy that may have occurred in the intervening period.

2.15 We can confirm that our previous comments and recommendation for further works remain valid and relevant to the decision-making process. However, we respectfully request that should planning permission be granted for the proposed development any conditions imposed reflect our revised recommended condition wording set out below, rather than that included in our previous letter:

1. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented

on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

2.16 The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

2.17 The applicant should be requested to note that Permission is required from our Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

2.18 Tyne and Wear County Archaeologist

2.19 Tynemouth Open Air Pool is of early 20th century construction and should be considered a non-designated heritage asset (NPPF para 203). It has been entered on the Tyne and Wear Historic Environment Record (HER 9312). The applicant has provided cultural heritage statement (4425) and historic building recording (4426) for the site carried out by Archaeological Research Services Ltd in 2016. This historic building recording outlined the construction and phases of development for the pool until its closure in the early 1990s. In 1996, the pavilion, paddling area and fountain were demolished and the material was used to create an inter-tidal rock pool by partially filling the interior. The historic building recording appropriately describes the built heritage and fulfils the requirements of the NPPF for an applicant to describe the significance of any heritage assets affected by the proposed development (para 194). No further archaeological work is required.

2.20 However, as noted previously, the pool lies within the Tynemouth Conservation Area and forms part of the setting of the Iron Age settlement, monastery, the Priory and Castle Scheduled Monument (1015519) on the

promontory at Tynemouth. Though there is no direct inter-visibility between the pool, the lido is visible in views towards the Priory and Castle from Cullercoats. Historic England should be consulted.

2.21 Natural England

2.22 In summary, Natural England will require further information to determine impacts on designated sites.

2.23 As submitted, the application could have potential significant effects on:

- Northumbria Coast Special Protection and Ramsar site
- Northumberland Shore Site of Special Scientific Interest

2.24 Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Up-to-date wintering bird surveys covering the period from September to April.
- Amended HRA to include the up-to-date wintering bird survey results in the impact assessment.

2.25 Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

2.26 Natural England's further advice on designated sites/landscapes and advice on other issues is set out below

2.27 Additional Information required

2.28 This advice is to supersede part of our advice that was provided on the 24/02/2020 (reference 307844). In our previous advice the following is stated:

“Natural England advises that provided the proposal is implemented as submitted, and that the following mitigation measures specified in the application and subsequent submissions are secured through planning conditions, the appropriate assessment should be able to conclude no adverse effect on the integrity of the above sites:”

2.29 The evidence provided as part of the Habitats Regulations Assessment (HRA), in particular the Wintering Bird Surveys, that our previous advice was based on, is now outdated and as a result is no longer sufficiently robust to be considered as evidence to inform the Appropriate Assessment.

2.30 Therefore, we can no longer support the above statement that “the Appropriate Assessment should be able to conclude no adverse effect on the integrity of the designated sites”. Natural England advises that a more up to date and complete body of evidence should be considered to assess the impact on the qualifying features of the adjacent designated sites. The applicant should carry out new wintering bird surveys covering the period September - April and review the HRA accordingly.

2.31 Northumberland Shore Site of Special Scientific Interest (SSSI)

2.32 The SSSI is under similar pressures as the SPA and Ramsar site, therefore, the impacts should be assessed similarly.

2.33 Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

2.34 Other advice

2.35 Further general advice on the protected species and other natural environment issues is provided at Annex A.

3.0 Representations

3.1 1,894no. comments in support of the application have been received. These are summarised below.

Economy/tourism

- Will attract visitors and support tourism.
- Will bring additional money into the area.
- Boost to the economy.
- Will benefit existing businesses.
- It would benefit the local and regional area.
- Will create jobs.
- Amazing addition to Tynemouth.
- Similar facilities elsewhere have proved to be highly successful and profitable.
- Will provide an alternative to bars and restaurants.
- Will be a regional attraction.
- Levelling up.

Swimming/health

- The council should encourage active lifestyles.
- Many people own wetsuits and would use the pool all year.
- Sea swimming is extremely popular.
- Cold water swimming is good for mental and physical health.
- Ideal training facility for triathlon participants and wild swimmers.
- Swimmers currently have to travel for Lido swimming.
- Promote the health for children and adults.
- There are few other safe swimming opportunities.
- Safe way to swim outdoors.
- Hugely important to local swimmers.
- Will support other activities such as surfing.
- Could provide a year round base for sports clubs and individuals.
- Would be used when the sea is too rough to swim in.
- Water pollution levels make an outdoor pool a safer option.
- Will help keep residents healthy and reduce pressure on NHS.
- Will benefit those with mobility difficulties who find access to the sea difficult.
- Opportunity to maximise the size of the pool has been missed.
- Would benefit a lot of disabled adults and children.

Heritage, design, appearance

- It is currently an eyesore and unsafe.
- Inappropriate design.
- Affect character of conservation area.
- The pool is of architectural and cultural importance.
- Would benefit the character of the conservation area.
- Will improve the overall appearance of the bay.
- Will enhance the look of Longsands and the coastline.
- Will also reinstate a historical facility.
- Positive impact on landscape.
- Affect setting of listed building.
- It fits the aesthetic of the area.
- Consistent with Tynemouth Conservation Area Management Strategy.
- Would honour the historic legacy of seaside tourism in the North East.
- Would improve the south end of the beach.
- Would improve a derelict corner of Tynemouth beach.
- Should never have been left to deteriorate.
- The design is approx. half the size of the original- the original design should be kept.
- Whitley Bay has been transformed in recent years and this area of Tynemouth could also be restored.

Other

- Wonderful idea.
- Will benefit the community.
- Will enhance the coast.
- Fantastic to see this amenity reinstated.
- Will help water safety as a training facility.
- Will take the pressure from the indoor pools.
- Fantastic facility available for the community.
- Lidos have worked very well elsewhere.
- It should not have been left to fall into disrepair.
- It should have been restored by the council already.
- I have wonderful memories of bathing in the pool.
- Was well used when it was open previously.
- It's a shame it closed for many years.
- Is a needed facility.
- Can't wait to use it.
- I would use it regularly.
- Will restore the site to its former glory.
- It has stood unused for too long.
- Will be an asset to Tynemouth.
- Would be very popular.
- Will benefit young families.
- I did not have the opportunity to use the pool when it was previously open.
- There are few outdoor pools in the region.
- Having kiosks on site will bring further funds to support the upkeep of the pool.
- Would be a continuation of a Council commitment to support coastal regeneration.
- Will bring new life to that part of the beach.

- Accessible from Newcastle by bike via the traffic free cycle route.
- Will support the local ecology.
- People are choosing to holiday more in the UK.
- The structure has existed and flourished historically as a precedent.
- Long overdue. Why has it taken 7 years to get this far?
- Currently attracts ant-social behaviour.
- Tynemouth is lacking in amenities.
- Represents a bottom up initiative that imbues the notion of inclusion.
- Application has been delayed by officers.
- If this application is refused it highlights a problem with the planning system and the people who make the decisions rather than this application.
- The delays have impacted on the ability to progress the design of the scheme and secure fundraising.
- This is an opportunity for the council to put their lack of ambition behind them.
- Easily accessible via public transport.
- Will add to the fantastic work already done to the sea front of Whitley Bay.
- An extra cafe could bring extra revenue and offer good food and drinks service.
- Should have been approved long ago.
- The Council should be supporting the project.
- It would be great to see development, not demolition along the coast.
- Multiple benefits to the area, in terms of visual impact, creation of jobs and volunteering opportunities, economic benefit, and encouraging healthy lifestyles.
- Any objections based on parking concerns should be countered by encouraging the use of the excellent public transport links.
- Any consent should be conditional upon the approval of a landscaping scheme.
- The pool used to be a fantastic facility that brought friends and families together.
- The council have done nothing with the facility for 15+ years.
- There is no reason it would not work like others in the country.
- North Tyneside should not miss out on this opportunity.
- I request that the planning committee recommend that it is approved.
- Would be a very welcome addition to not only the new generation but also the older generation.
- Every opportunity to have somewhere for children to learn and play should be utilised.
- Could become the U.K. version of Bondi Beach.
- Should be seen as a landmark project.
- A collaborative approach with private backing and sponsorships could provide funding.
- Why are there no positive options in the "reason for comment" section?
- Will be an asset to the community.
- North Tyneside Council should not miss out on this exciting opportunity.
- If the application is rejected, the public has a right to know the reasons and their alternative proposals.
- It will pay for itself via the local economy.
- Safer than swimming in the sea which is polluted.

Suggestions/concerns

- Tidal surges should be taken into account.
- Should be opened with a permanent safety and security team.
- Measures need to be taken to stop both dangerous and anti-social behaviour.

- Can there be a small warmer pool for children.
 - It needs to lean towards the direct community and be affordable for everyone.
 - Why heat the pool? Cold water swimming is popular and better for the environment.
 - Parking and maintenance need to be considered.
 - Ongoing viability and revenue costs.
 - Proper steps are required into the pool for people who have reduced mobility.
 - Shuttle buses may be needed from the Metro.
 - Needs to be affordable to all residents.
 - Clarity is needed regarding funding.
- Would benefit from a glass screen to prevent waves overtopping, or a retractable roof.
- Should have long opening hours.
 - Renewable heating options should be explored.
 - Needs to be carefully developed to meet the needs of families, visitors and local swimmers.
 - Cycle parking should be provided.
 - Should not be a snack bar/café.
 - The north and easterly walls need strengthening and heightening to prevent the sea from ingress.
 - Salt water would be preferable.
- If the site cannot be developed to provide a swimming pool I would like to see an indoor wave/surf pool.
- My only concern would be noise but this could be controlled.
 - If it was ok to have an open air pool 50 years ago, why not now.
 - How come people in Whitley bay have letters about this but not in Tynemouth?
 - I strongly recommend that the council sorts out its approach to active travel in the area near the pool.
 - Adverse effect on wildlife.
 - Letter or petition of support.
 - Within greenbelt/no special circumstance.
 - Pollution of watercourse.
 - Nuisance – disturbance.
 - Precedent will be set.
 - Poor traffic/pedestrian safety.
 - Inadequate parking.
 - Traffic congestion.
 - None compliance with approved policy.
 - Cycle parking is needed.
 - Additional parking in the area is needed.
 - An electric bus could provide a shuttle service keeping congestion out of Tynemouth itself.
 - The land is currently publicly owned so continued access and social inclusion is paramount.

3.2 23no. objections have been received. These are summarised below.

- Inadequate parking provision.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- Nuisance – disturbance, dust/dirt, noise.

- Inappropriate design.
- Inappropriate materials.
- Adverse effect on wildlife.
- Affect Site of Spec. Scientific Interest.
- Impact on landscape.
- Pollution of watercourse.
- Will result in visual intrusion.
- Affect character of conservation area.
- Out of keeping with surroundings.
- Inappropriate in special landscape area.
- No suitable parking had been identified for patrons and parking in this area is always very difficult.
- Our climate does not lend itself to outdoor pools.
- If bankruptcy arises the cycle of decay will begin again.
- Supervised indoor swimming pool and gym facilities are needed.
- Irresponsible to approve a heated pool without the mandatory use of renewable energy to heat it.
- Impact on wildlife and damage to the cliffs.
- Ongoing human impact on Longsands.
- The funding is not in place to complete the work.
- Who is going to pay to swim in a cold pool with the sea is free.
- Will not generate enough revenue in winter.
- Massive cost on the rate payers.
- Not viable for a number of reasons.
- No thought has been given to parking issues.
- The pool closed because it was barely used.
- The old pool is a little bit of history that through the years has become a natural part of the view.
- Refurbishment would disturb residents.
- Would change the atmosphere and clash with the natural feeling and views.
- I am in favour of the outdoor pool being re-established but do not support the idea of a heated, chlorinated pool due to the environmental impact.
- A tidal pool would be a better fit.
- Since lockdown the coast is permanently swamped with visitors.
- Tynemouth village is now not a pleasant place to live, because of the traffic, the huge numbers visiting and lack of amenities.
- The pool will attract even more visitors which is unsustainable for the village.
- Pointless exercise to reduce the natural feel to our local beaches.
- Will increase the concentration of food consumption in a single areas which will increase litter.
- Maintenance issues.
- Far better to demolish it and extend the promenade.
- There should be specific clauses to ensure that the pool is run as a charitable/community initiative.
- It is important that the visitors/residents/businesses of Tynemouth also have a better understanding of the plans.
- Potential impact of chlorine and backwash.

3.3 9no. neutral comments have been received. These are summarised below.

- Affect character of conservation area.
- Impact on landscape.

- Nuisance – disturbance.
- Nuisance - dust/dirt.
- Nuisance – fumes.
- Nuisance – noise.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Inappropriate design.
- Inadequate parking provision.
- I would love to see the pool redeveloped, sympathetically.
- Parking in the area is already difficult.
- The proposed plan would be a visual improvement.
- Inappropriate for the climate.
- Would not be well used.
- Would quickly deteriorate.
- An indoor pool would create a community asset.
- I have enormous respect for the desire to improve what has become a complete eyesore.
- On the proposed site plan the location of Longsands surf school is marked as "Reception". This is not within the boundary of the planning application map or site boundary in habitual regs assessment.
- I am in favour of the regeneration of the pool but it looks like a lot of disruption for the area and to local businesses.
- Impact of the site access on the safety of customers of the surf school.
- There should be opportunity to incorporate specific clauses to ensure that the pool is run as a charitable initiative.
- Should be run as a non-profit.
- I genuinely appreciate the work that FOTOP are doing.
- The potential impact of chlorine and backwash on the north sea and plans to heat the pool need clarifying.
- Phase three raises concerns regarding private investment.
- A tidal pool should be considered.

Application No: 16/01711/OUT Author: Rebecca Andison

Date valid: 15 November 2016 ☎: 0191 643 6321

Target decision date: 7 March 2017 Ward: Tynemouth

Application type: outline planning application

Location: Tynemouth Open Air Pool, North of Percy Gardens, Tynemouth, Tyne and Wear,

Proposal: Outline consent for the construction of a new building to provide changing facilities, cafe, retail unit and gym associated with open-air swimming pool

Applicant: Friends Of Tynemouth Outdoor Pool

Agent: Big Tree Planning Ltd

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- Whether the principle of the development is acceptable;
- Impact on the living conditions of surrounding occupiers;
- Impact of the proposal on the character and appearance of the site and its surroundings, including heritage assets;
- Impact on ecology, including on designated coastal sites;
- Whether there is sufficient car parking and access provided;
- Flood risk; and
- Other issues including ground conditions and archaeology.

1.2 Consultation responses and representations received as a result of publicity given to this application are set out in the appendix to this report. Consultation and publicity was initially carried out in 2016 but given the passage of time the application was subject to consultation and notification in May 2023.

2.0 Description of the Site

2.1 The site comprises a disused concrete outdoor swimming pool, located on Tynemouth seafront. This application relates to the bankside which adjoins the pool to the south.

2.2 The pool was built in the 1920's but declined in popularity during the 1970's and fell into disrepair. In the mid-1990's the ancillary buildings were demolished, and the pool infilled with concrete and boulders to form an artificial rock pool.

2.3 The site is located directly to the east of Longsands beach, with the sea to the north. To the east are steep cliffs, and to the south is an embankment leading up to Percy Gardens. Steps and footpaths lead down to the pool from street level.

2.4 The pool is included on the Local Register of Parks and Buildings and lies within Tynemouth Conservation Area. The site is located adjacent to a Site of Special Scientific Interest (SSSI), the Northumberland Coast Special Protection Area (SPA) and Ramsar Site, and is within a wildlife corridor. It is located within Flood Zone 3 and allocated as Open Space within the Local Plan.

3.0 Description of the Proposed Development

3.1 Two separate planning applications have been submitted to redevelop the pool and provide associated visitor facilities. Phase 1 of the proposal is to renovate the pool to create a 25m leisure pool and splash pad with associated temporary building to provide changing, refreshment and toilet facilities. Phase 2 is to construct a permanent building to provide changing facilities, a cafe, retail unit and gym.

3.2 This application relates to the phase 2 development only. The phase 1 works are subject to a separate application for planning permission (16/01710/FUL).

3.3 Outline planning permission is sought for the construction of a building to provide changing facilities, a cafe, retail unit and gym associated with the open-air swimming pool. All matters are reserved for subsequent approval, but an indicative drawing has been submitted to show the location and scale of the building.

3.4 The proposed building would be located on the site of a former pavilion building which formed part of the original outdoor pool. It would be set within the bankside between the pool itself and Percy Gardens. The proposed building is 3-storey and includes a plant room and external terrace. The development is shown in 2 phases with a temporary refreshment kiosk proposed on the roof of the 2-storey building prior to construction of the third floor.

3.5 4no. refreshment kiosks are also shown on the adjacent bankside. Planning permission for these temporary units is sought under accompanying application for the redevelopment of the outdoor pool.

3.6 The application is accompanied by an Environmental Impact Assessment which contains the following supporting documents:

- Planning Statement
- Noise Assessment
- Preliminary Ecological Appraisal
- Ornithological Report
- Flood Risk Assessment
- Intrusive Site Investigation
- Cultural Heritage Statement
- Landscape and Visual Impact Assessment
- Coal Mining Risk Assessment
- Transport Statement

3.7 A Report to Inform a Habitats Regulations Assessment has also been submitted.

4.0 Relevant Planning History

12/01217/FUL - Works to the old Tynemouth outdoor pool to improve access and provide a robust multi-user space capable of supporting cultural and sports events Withdrawn

13/02085/SCREIA - Request for screening opinion - geothermal borehole
Opinion given – EIA required

13/02084/EIASCO - Request for EIA scoping opinion - geothermal
Opinion given

13/02087/SCREIA - Request for screening opinion - outdoor swimming pool
Opinion given – EIA required

13/02086/EIASCO - Request for scoping opinion - outdoor swimming pool
Opinion given

16/01012/ADV - Proposed banner signage 1m high x 5m wide
Permitted

16/01710/FUL - Refurbishment, renovation and reinstatement of existing structures to create a 25 metre open-air leisure pool (heated), and splash pad, and construction of temporary changing, refreshment and toilet facilities
Pending consideration

5.0 Government Policy

5.1 National Planning Policy Framework (July 2021)

5.2 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.

6.0 Development Plan

6.1 North Tyneside Local Plan 2017

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for Members to consider are:

- Whether the principle of the development is acceptable;
- Impact on the living conditions of surrounding occupiers;
- Impact of the proposal on the character and appearance of the site and its surroundings, including heritage assets;
- Impact on ecology, including on designated coastal sites;
- Whether there is sufficient car parking and access provided;
- Flood risk; and
- Other issues including ground conditions and archaeology.

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

8.0 Principle of the Development

8.1 Paragraph 7 of NPPF states that the purposed of the planning system is to contribute to the achievement of sustainable development.

8.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

8.3 The NPPF (para.81) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.4 The NPPF (para.87) 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 an up-to-date Local Plan.

8.5 Paragraph 98 of NPPF states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

8.6 Paragraph 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

8.7 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area.

8.8 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development or areas specific policies of the Local Plan.

8.9 Local Plan Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged. This include the creation, enhancement and expansion of tourist attractions, visitor accommodation and infrastructure, capitalising on the Borough's exceptional North Sea coast, River Tyne and International Ferry Terminal.

8.10 Policy DM3.4 of the Local Plan states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;
- b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;
- c. There is flexibility in the business model and operational requirements in terms of format; and
- d. The potential sites are easily accessible and well connected to town centres. Proposals for retail development outside a town centre will require an impact assessment where they would provide either:
 - e. 500m² gross of comparison retail floorspace, or more; or
 - f. 1,000m² gross of retail floorspace for supermarkets/superstores, or more.

The proposal would be supported when the necessary Impact Assessment has shown that:

- g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused

8.11 Policy AS8.15 seeks to integrate growth and development at the Coast with the protection and enhancement of the built and natural environment, in particular the area's heritage assets at Tynemouth, Cullercoats, Whitley Bay and St. Mary's Island and the protected nature conservation sites of the Northumbria Coast SPA/Ramsar site, Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSI.

8.12 Policy AS8.16 states that North Tyneside's coastal area provides popular tourist attractions, facilities and accommodation that are of importance to the tourism industry for the region. Proposals for new or the extension of existing attractions, facilities and accommodation will be actively supported to maintain and enhance an attractive, vibrant and viable seafront offer where they are:

- a. Able to maintain the overall openness of the coastal area through their location and the incorporation of high quality design and materials in keeping with the character of the area; and
- b. Of an appropriate scale in-keeping with surrounding buildings; and
- c. Located where the impact from increased visitors can be accommodated:
 - i. By existing infrastructure capacity making best use of public transport provision and avoiding increased road congestion; and
 - ii. Without significant adverse harm upon the designated coastal environment sites and wider biodiversity.

8.13 Policy DM5.2 states that the loss of any part of the green infrastructure network will only be considered in the following exceptional circumstances:

- a. Where it has been demonstrated that the site no longer has any value to the community in terms of access and function; or,
- b. If it is not a designated wildlife site or providing important biodiversity value; or,
- c. If it is not required to meet a shortfall in the provision of that green space type or another green space type; or,
- d. The proposed development would be ancillary to use of the green infrastructure and the benefits to green infrastructure would outweigh any loss of open space.

Where development proposals are considered to meet the exceptional circumstances above, permission will only be granted where alternative provision, equivalent to or better than in terms of its quantity and quality, can be provided in equally accessible locations that maintain or create new green infrastructure connections. Proposals for new green infrastructure, or improvements to existing, should seek net gains for biodiversity, improve accessibility and multi-functionality of the green infrastructure network and not cause adverse impacts to biodiversity.

8.14 The application site is currently undeveloped but did historically contain a pavilion building associated with the original outdoor pool. It is set within the bankside below Percy Gardens and currently has little recreational value. The purpose of the proposed development is to provide facilities for users of the restored outdoor swimming pool and commercial uses.

8.15 The proposal would secure economic development of an unused site, and therefore complies with the NPPF in this respect. It would also assist in the Council's aims of encouraging tourist development with the coastal area in accordance with Policies S2.1 and AS8.16.

8.16 The commercial uses proposed are main town centre uses as defined by NPPF. The application site is not located within the borough's designated town or local centres and a sequential test has not been carried out.

8.17 Planning Practice Guidance (Paragraph: 012 Reference ID: 2b-012-20190722) recognises that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. In this case the building contains facilities that are linked to the operation of the pool and the commercial uses are intended to support it financially. This could not be achieved if they were located elsewhere.

8.18 The is allocated as Open Space by the Local Plan and the application must therefore be considered under the terms of Policy DM5.2.

8.19 The site previously contained a building but is now covered mainly by rough grassland. The green space contributes visually to the wider landscape but the site itself is steeply sloping and has little recreational value. It is not considered that the proposal conflicts with parts a and c of Policy DM5.2. The ecological impacts are discussed later in the report.

8.20 Having regard to the above, it is officer opinion that the principle of constructing a building to compliment a re-instated outdoor swimming pool is acceptable.

9.0 Impact on Residential Amenity

9.1 NPPF paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

9.2 Policy S1.4 of the Local Plan states that development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.3 DM5.19 states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity

to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.4 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.5 The proposal includes a cafe with an external terrace, a plant room and a temporary refreshment kiosk situated on the roof of the building. The building would be located approximately 35m from residential properties on Percy Gardens and therefore could impact on residents as a result of noise disturbance and cooking odours.

9.6 The Manager of Environmental Health has commented on the application. She raises concern regarding the potential impact of noise from customers, music, outdoor seating and deliveries on residential premises on Percy Gardens. She notes that the embankment would provide some natural screening.

9.7 A noise assessment has been carried out and this specifies a noise rating level for plant and equipment based on the existing background noise levels. The Manager of Environmental Health advises that a validation condition should be imposed to ensure the actual noise levels comply with the noise assessment. She also advises that lobby doors with self-closing devices should be fitted to the customer entrances for the cafe and that a lighting assessment be provided to ensure any light spill does not cause nuisance to nearby residents of Percy Gardens. She recommends further conditions to restrict the delivery times, the hours of use of the outside seating, hours of operation, and requiring that details of the odour abatement system are provided.

9.8 Members need to consider whether the proposal would have a detrimental impact on the nearby residential occupiers. It is officer advice that the impact of the development upon residential amenity would be acceptable subject to the imposition of the conditions recommended by the Manager of Environmental Health.

10.0 Impact on Character and Appearance

10.1 The Local Planning Authority must have regard to its statutory duty to ensure the preservation and enhancement of the character and appearance of conservation areas, as outlined in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It must also consider the impact of development proposals upon the special interest of listed buildings as required of section 66 of the same Act.

10.2 NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to the local character

and history, including the surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

10.3 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.4 NPPF (para 197) states that in determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

10.5 Par.199 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.6 Para.200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

10.7 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. (NPPF para.201-202).

10.8 At paragraph 206 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation area....and within the setting of heritage assets to enhance or better reveal their significance."

10.9 Policy DM6.1 of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should

be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

10.10 Policy S6.5 states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

10.11 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.

10.12 Design guidance for high quality design is set out in Design Quality SPD. Relevant sections of the Design Quality SPD include:

4.2 "The appearance and materials chosen for a scheme should create a place with a locally inspired or otherwise distinctive character. Identifying whether there are any architectural features or specific materials that give a place a distinctive sense of character should be a starting point for design."

5.3 "North Tyneside's historic environment creates a sense of place, well-being and cultural identity for the borough.....New buildings clearly need to meet current needs and reflect the availability of modern materials and techniques while also respecting established forms and materials that contribute towards the character

of an area. As with all development, understanding significance of the place is crucial.”

5.3 “Development within the curtilage of heritage assets must have full regard to the following:

- a) The heritage asset should be retained as the visually prominent building.
- b) The special architectural and visual qualities of the area or asset and their setting.
- c) The pattern of existing development and routes through and around it.
- d) Important views.
- e) The scale, design, detail and character of neighbouring buildings.
- f) Any potential impacts of the proposed development on heritage assets and their setting.”

10.13 The Local Register of Buildings and Parks SPD was adopted in 2018. The SPD advises that proposals for alterations to Local Register Buildings should respect the architectural quality, character and interest of the building and will be determined on their ability to do so. It notes that a building may require alteration in order to help with maintenance, preservation or viability, but expects alterations works to remain sympathetic and to be of high quality. It describes Tynemouth Outdoor Pool as follows:

“Opened 27 June 1925.....It was originally built without provision for changing rooms. The pavilion at the cliffside was not opened until 2 July 1927. The queue to use the pool often stretched along Grand Parade.”

10.14 The Tynemouth Village Conservation Area Character Appraisal requires all developments within the conservation area to be sympathetic to the areas character.

10.15 The TVCAMS makes specific reference to the outdoor pool, describing it as an eyesore but with the potential for development and to become an astounding attraction.

10.16 The pool opened 1925 and closed in 1991. It is now abandoned and filled with rocks and mud. The TVCAMS states:

“...the desire is that any plans to repair, update, enhance or otherwise change the pool site should not adversely affect the overall aim of returning it to its former use as an outdoor swimming pool. The planned refurbishment of the Outdoor Pool has the greatest potential opportunity to become an outstanding asset, not only for the coast but the north east region. A “lido” could be a unique selling point, especially in its location next to a Blue Flag beach.”

10.17 A Landscape and Visual Assessment (LVA) and a Cultural Heritage Assessment have been submitted. These documents refer to the now expired North Tyneside Unitary Development Plan and earlier versions of the National Planning Policy Framework. There is no evidence that the applicant has considered the proposals within the current local and national planning policy and guidance framework.

10.18 The LVA predicts that the development, would result in a low magnitude of change to the local landscape, and that the overall significance of effect upon the landscape resource would be 'Minor Beneficial'. The Cultural Heritage Assessment concludes that the development would have a major beneficial impact on the heritage asset itself, the character of the conservation area and other nearby heritage assets.

10.19 The reinstatement of the outdoor pool is in accordance with the aims of the TVCAMS and has the potential to greatly enhance the appearance of the site and the character of the conservation area. The principle of constructing a building on the site of the former pavilion is also considered to be acceptable in principle. However, the TVCAMS also notes that the design of any development would have to be carefully considered and should reflect the modern movement architecture the Pool represents.

10.20 The site is located within a highly sensitive and prominent location within the Tynemouth Conservation Area, and it is imperative that any development is of a high standard of design and an appropriate scale that conserves and enhances the character of the conservation area.

10.21 The application is in outline form with all matters reserved for subsequent approval. Indicative plans have been submitted which show a 3-storey building set within the bankside.

10.22 It can be possible to understand the impact of a proposal from the overall scale and massing without details of the elevation treatments. However, in this case the scale, layout and appearance are reserved matters, and it is officer opinion that without at least some of these details the impact of the proposal cannot be properly assessed.

10.23 Development that is not of an appropriate scale and design has the potential to harm the Local Registered pool, the conservation area and the setting of nearby listed buildings and Tynemouth Priory Scheduled Ancient Monument.

10.24 The application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Appendix G of the Environmental Statement comprises a Cultural Heritage Assessment.

10.25 Para.18(3)(a) of the EIA Regulations sets out the information that must be included within an environmental statement. This information includes a description of the proposed development comprising information on the site, design, size and other relevant features of the development and a description of the likely significant effects of the proposed development on the environment.

10.26 Having reviewed relevant case law on EIA development, it is clear that care must be taken to ensure a sufficient level of detail has been provided to enable the environmental effects of development to be fully assessed.

10.27 Where design details are left as reserved matters, particularly in relation to a site sensitive in ecological and heritage terms, it is difficult to make this full assessment.

10.28 In officer opinion the information submitted is not sufficient to assess the impact of the development on designated heritage assets and therefore the development fails to comply with the NPPF, Policies DM6.1 and DM6.6 of the North Tyneside Local Plan, the TVCAMS SPD, Local Register of Buildings and Parks SPD and the Design Quality SPD.

11.0 Impact on Biodiversity

11.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

11.2 Para.180 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

11.3 Para.182 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

11.4 Policy DM5.5 of the Local Plan states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,

c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,

e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,

f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

11.5 Policy DM5.6 states that proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated. Expert advice will be sought on such proposals and, if necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of two or more of the following mitigation measures:

a. Appropriate signage to encourage responsible behaviour;

b. Distribution of information to raise public awareness;

c. Working with local schools, forums and groups to increase public understanding and ownership;

d. Use of on-site wardens to inform the public of site sensitivities;

e. Adoption of a code-of conduct;

f. Zoning and/or seasonal restrictions to minimise disturbance in particular sensitive areas at particularly sensitive times;

g. Specially considered design and use of access points and routes;

h. Undertaking monitoring of the site's condition and species count;

i. Provision of a Suitable Accessible Natural Green Space (SANGS).

11.6 Policy DM5.7 states that development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

11.7 The Coastal Mitigation SPD contains additional guidance and information on the mitigation expected from development within North Tyneside to prevent adverse impacts on the internationally protected coastline. Development can adversely affect the Northumbria Coast SPA /Ramsar through additional pressure from local residents and visitors. It is proposed to introduce a coastal wardening service as part of a wider Coastal Mitigation Service that will implement a range of targeted and coordinated physical projects to mitigate the impacts at the coast. The SPD sets out a recommended developer contribution towards this service that would contribute to the avoidance or mitigation of adverse impacts on internationally protected species and habitats.

11.8 The site is located in a highly sensitive location adjacent to the Northumberland Shore SSSI, the Northumbria Coast SPA and Ramsar Site. These designations are due to the rarity of the geology and the presence of nationally and internationally important wintering and passage waterbirds that feed and roost along the coast. The development has the potential to impact on the Northumbria Coast SPA and Ramsar site, during both the construction phase and once operational, through an increase in noise, lighting and additional visitor disturbance.

11.9 The application includes a Shadow Habitat Regulation Assessment (sHRA) and wintering bird surveys. A habitat survey of the site found that it is dominated by poor semi-improved and semi-improved neutral grassland areas as well as bare ground and hard standing, associated with the former pool area. Additional information has been submitted during the course of the application, including details of visitor numbers, a construction environmental management plan, drainage strategy and Report to Inform a Habitats Regulations Assessment. Mitigation is proposed both during the construction and operation periods to minimise any effects on the coast. These measures include appropriate working methods, screening, the design of lighting and appropriate drainage methods.

11.10 Natural England have been consulted and provided comments. They state that if the development is implemented as set out with the application and supporting documents, with the mitigation measures secured through planning conditions, there should be no adverse effect on the integrity of the Northumbria Coast SPA and Ramsar site. However, they also note that the bird surveys were carried out in 2014 and advise that they are outdated and cannot be relied on for an accurate impact assessment. They acknowledge that the HRA carried out in 2020 included bird surveys covering the winter months 2017-2018 & 2018-2019, but given that the bird survey reports were not provided, the rigour of that dataset is difficult to verify. Natural England also state that the bird numbers included in the 2020 HRA vary significantly from the surveyed numbers in 2014 and that only one bird survey covered the months before December, which contribute to the limits of this dataset to make an accurate impact assessment.

11.11 Natural England have been recently re-consulted and provided further comments. They state that the bird surveys are outdated and cannot be relied on for an accurate impact assessment. In the absence of up-to-date wintering bird surveys and an amended HRA Natural England state that they may need to object to the proposal.

11.11 The Biodiversity Officer has also commented. Her comments support Natural England's advice that the bird survey data is out-of-date and that it cannot be used to make an accurate assessment of the likely effects. She also states that the NPPF and LP Policy DM5.5 require developments to deliver a net gain in biodiversity. The application does not include a Biodiversity Net Gain Assessment to determine the current biodiversity value of the site and what impact the development would have. Given that it has not been shown that a BNG is achieved the proposal fails to comply with the NPPF and Policy DM5.5.

11.12 Based on the visitor numbers provided by the applicant a financial contribution of £40,061 towards the Coastal Mitigation Service is required in accordance with the Coastal Mitigation SPD to ensure the recreational impacts of the scheme on the Northumbria Coast SPA and Ramsar Site are fully mitigated. The applicant has agreed to this contribution. In this case, the LPA has not requested that the applicant enter into the legal agreement given that the proposed development is considered unacceptable for other reasons. Should the applicant wish to appeal against a refusal of planning permission the legal agreement could be completed prior to an appeal being submitted.

11.13 It is the advice of officers that the proposal fails to comply with the NPPF and Local Plan Policies DM5.5 and DM5.6 due to the provision of insufficient information to assess the impact on qualifying features of the Northumbria Coast SPA and Ramsar site and the Northumberland Shore SSSI, the failure to provide a net gain in biodiversity and, in the absence of a legal agreement, the impact of additional visitors on the SPA.

12.0 Car Parking and access

12.1 NPPF recognises that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

12.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

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

12.4 Policy DM7.4 seeks to ensure that the transport requirements of new development, commensurate to the scale and type of development, are take into

account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

12.5 The Transport and Highways SPD sets out the Council's adopted parking standards.

12.6 The development does not include any provision for car or cycle parking. It is less than 200m from bus stops on Grand Parade and Percy Park Road, and within 1km walking distance of Tynemouth Metro Station. There are several pay and display car parks on Grand Parade. Servicing would take place via the existing Longsands south access road. A Transport Statement (TS) has been submitted to assess the impact of the development on the adjacent highway network.

12.7 Information has been submitted in respect of estimated visitor numbers. It is estimated that during the summer months the pool and bankside building would attract an average of 1,111 visitors per day, decreasing to an average of 652 per day during the winter.

12.8 The applicant anticipates that the majority of people going to the pool will be making linked trips and would already be visiting other attractions in the area. Parking surveys of existing public car parks were carried out in 2016. The surveys showed that even at the busiest times there was capacity available.

12.9 The Highway Network Manager has commented and raises no objections to the development. He notes that there are parking controls in the vicinity of the site, public car parks along the seafront, and that the area benefits from good links to public transport as well as excellent cycle and pedestrian links.

12.10 While the development would result in additional visitors to the application site it is officer opinion that the impact on the highway network is acceptable.

13.0 Other Issues

13.1 Flood risk

13.2 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.

13.3 Policy DM5.12 of the Local Plan states that all major development will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall floor risk from all sources, taking into account the impact of climate change over its lifetime.

13.4 Policy DM5.14 seeks a reduction in surface water runoff rates for all new development.

13.5 The site is located within Flood Zone 3 and overall the site assessed to be at a high risk of flooding from fluvial and tidal sources. The nature of the swimming pool development means that it is classified as being a 'Water-

compatible development'. The bankside building is classified as being 'Less Vulnerable' according to the Planning Practice Guidance on Flood Risk.

13.6 A Flood Risk Assessment (FRA) was submitted in 2016 and a Drainage Strategy provided in 2020. The FRA recommends measures to reduce the impact on fluvial and tidal flooding including using water resistant materials, concrete floors, and raised electrical infrastructure. Foul water from the development would be fed into the existing sewage network and surface water would be collected via drainage channels around the pool and discharge to the sea.

13.7 Northumbrian Water have commented and raise no objections subject to the imposition of a condition requiring that a detailed scheme for the disposal of foul and surface water is submitted and approved.

13.8 The Environment Agency have commented on the application and raise no objections on grounds of flood risk. They advise that the submitted flood risk assessments will not contain the most recent flood risk data and climate change allowances.

13.10 The Local Lead Flood Authority (LLFA) has commented and raises no objections. A condition is recommended stating that the development must be carried out in accordance with the submitted drainage strategy.

13.11 It is officer advice that, subject to the detailed drainage design being agreed at reserved matters stage, the proposed development would not have an adverse impact on flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14 of the Local Plan.

13.12 Contaminated Land

13.13 NPPF states that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

13.14 Policy DM5.18 of the Local Plan states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which shows that investigations have been carried out and that detailed measures to allow the development to go ahead safely without adverse effect.

13.15 The Council's Contaminated Land Officer has advised that conditions should be imposed to address gas emissions and land contamination due to the location of the site within a coal referral area and the unknown material of the development area and infilled pool.

13.16 The Coal Authority have recommended that a condition is imposed requiring that intrusive site investigation works are undertaken in order to establish the exact situation regarding coal mining legacy issues on the site.

13.17 Members must determine whether the proposal is acceptable in terms of land stability and contamination. Officer advice is that, subject to the suggested conditions, the proposal is acceptable in this regard.

13.18 Impact upon Archaeology

13.19 The NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal taking account of the available evidence and expertise.

13.20 DM6.7 Archaeological Heritage the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

13.21 The County Archaeologist has advised that the historic building recording appropriately describes the built heritage and that no further archaeological work is required.

13.22 Local Financial Considerations

13.23 Paragraph 11 of National Planning Practice Guidance states that Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local financial consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

13.24 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms.

13.25 The development would deliver benefits in terms of the provision of jobs during the construction of the development and when the development is operational. These factors are considered to be material.

16.0 Conclusion

16.1 Members should consider carefully the balance of issues before them and the need to take into account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

16.2 The proposal would bring benefits to the in terms of securing economic development and jobs, re-using a derelict site and bringing additional tourist and leisure facilities to the area. It is officer opinion that the principle providing a building to compliment a re-instatement outdoor pool is acceptable.

16.3 It is officer advice that the proposal is also acceptable in terms of the impact on the nearby residents and the highway network.

16.4 While the public benefits are acknowledged, it is officer opinion that insufficient information has been submitted to assess how the development would affect the character and appearance of the conservation area, the special

interest of the locally registered Pool or the setting of nearby listed buildings and the SAM.

16.5 The submitted bird surveys are out of date and do not allow the impact on the Northumbria Coast SPA and Ramsar Site and the Northumberland Shore SSSI to be accurately assessed and it has not been demonstrated that a net gain in biodiversity would be achieved. Measures have not been agreed to mitigate the adverse impact of additional visitors on the Northumbria Coast SPA and Ramsar site. This is because a legal agreement has not been pursued given other concerns about the impact of the proposals. In its absence the additional visitors would have an adverse impact on the Northumbria Coast SPA and Ramsar site.

16.6 It is officer opinion that the development fails to comply with the NPPF and Local Plan Policies, DM6.1, DM6.6, DM5.5 and DM5.6, and it is therefore recommended that planning permission should be refused.

RECOMMENDATION: Application Refused

Reasons

1. Insufficient information has been submitted to assess the impact of the building on the character and appearance of the conservation area, the Locally Registered pool and the setting of nearby designated heritage assets. The proposal fails to comply with the NPPF, Policies S6.5 and DM6.6 of the North Tyneside Local Plan 2017, the TVCAMS SPD, Local Register of Buildings and Parks SPD and the Design Quality SPD.
2. In the absence of a scheme of mitigation and to address the impact on the Northumbria Coast Special Protection Area and Ramsar Site, the additional visitors to the coast as a result of the proposed development and a subsequent increase in recreational activity, will result in significant harm to the designated sites. This is contrary to policies S5.4, DM5.5, and DM5.6 of the North Tyneside Local Plan 2017 and the Coastal Mitigation SPD July 2019.
3. The submitted bird surveys are out of date and in the absence of up-to-date information it cannot be determined whether the impact on the Northumbria Coast SPA and Ramsar Site and the Northumberland Shore SSSI is acceptable. The proposal therefore fails to comply with policies S5.4, DM5.5, and DM5.6 of the North Tyneside Local Plan 2017 and the NPPF
4. Given that it has not been demonstrated that a net gain in biodiversity would be delivered the proposal fails to comply with Policy DM5.5 of the North Tyneside Local Plan and para. 174 of the NPPF.

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

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the proposal would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. In the absence of amendments or conditions which could reasonably have been imposed to make the development acceptable it was not possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

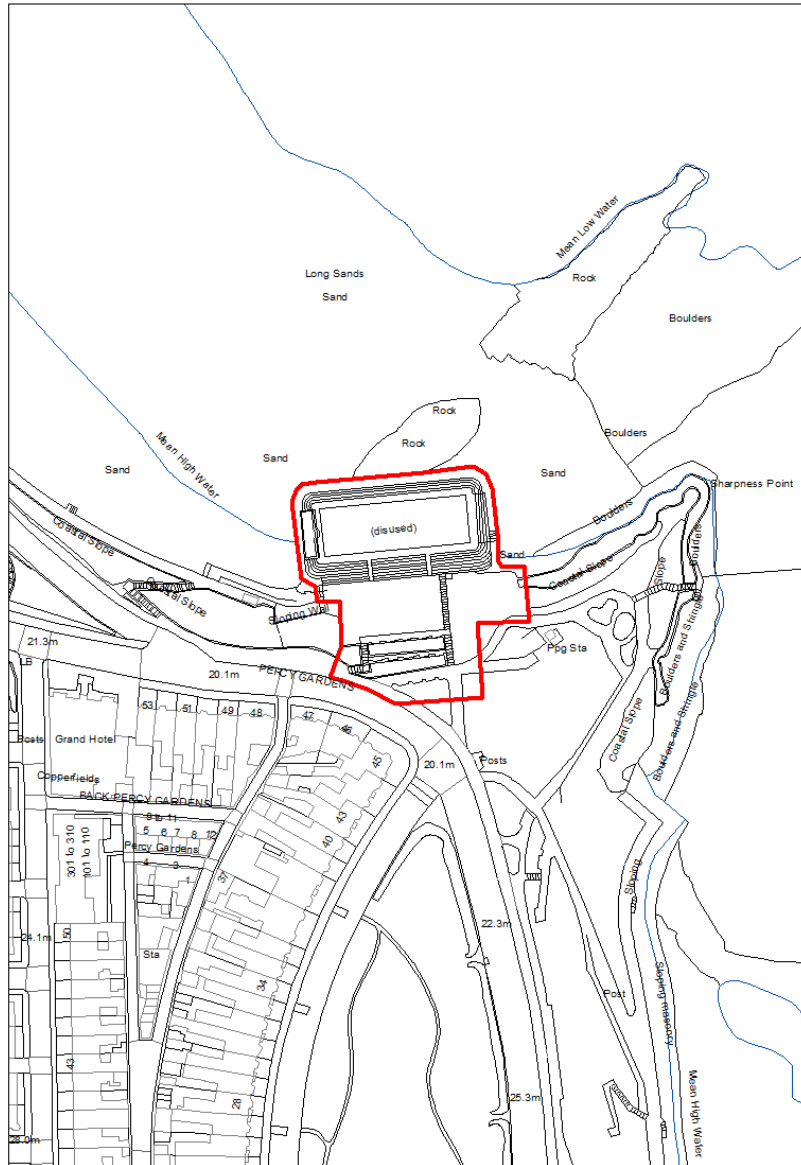
The new building should meet the specifications set out in the police approved security scheme Secured by Design (SBD) in order to protect the assets i.e. vending machines which are commonly associated with these types of buildings. Further advice can be can be obtained from myself or by visiting www.securedbydesign.com and following the links to SBD Commercial 2015.

If connections to the public sewer are proposed, the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)



Application reference: 16/01711/OUT

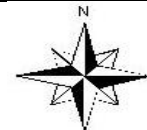
Location: Tynemouth Open Air Pool North Of, Percy Gardens, Tynemouth, Tyne And Wear

Proposal: Outline consent for the construction of a new building to provide changing facilities, cafe, retail unit and gym associated with open-air swimming pool

Not to scale

Date: 22.06.2023

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Consultations/representations

1.0 Internal Consultees

1.1 Local Lead Flood Authority

1.2 This application is for the refurbishment, renovation & reinstatement of the existing structures to create a 25 metre open-air leisure pool (heated), splash pad and construction of temporary changing, refreshment & toilet facilities. Whilst there is potential from storm surges from the sea to enter the site, the applicant has mitigated this as much as reasonably possible and approval is recommended.

1.3 Notwithstanding the above, the views of Natural England and the Environment Agency should be sought regarding the impact of chlorinated water on the local environment. The views of a structural engineer representing the council should also be obtained as the development will also impact on the council's sea defences.

1.4 Highway Network Manager

1.5 This application is for outline consent for the construction of a new building to provide changing facilities, café, retail unit and gym associated with the open-air swimming pool.

1.6 Whilst the pool has no on-site parking, there are parking controls in the vicinity of the site are various off-street and on-street parking facilities in the wider Tynemouth area. The site also benefits from good links to public transport as well as excellent cycle and pedestrian links. Conditional approval is recommended.

1.7 Recommendation - Conditional Approval

1.8 Conditions:

No part of the development shall be occupied until details of the storage of refuse & recycling bins has been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety

No development shall commence until details of a service management strategy including swept path analysis of appropriate service vehicles has been submitted to and approved in writing by the Local Planning Authority. This service management strategy shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

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, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

1.9 Informatives:

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that a license must be obtained from the Local Highway Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that, the site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact the Local Highway Authority to obtain a temporary footpath closure. Contact Streetworks@northtyneside.gov.uk for further information.

The applicant is advised that they should contact the Local Highway Authority to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

The applicant is advised that no part of the gates or doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

1.10 Manager of Environmental Health (Pollution)

1.11 The proposal is for the construction of a new building to provide changing facilities, cafe, retail unit and gym associated with open-air swimming pool. I have concerns regarding potential noise from customers and noise breakout from the café and any outdoor seating that may be provided, delivery noise and plant and equipment noise affecting nearby residential premises on Percy Gardens located some 50 metres from the site.

1.12 There are no proposed operating times in the application form, I would be concerned about noise late at night from customers using the premises or from potential live music and amplified music if offered for public entertainment. The proposal is to create a new building for the cafe and gym area, however, there will be some natural screening provided by the embankment. The premises will have a terrace provided adjacent to the cafe, noise breakout will occur from customer noise and potential noise if live or amplified music is played at the premises which may cause noise impact issues to residents of Percy Gardens. To reduce noise breakout, lobby doors will need to be fitted to customer entrances for the café, this will assist in mitigating noise from the café, but the doors must be fitted with self-closing devices.

1.13 A noise assessment has been provided and this has detailed a noise rating level for plant and equipment based on the existing background noise levels. A validation condition will be necessary to ensure the noise levels from the plant and equipment comply with the noise assessment rating level prior to operation. A condition will also be necessary to restrict delivery times to the premises and to restrict the use of any outdoor seating, if provided on the terrace, to no later than 21:00 hours.

1.14 An odour abatement condition will be required to deal with cooking odours from the cafe and the kiosk if hot food is prepared. The type of odour abatement necessary for installation will be dependent upon the cooking type and intensity. The kitchen extraction system must be based upon the DEFRA report Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust Systems which provides for a risk score to determine the level of odour abatement required for the hot food kiosk and the cafe.

1.15 The rear bank area will provide some screening of the building, but it is unclear how much light spill may occur from any external lighting that may be provided, and I would therefore suggest that a lighting assessment be provided to ensure any light spill does not cause nuisance to nearby residents of Percy Gardens.

1.16 If planning permission is to be given, I would recommend the following conditions.

- NOI02

- Prior to the operation of all external plant at the premises acoustic testing must be undertaken to verify compliance with the noise rating level of 47 dB LAeq detailed in noise report reference 753.1/1 as measured at the nearest sensitive

receptors of Percy Gardens, and submitted for written approval to the Local Planning Authority.

- All doors and windows to be kept closed at the café on any occasion when live music and amplified music is played at the premises.

- Outdoor seating area on the terrace to be restricted to the hours to 08:00 to 21:00 hours Monday to Sunday.

Reason: to protect the amenity of the nearby residential premises of Percy Gardens.

- Non-standard: Noise mitigation for café customer entrance door
Lobby doors must be fitted to any doors exiting onto the terrace and must be fitted with self-closing devices.

- Non-standard: Deliveries

Deliveries and collections must not be permitted to the premises between 21:00 and 08:00 hours.

Reason: to protect the amenity of the nearby residential premises of Beverley Terrace.

- EPL01

- EPL02

- EPL03

- EPL04

- The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with (Standard Condition EPL04).

- HOU03 08:00 - 23:00 hours Monday to Sundays

- HOU04

- HOU05

- REF01

- REF02

- SIT03

- LIG01

1.17 Manager of Environmental Health (Land Contamination)

1.18 Due to part of the site lying within a coal referral area and the unknown material of the development area and infilled pool the following should be attached:

Gas 006

Con 003

Con 004

Con 005

Con 006

Con 007

1.19 Landscape Architect

1.20 This application is outline consent for the construction of a new building to provide changing facilities, cafe, retail unit and gym associated with open-air swimming pool.

1.21 The EIA categorises the local landscape as medium sensitivity, with the proposed development predicted to result in a low magnitude of change. The overall significance of effect upon the landscape is beneficial. The supporting LVIA report has been undertaken to a methodology prepared on the basis of 'Guidelines for Landscape and Visual Impact Assessment (3rd Edition 2013)' published by the Landscape Institute/Institute for Environmental Management and Assessment (GLVIA3). The assessment describes the existing landscape resource (physical landscape and landscape character) in context with the wider landscape together with the potential viewpoints, and considers the proposed development in respect of potential effects upon the landscape resources and visual receptors.

1.22 There are no significant landscape features associated with the site but a landscape strategy to consider necessary mitigation and enhancement, forms part of this assessment. The new building will be a new feature within the landscape; a beneficial effect will result that contributes positively to the local landscape. There is potential for the regeneration of the terraced gardens, designed to consider ecological benefits and sustainability through the use of native planting where appropriate. However large scale screen planting, are neither appropriate or desirable.

1.23 A condition should be applied that should look at the regeneration of the grass embankments/terraces in accordance with NTC biodiversity objectives and recommendations set out in the submitted ecology report.

1.24 Seafront and Environmental Protection Co-ordinator

1.25 I have a had a look at the submitted information regarding water inundation and what they are saying makes sense in that the dilution of the pool water will bring the chlorine content down to lower levels but as I am not an expert in this I will need to leave this to the EA and Natural England to decide on whether or not this will have a negative impact on the SPA/SSSI on an individual event basis or be a problem through cumulative effect due to regular releases/escapes of the pool water in to the natural environment.

1.26 There is no mention in the original documents or in the recent one of the impact of sea conditions and the frequency of overtopping and how this will be mitigated against particularly as future predictions are for higher sea levels and potentially even more frequent flooding events of the site. In terms of the attenuation chambers will they be sufficient to deal with a flooding events which occur regularly throughout the year, not just during storm surges.

1.27 I get the impression that there is still this belief that the pool only gets flooded under storm conditions which is not the case and actually happens to varying degrees on a regular basis depending on the sea conditions and will possibly be the case over the next couple of days. In recent years I have noticed a changed to the number of times we have had heavy sea conditions throughout the year and particularly coming from the East/South east and we have had 2

storm surges in the last 3 years both of which completely overwhelmed the pool structure with the recent storm surge damaging part of the pools internal structures located to the south west/landward side of the pool and the size of the waves on this occasion where nothing out of the ordinary for a winter swell.

1.28 Therefore I still have concerns of how often the facility may be closed or have reduced functionality and the knock on effect it will have on the businesses viability. It is a great idea to revitalise the pool site but I think the regular flooding of the site will become more of a problem in coming years for the operators due to damage to structures if put within the pool area as shown in the artist impressions and the ongoing clean ups and maintenance etc of the site as a result of sea water flooding.

1.29 Planning Policy (Conservation)

1.30 Recommendations: Further information and/or amendments required

1.31 Comments:

Full planning permission is sought for the refurbishment of the Tynemouth Open Air Pool to create a heated 25 metre open-air leisure pool and splash pad, plus the construction of temporary changing, refreshment and toilet facilities. Outline planning permission is also sought for the construction of a new building to provide changing facilities, cafe, retail unit and gym, which would be in the place of the proposed temporary structures.

1.32 The site is located within the Tynemouth Village conservation area. The Local Planning Authority must have regard to its statutory duty as outlined in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in determining this application; that is, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

1.33 Several listed buildings are within the vicinity of the site. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering planning proposals that would affect listed buildings, Local Planning Authorities shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

1.34 The Pool is included on North Tyneside's adopted Register of Buildings and Parks of Local Architectural and Historic Interest (the "Local Register"). The Local Register Supplementary Planning Document 2018 advises that proposals affecting locally registered buildings should take into account the design, appearance and architectural features of the building and use materials appropriate to the age and style of the building.

1.35 This application was submitted in 2016 and the supporting documents refer to the now expired North Tyneside Unitary Development Plan and earlier versions of the National Planning Policy Framework. There is no evidence that the applicant has considered their proposals within the current local and national planning policy and guidance framework.

1.36 In at least one of the submitted documents, the Pool is described as a “recognised “at risk” heritage asset”. The appearance and vacancy of the Pool is apparent but to the best of my knowledge I’m unaware of when it’s been formally recognised as at risk. Neither Historic England nor the Local Planning Authority undertake “at risk” surveys of non-designated heritage assets. It would be misleading to state this without referencing the source.

1.37 The Heritage Statement describes the proposal as “enabling development”. This is a specific type of development that would not comply with planning policy and would otherwise be refused except for the fact it would secure the future conservation of a heritage asset. Does the applicant wish for the applications to be considered in this way? If not, it is misleading to include this within the submitted documents.

1.38 Moving on to the proposals themselves, the principle of refurbishing and reusing the Pool is positive in that it would help in conserving the locally registered asset itself and remove vacancy and poor appearance that is currently adversely affecting the character and appearance of the conservation area and the setting of heritage assets within the vicinity.

1.39 The adopted Tynemouth Village Conservation Area Management Strategy Supplementary Planning Document 2014 is supportive of the principle of the reuse of the pool and describes it as an enhancement opportunity of very high priority. It does, however, note that the design of any development would have to be carefully considered and should reflect the modern movement architecture the Pool represents. This mirrors the aims of the Local Register Supplementary Planning Document.

1.40 The submitted plans for the temporary buildings are fairly simple. However, from the amount of information provided, I do have some concerns that the buildings proposed would not be of a design quality that would be required in this sensitive location. They would not reflect design, appearance and architectural features of the building or of the conservation area and would have an adverse impact upon these heritage assets and on the settings of the listed buildings and scheduled monument beyond. Whilst the proposed timescale of these buildings being in place is described as temporary, I would consider five years as a sufficiently long enough time to not have to permit below-standard buildings on the site. I am also uncomfortable with how viable it would be to secure improvement after five years.

1.41 In considering the outline application for a larger building on the site, whilst the specific design would not be considered at this stage, I find the submitted information insufficient to understand height and massing and how this would affect the character and appearance of the conservation area, the special interest of the locally registered Pool or the settings of the nearby listed buildings and scheduled monument. Therefore, I am unable to support the principle of the outline proposal.

1.42 Based on the information before me, I am only able to determine that the proposals would arise in harm to the relevant heritage assets. In considering the National Planning Policy Framework 2021 (the NPPF), the harm would be less

than substantial. The NPPF is clear that harm of any level is undesirable and great weight should be given to the conservation of heritage assets. The identified harm must be clearly and convincingly justified in terms of public benefits (paragraphs 200 and 202 of the NPPF). Planning Policy Guidance on the Historic Environment is clear that these must be benefits to the public at large (<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>).

1.43 Whilst I recognise the potential benefits of the scheme, I am not of the opinion that they would outweigh the identified harm arising from the low-quality temporary buildings in this sensitive location. Due to the lack of information on the proposed outline scheme, I am not able to confidently assess the level of harm to heritage assets.

1.44 Conclusion:

In having regard to the relevant legislation, planning policy and guidance, I am unable to support the submitted proposals.

1.45 Director of Commissioning and Asset Management

1.46 Tynemouth Outdoor Pool is an iconic structure on our North Tyneside coastline. For around ten years, the Authority has sought to work with the Friends of Tynemouth Outdoor Pool (FoTOP) to identify financially viable and deliverable solutions for the site. but we have been clear this is not an investment priority for the Authority. The Authority's focus for regeneration investment is built around the feedback from our residents' surveys and is based on investment in our town centres and employment sites, where our investment will align with national funding priorities, yield significant economic outputs that will benefit our residents, businesses and communities and be a catalyst for further investment.

1.47 Since 2013, the Authority has endeavoured to support the FoTOP, and we have highlighted some of the major challenges in delivering a complex scheme of this nature; a challenge which is compounded by the seafront location. Over the last four years in particular, a number of senior officers have worked with FoTOP to provide insight and advice on a range of matters including the planning process, construction in a coastal environment, leisure operations, need in the Borough and the priorities of its communities.

1.48 Whilst the Authority has continued to support in principle the reinstatement of the pool, in all reality this will be unlikely to happen. As the owner of the site, we have analysed build costs of the scheme proposed by the FoTOP and estimate these to be significantly in excess of £21m (twenty-one million pounds) – some £15m above the FoTOP's estimates. We have also reviewed the external funding landscape and are of the view that the scheme would be unlikely to meet the funding criteria of organisations such as National Lottery, Sport England, Historic England etc. Despite, repeated requests, the FoTOP have been unable to demonstrate any commitment from funders (including private sector contributions) towards the scheme of the level required to deliver the scheme. As such, we are of the view the scheme is currently un-fundable and therefore undeliverable.

1.49 The scheme proposed by the FoTOP is therefore not a scheme that can be supported from a Regeneration and Economic Development standpoint (or from the Authority's position as landowner) for reasons set out below:

1.50 The scheme proposes a number of ancillary buildings, namely around 12 temporary container units, which would support a new 25-metre heated pool and splash pad. This is considered to be far in excess of what would normally be seen as 'ancillary' commercial activity to help support the pool activity. Usually, pools are supported by a small food and beverage offer which would meet the needs of patrons to the venue but would not be an attraction in their own right. There is also a concern and risk that this significant number of 'ancillary' commercial activity, if not managed and controlled effectively, could turn the site into a 'leisure destination' in its own right with the pool activity i.e., open swimming becoming ancillary to the operation of the site. The site is not identified for leisure purposes / development in the Local Plan 2017, and we would always seek to encourage this type and quantum of leisure development into existing commercial locations such as our designated town district and local centres.

1.51 Moreover, we have no understanding from the submitted information around how the temporary commercial units would function. This includes how they would be managed, and the quality of the visitor offer. We are also unclear of opening times and whether they would operate independently of the pool. We would have major concerns if these operated outside of the operating hours of the pool given the presence of open water without any means of preventing unauthorised entry to the pool area with the inherent health and safety risks. Equally, if the units are only to be open when the pool is open then it is unlikely that they would be commercially viable. Again, we have no indication of when the pool would be open and whether there would be significant periods in the winter, or in inclement weather when the pool would be closed to the public.

1.52 Of particular concern is that the FoTOP are seeking a 'temporary permission' for the ancillary units which would be supporting a 'permanent' pool. There is a very likely risk that the temporary consents (which should only be granted in exceptional circumstances and for a limited period) would expire without a long term and high-quality alternative in place. In this scenario, there is a risk that the Authority as landowner would be left with a cluster of inappropriate and unauthorised temporary structures (supporting a permanent pool) that would be unacceptable for this location given that it is part of our national visitor offer and is also located with a designated conservation area requiring a higher design quality threshold. We have assumed that the Council, as Local Planning Authority, will consider carefully the likely visual impact of locating temporary structures in this sensitive location.

1.53 Securing a viable future for the pool is a key consideration which goes to the heart of the principle of the development and the planning permissions which are sought by the FoTOP. Given that temporary planning consent is sought for a significant number of commercial activity to generate income in order to support and enable a permanent scheme, without any detail on the proposed commercial arrangements within the site i.e. a credible business plan to underpin the scheme, and without any confirmation / commitment of external funding to enable the full scheme to proceed, then there is a risk the temporary units might need to

remain on site for a significant period of time with no certainty of a longer term proposal coming forward. There are therefore significant concerns that there is no appropriate basis on which to justify the granting a temporary permission in this instance.

1.54 Turning to the 'full scheme', having reviewed this and although the application is outline in nature it is considered that there is currently insufficient information on which to determine it. Given the sensitivities around the location, a greater amount of detail on the building design would be expected to be provided, namely its bulk and massing, as well as how it interfaces with the pool from an operational standpoint.

1.55 This includes issues such as refuse storage and collection, access for servicing, means of enclosure and site security. As you are aware, this is a sensitive site, within a designated Conservation Area and is part of our national visitor offer. The LPA will need to be satisfied that the proposals preserved and enhanced the character of the area and certainly caused no harm.

1.56 There is particular concern that the design quality the Authority aspires to in such locations may not be achieved. I would note that the North Tyneside coastline is an important natural asset for our residents, visitors and businesses and underpins our visitor offer. It is therefore important to ensure that any new developments along our coastline meet the authority's expectations in terms of design and build quality, especially where we have control as landowner. This is evidenced by our investment at the Spanish City and the Central and Lower Promenades, and we would expect any new developments to be of a similarly high quality.

1.57 On the basis of the above, whilst the redevelopment of the pool site would be supported in principle, unfortunately I would not support the development as proposed in the planning applications for the reasons set out above.

1.58 Biodiversity Officer

1.59 Further updated information is required to enable the LPA to fully assess the above applications.

1.60 Impacts on Coastal Designated Sites

1.61 The previous 'Report to Inform a Habitats Regulations Assessment' (2020) contains bird survey data covering the 2017-18 and 2018-19 non-breeding season which is now over 4 years old and will require updating to provide an accurate and up to date impact assessment. In accordance with Natural England's comments, the HRA carried out in 2020 would need to be updated to assess the impact on the qualifying features of the adjacent designated sites and to rule out any adverse effects. The HRA information would also need to be updated in accordance with any amendments that are made to the previous development plans.

1.62 New wintering bird surveys covering the period September-April will be required to support an updated HRA with adequate surveys carried out each month over this period in accordance with guidelines. The dataset for these surveys should be included within the updated HRA report along with

reports/data from the previous surveys in 2014 and 2017/18 and 2018/20 to support a more complete and robust assessment.

1.63 Updated information on visitor numbers and an assessment of the impacts of visitor numbers associated with the scheme will also be required as part of the updated HRA to enable the LPA to fully assess the impacts of the scheme on designated sites.

1.64 Biodiversity Net Gain

1.65 The application will need to demonstrate that a biodiversity net gain will be delivered as part of the scheme in accordance with Planning Policy, the NPPF and the Environment Act 2021. The following information will be required to support the application:-

- Updated Ecological Impact Assessment (EclA). This should include an assessment of the habitats on site and condition assessments to feed into the Biodiversity Metric/Net Gain Report
- Biodiversity Net Gain (BNG) Assessment Report using the Biodiversity Metric 4.0 calculation. The BNG Assessment should be carried out in accordance with the Mitigation Hierarchy, the BNG 'Good Practice Principles' and following the Biodiversity Metric 4.0 rules and principles. The Biodiversity Metric 4.0 calculation should be submitted along with the BNG Assessment Report as this provides the raw data for review. The scheme would need to deliver a minimum 10% biodiversity net gain.
- A Landscape Mitigation Plan that is in accordance with the BNG Report/Biodiversity Metric

2.0 External Consultees

2.1 Northumberland and Newcastle Society

2.2 The Tyneside Committee of the Northumberland and Newcastle Society lends its full support of the proposal to bring this facility back into use.

2.3 Northumbria Police

2.4 I have looked through the application from a crime prevention point of view and have no objections to it progressing.

2.5 I would however recommend that the proposed new building should meet the specifications set out in the police approved security scheme Secured by Design (SBD) in order to protect the assets i.e. vending machines which are commonly associated with these types of buildings. Further advice can be can be obtained from myself or by visiting www.securedbydesign.com and following the links to SBD Commercial 2015.

2.6 Environment Agency

2.7 Our previous responses remain applicable, but we would like to point out that the flood risk assessments submitted in support of these applications will not contain the most recent flood risk data and climate change allowances.

2.8 Previous comments

2.9 Flood Risk Advice:

Phase 2 of the development is recognised as less vulnerable and despite the

considered high likelihood of flooding (Flood Zone 3); the development is considered appropriate within the risk/vulnerability matrix of planning guidance “Table 3: Flood risk vulnerability and flood zone ‘compatibility’”.

2.10 The following below are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding Phase 2 of the development, we recommend that due consideration by the Local Planning Authority is given to the issues below and consultation be undertaken with the relevant experts where necessary. Issues are:

2.11 Flood mitigation - The associated FRA by ARUP recommends a number of resilience measures to be incorporated into the development for example flood proofed doors *etc.* A robust plan of what resilience measures are actually going to be adopted within the development to mitigate against flooding should be provided by the applicant/developer and assessed by the LPA. Special consideration should be taken to ensure the approaches accommodate the combined projected impacts of climate change and the approach taken to flood proof the associated plant room (*i.e.* tanking).

2.12 Evacuation Plan – As recommended in the associated FRA, a safe access and egress plan should be developed and supplied to the LPA for appraisal.

2.13 Coal Authority

2.14 The Coal Authority Response: Material Consideration

2.15 The Coal Authority last commented on this application in a letter to the LPA dated 2 December 2016. In this letter, we noted the content and conclusions of the supporting Coal Mining Risk Assessment and raised no objection to the application, subject to the imposition on any permission issued of conditions to secure the investigation and, if necessary, the remediation of coal mining legacy affecting the site.

2.16 We note from your re-consultation letter that the application has yet to be determined and that you are seeking our further comments given the length of time that has elapsed and taking into account any changes to legislation and policy that may have occurred in the intervening period.

2.17 We can confirm that our previous comments and recommendation for further works remain valid and relevant to the decision making process. However, we respectfully request that should planning permission be granted for the proposed development any conditions imposed reflect our revised recommended condition wording set out below, rather than that included in our previous letter:

1.No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

2.18 The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

2.19 The applicant should be requested to note that Permission is required from our Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

2.20 Northumbrian Water

2.21 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Outline Drainage Strategy Revision A" dated September 2019. This document contains our pre-planning enquiry response which confirms that surface water should discharge directly to the sea and that foul flows can connect to the network via manhole 1905.

2.22 We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Outline Drainage Strategy Revision A" dated "September 2019". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 1905 and ensure that surface water discharges to the sea.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

2.23 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied

that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

2.24 Tyne and Wear County Archaeologist

2.25 Tynemouth Open Air Pool is of early 20th century construction and should be considered a non-designated heritage asset (NPPF para 203). It has been entered on the Tyne and Wear Historic Environment Record (HER 9312). The applicant has provided cultural heritage statement (4425) and historic building recording (4426) for the site carried out by Archaeological Research Services Ltd in 2016. This historic building recording outlined the construction and phases of development for the pool until its closure in the early 1990s. In 1996, the pavilion, paddling area and fountain were demolished and the material was used to create an inter-tidal rock pool by partially filling the interior. The historic building recording appropriately describes the built heritage and fulfils the requirements of the NPPF for an applicant to describe the significance of any heritage assets affected by the proposed development (para 194). No further archaeological work is required.

2.26 However, as noted previously, the pool lies within the Tynemouth Conservation Area and forms part of the setting of the Iron Age settlement, monastery, the Priory and Castle Scheduled Monument (1015519) on the promontory at Tynemouth. Though there is no direct inter-visibility between the pool, the lido is visible in views towards the Priory and Castle from Cullercoats. Historic England should be consulted.

2.27 Natural England

2.28 In summary, Natural England will require further information to determine impacts on designated sites

2.29 As submitted, the application could have potential significant effects on:

- Northumbria Coast Special Protection and Ramsar site
- Northumberland Shore Site of Special Scientific Interest

2.30 Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Up-to-date wintering bird surveys covering the period from September to April.
- Amended HRA to include the up-to-date wintering bird survey results in the impact assessment.

2.31 Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

2.32 Natural England's further advice on designated sites/landscapes and advice on other issues is set out below

2.33 Additional Information required

2.34 This advice is to supersede part of our advice that was provided on the 24/02/2020 (reference 307844). In our previous advice the following is stated:

“Natural England advises that provided the proposal is implemented as submitted, and that the following mitigation measures specified in the application and subsequent submissions are secured through planning conditions, the appropriate assessment should be able to conclude no adverse effect on the integrity of the above sites:”

2.35 The evidence provided as part of the Habitats Regulations Assessment (HRA), in particular the Wintering Bird Surveys, that our previous advice was based on is now outdated and as a result is no longer sufficiently robust to be considered as evidence to inform the Appropriate Assessment.

2.36 Therefore, we can no longer support the above statement that “the Appropriate Assessment should be able to conclude no adverse effect on the integrity of the designated sites”. Natural England advises that a more up to date and complete body of evidence should be considered to assess the impact on the qualifying features of the adjacent designated sites. The applicant should carry out new wintering bird surveys covering the period September - April and review the HRA accordingly.

2.37 Northumberland Shore Site of Special Scientific Interest (SSSI)

2.38 The SSSI is under similar pressures as the SPA and Ramsar site, therefore, the impacts should be assessed similarly.

2.39 Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England’s advice. You must also allow a further period of 21 days before the operation can commence.

2.40 Other advice

2.41 Further general advice on the protected species and other natural environment issues is provided at Annex A.

3.0 Representations

3.1 6no. letters of support have been received. These are summarised below.

- Positive transformation into a facility that will promote exercise and outdoor activity.
- My only concern would be unwanted noise during anti-social hours.
- Will enhance one of the best beaches in the country.
- Is currently an eyesore.
- Will improve Tynemouth.
- Would see the renovation of a neglected feature and restore a popular leisure facility.
- Any consent should be conditional upon an approved landscaping scheme.
- Will benefit residents and visitors and encourage tourism.
- Income generation.
- Additional customers for local businesses.
- Will enhance the beach.
- The beach is in use all year, a safe swimming pool will encourage more people to go to the beach and to swim.

- Will bring health benefits.

3.2 1 no. objection has been received. This is summarised below.

- Adverse effect on wildlife.
- Affect character of conservation area.
- Impact on landscape.
- Inadequate parking provision.
- Inappropriate design.
- Nuisance – noise.
- Pollution of watercourse.
- Within greenbelt/no special circumstance.
- Chlorinated water will discharge into the sea and damage wildlife.
- Heating of the pool is not needed.
- The bankside is currently natural and undeveloped.
- The buildings would have a negative impact visually and environmentally.
- Litter pollution.
- Does not need entertainment and retail facilities.

Agenda Item 8

Application No: 23/00469/FUL

Author: Julia Dawson

Date valid: 5 April 2023

☎: 0191 643 6314

Target decision date: 5 July 2023

Ward: Battle Hill

Application type: full planning application

Location: Buzz Bingo Club, Middle Engine Lane, Wallsend, Tyne And Wear, NE28 9NT

Proposal: Proposed change of use of existing bingo hall (Sui Generis) to retail (Class E(a)) together with external works to the building and alterations to the service yard and car park

Applicant: BMW (UK) Trustees Ltd C/o LGIM

Agent: Rapleys LLP

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues in this case are;

- The principle of the proposed development;
- The impact upon residential amenity;
- The impact on the character and appearance of the site and the surrounding area; and
- The impact on the highway.

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

2.0 Description of the Site

2.1 The site to which the application relates is Buzz Bingo in Wallsend. The site comprises approximately 1.85 acres (0.75 ha) and is located on the southern edge of Middle Engine Lane. Buzz Bingo occupies a large, detached building, with an overall floor area of approximately 3,169sqm (arranged across ground level (2,605 sqm) with a first-floor mezzanine (564 sqm)). 158 car parking spaces, including 20 disabled spaces, are laid out to the north and east of the building. Access to the site is via an opening onto Middle Engine Lane.

2.2 Residential dwellings are located to the north of the site on Bewick Park. Large commercial units are located either side of the application site and the Coast Road is located to the south.

2.0 Description of the Proposed Development

2.1 The proposal relates to the change of use of the site from a bingo hall to a non-food discount retail unit. The works will include the removal of the majority of the first-floor mezzanine, reducing the total floorspace to 2,606sqm (GIA) over the ground floor. Of this, 2,345sqm (NIA) will be front of house sales area, with the remaining space dedicated to back of house storage and staff utility facilities.

2.2 External alterations will include the following:

- New signage zone behind the existing frontage above the unit's main entrance;
- Removal of existing glazed canopy;
- New single height glazed shopfront to the main entrance;
- Removal of existing outdoor sheltered area in the car park;
- Replacement of the existing Means of Escape doors on the eastern and western elevations; and
- Reconfiguration of car park and improved pedestrian connectivity.

3.0 Relevant Planning History

3.1 94/01284/FUL - Erection of 33000 square feet leisure development for bingo, social club with ancillary bars, catering and amusement facilities, car parking and landscaping – Approved 09.06.1987

4.0 Development Plan

4.1 North Tyneside Local Plan (2017)

5.0 Government Policy

5.1 National Planning Policy Framework (NPPF) (July 2021)

5.2 National Planning Practice Guidance (NPPG) (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

6.1 The main issues in this case are;

- Whether the principle of the proposed retail use is acceptable;
- The impact on the character and appearance of the site and the surrounding area;
- The impact upon the living conditions of neighbours; and
- The impact on the highway network.

7.0 Principle

7.1 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

7.2 Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

7.3 The NPPF (para.81) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

7.4 Para. 90 of the NPPF states that when assessing applications for retail and leisure

development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace).

7.5 Policy S1.4 of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence-based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development.

7.6 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

7.7 Policy S2.1 states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged.

7.8 Policy DM3.4 of the Local Plan states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;
- b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;

- c. There is flexibility in the business model and operational requirements in terms of format; and
- d. The potential sites are easily accessible and well connected to town centres. Proposals for retail development outside a town centre will require an impact assessment where they would provide either:
 - e. 500m² gross of comparison retail floorspace, or more; or
 - f. 1,000m² gross of retail floorspace for supermarkets/superstores, or more.

7.9 The proposal would be supported when the necessary Impact Assessment has shown that:

- g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

7.10 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

7.11 Sequential and Retail Impact Assessment

7.12 Objections have been received in relation to the proposed use of the application site as a retail unit, citing the lack of need for a further retail unit in this location, particularly when there are retail units in close proximity and many of these are vacant, e.g. at the Silverlink retail park. These concerns are noted.

7.13 The NPPF and Policy DM3.4 require a sequential assessment to be submitted for main town centre uses on sites not within the town centres. The purpose of the sequential assessment is to establish whether there any sites which are available, suitable and viable in existing centres and then on edge of centre sites. If there are none, then sites such as the application site can be considered.

7.14 The NPPF and Policy DM3.4 also require an impact assessment where the proposed development will provide 1000sqm or more of retail floorspace outside a town centre. The purpose of the impact assessment is to ensure that new retail development does not have an impact on existing, committed and planned public and private investment in the centre or centres in the catchment area and on the vitality and viability of existing centres.

7.15 The applicant has submitted a Planning and Retail Statement in support of the application. This contains both a sequential and impact assessment.

7.16 The sequential assessment considered 15 different in-centre, edge-of-centre and out-of-centre sites that are located in and around the seven defined centres in the Borough. It concluded that none of the 15 sites/locations are suitable, viable or available within a reasonable period of time.

7.17 The impact assessment considered a catchment area within a seven-minute drivetime of the application site, undertaking the impact analysis on Wallsend Town Centre, North Shields Town Centre, Killingworth Town Centre, Northumberland Park District Centre, Battle Hill Local Centre, Howden Local Centre and Preston Grange Local Centre. The assessment also includes a health check assessment of all seven retail centres. The assessment concluded that the proposal will not have a significant adverse impact on the vitality and viability of any one centre, with the highest impact being 4.95% on Battlehill Local Centre.

7.18 The Planning Policy Team have reviewed the submitted assessments and advised that each assessment provides sufficient evidence that the proposed development would not have a significant adverse impact on the centres within the catchment area of the development and that no suitable, available, or viable sites were sequentially preferable. Therefore, the applicant has demonstrated that the development would not have a significant adverse impact on the viability or vitality of the relevant town centres. Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with Policy S2.1, DM2.3 and DM3.4 of the Local Plan (2017) in this respect.

7.19 With regard to the concern raised by Buzz Bingo that the applicant's sequential assessment demonstrates that there is no floorspace in the Borough which could accommodate a large floorplate business (like Buzz Bingo), meaning that there is unlikely to be any other location in the Borough that Buzz Bingo could relocate to, this point is noted. However, planning permission cannot be withheld on this basis. Furthermore, the applicant has advised that the sequential assessment was undertaken specifically for the proposed retail use, which has completely different requirements and characteristics to that of a bingo facility. Additionally, only sites within a 7-minute drive time were assessed as part of the sequential assessment. The results of the sequential assessment cannot therefore be used as a basis to justify that there are no alternative sites within the entirety of the Borough that could meet the requirements of a bingo hall operator.

7.20 Concerns have also been raised with regard to the loss of the 21 jobs and associated supply chain jobs. Whilst these concerns are noted, the applicant has advised that it is typical for discount retailers who operate across similarly sized floor plates to employ around 60-80 staff (comprising a mix of full-time and part-time positions). The proposed Class E(a) use would therefore significantly increase the number of jobs at the site when compared against the existing position.

7.21 Members must determine whether the specific offer proposed would have a significant adverse impact upon the vitality and viability of town centres within the catchment area identified, bearing in mind the economic benefits that the proposal would bring in terms of the creation of new jobs. Officer advice is that the proposal would accord with the advice in NPPF and LP policies S2.1, DM2.3 and DM3.4.

7.22 Community Infrastructure and Public Sector Equality Duty

7.23 A significant level of objection has been submitted by members of the public in relation to the loss of the bingo hall and the impact this will have on the community as a result of the loss of the bingo hall as an accessible and safe place to meet and socialise, in particular the elderly, women and disabled people. These concerns are noted.

7.24 The current occupier of the application site, Buzz Bingo, have also submitted a detailed objection citing the loss of social infrastructure (contrary to NPPF para.93 and LP policy S7.10), the lack of suitable alternative premises in the Borough if they have to relocate and the local authority's (LA) public sector equality duty to ensure that its decision making takes account of the impact on groups with 'protected characteristics'. Buzz Bingo have also pointed out that their lease does not end until 2025 and they have no plans to close, whereas the applicant has advised that the bingo hall will close regardless of the outcome of the current application. These points are also noted.

7.25 Firstly, with regard to the issue of whether a bingo hall is a community use/facility it is noted that paragraph 10.76 of the Local Plan states that community infrastructure provides for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community provided through a wide range of venues, and include places of worship, schools, heritage venues, libraries, museums, cinemas, shopping centres, pubs and cafés, streets and town squares, industrial and business premises, community centres (including health centres and hospitals), parks and open spaces, and other public venues. A bingo hall, which in this case is a members-only (albeit free membership) commercial business, is not included within this list of venues.

7.26 Whilst a bingo hall is a leisure facility, which could be enjoyed by groups within the community it does not accord with the part of the framework relating to enhancing the sustainability of communities and residential environments (NPPF paragraph 93a). In addition, a bingo hall is not considered to be essential to health and well-being (NPPF paragraph 93b) and could be detrimental to this purpose in some cases given it is form of gambling. Lastly, it is not considered that a bingo hall is a facility or service that is critical to meeting the day-to-day needs of the community (NPPF paragraph 93c).

7.27 In light of the above, LP policy S7.10 is not considered to be applicable to the determination of this application.

7.28 With regard to the LA's public sector equality duty (PSED), Members are advised that in determining this application, they must have regard to PSED under section 149 of the Equality Act 2010. This means that the Council must have due regard to the need (in discharging its functions). The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149, it is only one factor that needs to be considered and may be balanced against other relevant factors.

7.29 Buzz Bingo have submitted evidence within their objection, which they state shows that groups with 'protected characteristics' (women and older people) will be adversely impacted by the loss of the bingo hall. It should be noted that,

regardless of the current application, the LPA has no control over whether the bingo hall remains open and operating as such and cannot control this. Notwithstanding this, whilst it is acknowledged that the closure of the bingo hall will likely have a deeper impact on the specified groups, this is not considered to be a reason that planning permission could be withheld.

7.30 The applicant has also considered this point and advised that they do not consider there to be a disproportionate impact on groups with protected characteristics in this instance given that there are a range of venues close to the site that could provide similar opportunities for the groups to regularly meet, socialise and interact, pointing out that such venues (within 1km of the site) meet the LPA's definition of community infrastructure (LP para.10.76), i.e. three pubs, three cafés, a place of worship, two health centres, a social club, and open spaces. These provide a range of informal and social meeting places that are accessible to the aforementioned groups and the local community.

7.31 Whilst many objectors have stated that there are no other accessible bingo halls in the district, it is noted that the Ritz Bingo and Social Club is located in Forest Hall. This is also a members-only (free membership) bingo hall which is located in North Tyneside and is approximately 4.6 miles from the application site. It is accessible by car and bus, and it provides similar facilities to Buzz Bingo, including a bar, café serving hot food and drinks, on site car parking and access and facilities for disabled people.

7.32 The LPA has therefore fully considered the loss of the bingo hall in terms of community/social infrastructure and the impact on groups with specially protected characteristics with regard to its responsibilities to PSED. Members must determine whether the proposed development is acceptable in each of these regards. Officer advice is that it is.

8.0 Character and Appearance

8.1 The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute to making places better for people.

8.2 Policy DM6.1 'Design of Development' of the Local Plan states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,

f. A good standard of amenity for existing and future residents and users of buildings and spaces.

8.3 LDD11 'Design Quality' states that commercial developments, regardless of location, should be a focus to promote high quality design in order to enhance the overall quality of the built environment, both aesthetically and functionally.

8.4 The proposed external works will consist of:

- New signage zone behind the existing frontage above the unit's main entrance;
- Removal of existing glazed canopy;
- New single height glazed shopfront to the main entrance;
- Removal of existing outdoor sheltered area in the car park;
- Replacement of the existing Means of Escape doors on the eastern and western elevations; and
- Reconfiguration of car park and improved pedestrian connectivity.

8.5 It is considered that the above works will improve the appearance of the application site. They are appropriate for this commercial site and will result in any harm to the character and appearance of either the application site or the surrounding area.

8.6 Members must determine whether the proposed development is acceptable in terms of its impact on the visual amenity of the application site and surrounding area. Officer advice is that the proposal would accord with the advice in NPPF and policy DM6.1 of the North Tyneside Local Plan 2017 in this regard and it is therefore acceptable.

9.0 Impact upon Neighbours

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and quality of life.

9.2 Policy DM5.19 of the Local Plan states that proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment. Development that may be sensitive (such as housing, schools

and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

9.3 Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of the Plan. Development proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

9.4 Policy DM7.9 'New Development and Waste' states that all developments are expected to:

- a. Provide sustainable waste management during construction and use.
- b. Ensure a suitable location for the storage and collection of waste.
- c. Consider the use of innovative communal waste facilities where practicable.

9.5 Concerns have been raised by local residents with regard to the impact on their amenity in terms of disturbance from noise at the site (deliveries and increased traffic and activity). These concerns are noted.

9.6 The nearest residential dwellings are located to the north on the opposite side of Middle Engine Lane. These properties are located a significant distance from the site and existing building and associated car park. Due to the significant separation distance, the proposed external works will not result in any adverse impact on the existing levels of outlook, daylight, sunlight or privacy currently enjoyed by the occupants of these properties.

9.7 The proposed development is unlikely to give rise to any significantly increased adverse impacts in terms of noise, subject to the conditions suggested by the Environmental Health Officer.

9.8 Members must determine whether the proposed development will be acceptable in terms of its impact on neighbours living conditions and whether the proposal would accord with the advice in NPPF and local plan policies S1.4, DM5.19 and DM7.19. Officer advice is that subject to the suggested conditions, the proposed development will not result in an adverse impact and is acceptable.

10.0 Highway Impact

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

10.2 All development that will generate significant amounts of movement should be required to provide a Travel Plan (TP), and the application should be supported by a Transport Statement (TS) or Transport Assessment (TA) so the likely impacts of the proposal can be fully assessed.

10.3 Paragraph 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.

10.4 Local Plan Policy DM7.4 New Development and Transport states that the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being.

10.5 Concerns have been raised by local residents with regard to deliveries, an increase in traffic, congestion and the impact on highway safety. These are noted.

10.6 The Transport and Highways SPD sets out the parking standards for new development.

10.7 The applicant has submitted a Travel Plan and a Transport Assessment in support of the application. The Highway Network Manager has reviewed the application and raises no objection to the proposal, subject to a number of conditions and informatives.

10.8 The impact on the highway network is therefore considered to be acceptable and in accordance with Policy DM7.4.

11.0 Local Financial Considerations

11.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments).

11.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. There are no local financial considerations that could help make this development acceptable in planning terms.

12.0 Conclusions

12.1 This proposal seeks permission for the change of use of the application site in order to provide a new non-food retail discount unit. It is considered that the proposal will improve the appearance of the application site. It will improve the retail offer at this location, which will support the neighbouring units (Wickes, Smyths Toy Superstore and The Walls End Public House) and the residential population in this part of the Borough. It will not result in harm to the viability and vitality of the Borough's town centres, as demonstrated by the applicant's Planning and Retail Statement.

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, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

5. Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. These parking areas shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. Notwithstanding the details submitted, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. These EV charging areas shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. Notwithstanding the details submitted, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. This cycle storage shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. Notwithstanding the details submitted, the Delivery, Servicing and Waste Management Plan shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

9. Prior to the commencement of the use hereby approved details of a taxi and private hire servicing plan shall be submitted to and approved in writing by the local planning authority. This plan shall include details of drop off and pick up points and allocated parking bays as necessary. Thereafter the taxi and private

hire servicing plan shall be implemented prior to commencement of the approved use in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

10. Prior to the commencement of the approved use details of a car park management plan shall be submitted to and approved in writing by the local planning authority. This plan shall be implemented prior to commencement of the use in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

11. The premises shall not be open for business outside of the hours of 08:00 to 22:00 Monday to Saturday and 08:00 to 18:00 hours on Sundays and Bank Holidays.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

12. Notwithstanding the approved details, deliveries shall be restricted to between 07:00 and 23:00 hours Monday to Saturday and 07:00 to 17:00 hours on a Sunday.

Reason: In the interest of the residential amenity of the occupiers of surrounding dwellings having regard to policies S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

13. Prior to the installation of any external plant and equipment in connection with the approved development, a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme, which shall be carried out in accordance with BS4142, must determine the current background noise levels for the representative times of the day or night when the external plan is to operate and must ensure that the rating level from plant and equipment, as measured one metre from façade of nearest residential property, does not exceed the background noise level. Thereafter, the development must be carried out in completed accordance with the approved details, maintained in working order and retained at all future times.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

14. Within one month of the installation of any external plant and equipment in connection with the approved development testing shall be undertaken to verify compliance with approved noise scheme and the results submitted to and approved in writing by the Local Planning Authority. Thereafter, the plant and equipment shall be operated in complete accordance with the approved details and maintained in working order.

Reason: In order to protect the residential amenity of the nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

15. Notwithstanding the submitted details and prior to the installation of any

external lighting in connection with the approved development, full details of its location and design must be submitted to and approved in writing by the Local Planning Authority. Such details must provide clarification of the lighting levels all neighbouring sensitive receptors. All external lighting must be installed in accordance with the approved details and retained thereafter.

Reason: In order to protect the residential amenity of the nearby residents and the character and appearance of the host site and surrounding area having regard to policies DM6.1, DM6.2, and DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order), the land and/or building(s) shall be used only for the purpose of a retail unit falling within Use Class E(a) and for no other purpose including any other purpose within Use Class E.

Reason: To enable the Local Planning Authority to retain control over the use and to protect the amenity of surrounding occupiers having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

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 Paragraph 38 of the National Planning Policy Framework.

Informatives

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information.

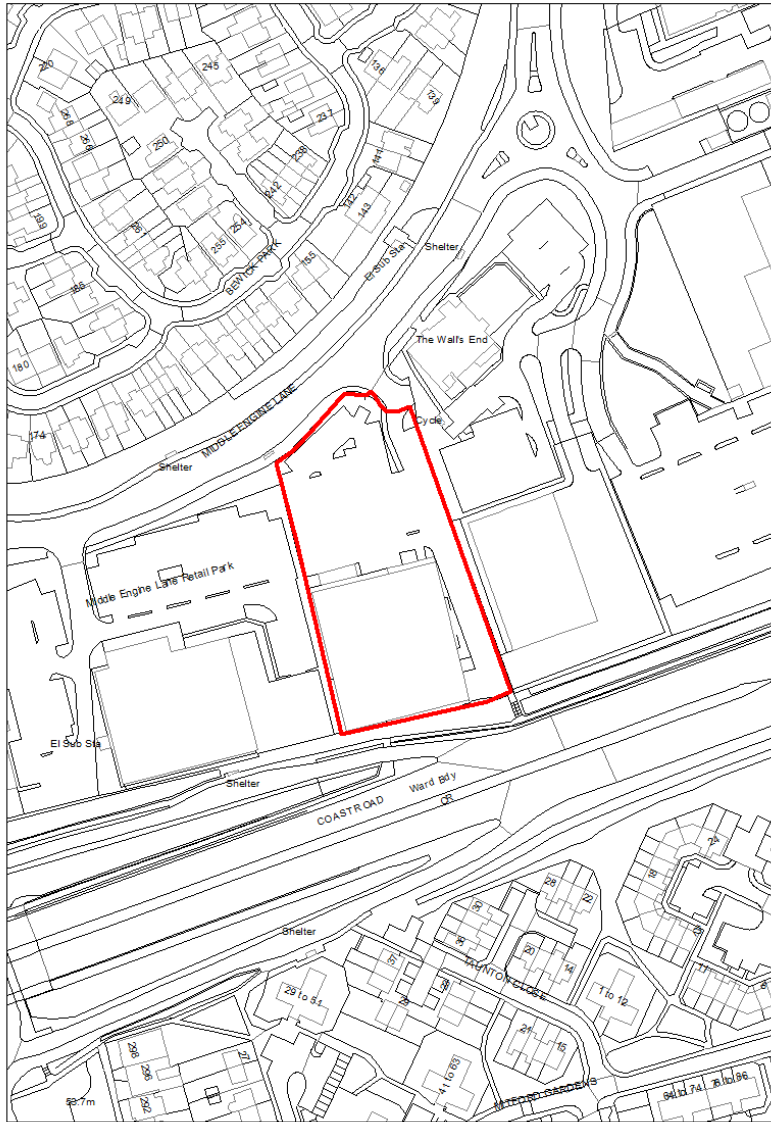
The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised to contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Advice All Works Within Applicants Land (I29)



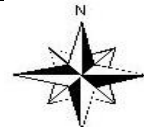
Application reference: 23/00469/FUL

Location: Buzz Bingo Club, Middle Engine Lane, Wallsend, Tyne And Wear
Proposal: Proposed change of use of existing bingo hall (Sui Generis) to retail (Class E(a)) together with external works to the building and alterations to the service yard and car park

Not to scale

Date: 22.06.2023

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Consultations/representations

1.0 Representations

394no. objections and 6no. expressions of support have been received. The main objections are set out below:

- Loss of bingo hall.
- Disproportionate harmful impact on elderly/disabled.
- Loss of vital meeting place for socialising, will result in social isolation and loneliness.
- Harmful impact on physical and mental health.
- No other accessible bingo halls in North Tyneside.
- Loss of jobs.
- Massive loss to the local area.
- Loss of safe space and community hub.
- No need for more retail in this location, Silverlink is nearby where there are empty units.
- Harmful impact on nearby residential amenity.
- Increased traffic along Middle Engine Lane will lead to congestion, noise, fumes, pedestrian safety.
- Noise from HGV's during deliveries.
- No safe provision made for deliveries leading to danger to public safety and well-being.

1.1 Buzz Bingo (Property Director)

1.2 A detailed objection has been submitted by Buzz Bingo, the current occupier of the application site. This is summarised below:

- Proposed development will result in the loss of Buzz Bingo's premises and no alternative provision is proposed. North Tyneside residents will not be able to access alternative facilities nearby and needs will be unmet.
- The application states that the site is "soon to be vacant", however, Buzz Bingo have a lease agreement in place until August 2025 and the landowner has not sought to terminate that lease.
- The bingo hall is very well utilised with a large membership base and performs an important social function for the local community in Wallsend particularly for older residents and women.
- The club supports local employment and contributes to the local economy.
- Planning policy and legal framework seeks to protect social infrastructure and promote equal opportunities for all.
- The business has long-term aspirations to retain the Wallsend club and the applicants own sequential test shows that there is no floorspace in the District with which to accommodate a large floorplate business (like Buzz Bingo), such that there is unlikely to be any other location in the District that Buzz Bingo could relocate to.
- Buzz Bingo club is only one of two bingo halls left in the District, and it is one of the most successful Buzz Bingo clubs in the north east.
- The club employs 21 people in total, the majority of whom are North Tyneside residents. 21 jobs will be lost, as well as supply chain jobs.

- The proposal will result in the loss of the club, which is an important piece of social infrastructure. This is contrary to NPPF paragraph 93 and LP policy S7.10.
- Local authorities have a public sector equality duty (PSED), which means that they should take account of the potential impacts of their decision-making on groups with “protected characteristics”. These include age, sex (gender) and disability and the proposal will have a disproportionate adverse impact on parts of the community that rely on the bingo hall as a social outlet – women and older people, particularly older women.

2.0 Internal Consultees

2.1 Highway Network Manager

2.2 This application is for a change of use of the existing bingo hall to retail, together with external works to the building and alterations to the service yard and car park.

2.3 A Transport Assessment (TA) was submitted as part of the planning application that analysed junctions in the vicinity of the site as well as the proposed site accesses and the impact of the development on the adjacent highway network is not considered to be severe.

2.4 The site will be accessed from the existing bingo hall access on Middle Engine Lane and parking will be provided to meet the needs of the site. Cycle parking will also be provided, along with a Travel Plan and servicing will take place via a service yard to the east of the site.

2.5 Recommendation - Conditional Approval

2.6 Conditions:

2.7 Notwithstanding the details submitted, the scheme for parking shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. These parking areas shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

2.8 Notwithstanding the details submitted, the scheme for Electric Vehicle (EV) charging shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. These EV charging areas shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

2.9 Notwithstanding the details submitted, the scheme for undercover cycle storage shall be laid out in accordance with the approved plans prior to the development hereby approved being brought into use. This cycle storage shall not be used for any other purpose and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

2.10 Notwithstanding the details submitted, the Delivery, Servicing and Waste Management Plan shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

2.11 Prior to the commencement of any part of the development hereby approved above damp proof course level details of a taxi & private hire servicing plan shall be submitted to and approved in writing by the local planning authority. This plan shall include details of drop off & pick up points and allocated parking bays as necessary. Thereafter the taxi & private hire servicing plan shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

2.12 Prior to the commencement of any part of the development hereby approved above damp proof course level details of a car park management plan shall be submitted to and approved in writing by the local planning authority. This plan shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

2.13 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, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre-development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

2.14 Informatives:

2.15 The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such

obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

2.16 The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact Streetworks@northtyneside.gov.uk for further information

2.17 The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

2.18 The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact Highways@northtyneside.gov.uk for further information.

2.19 The applicant is advised to contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. Contact Highways@northtyneside.gov.uk for further information.

2.20 Contaminated Land Officer

2.21 This application is for proposed change of use of existing bingo hall (Sui Generis) to retail (Class E(a)) together with external works to the building and alterations to the service yard and car park.

2.22 As there is no alteration to the building footprint or hardstanding I have no objection.

2.23 Biodiversity Officer

2.24 There are no objections and no further information required for the above scheme to change the use of the existing bingo hall to retail.

2.25 Planning Policy

2.26 The site is within the main urban area of North Tyneside, currently occupied by Buzz Bingo, and forms part of a collection of commercial premises that have variety of different uses on Middle Engine Lane. Safestore Storage is to the east and Wickes DIY store is to the west of the site, but there is also a pub, Smyths toy store and B&Q DIY store within close proximity to the unit. Residential development is to the north and the A1058 is to the south. The building is set back from the roadside with a large area of a level parking to the front of the unit, which has high degree of visibility from the highway.

2.27 The current use of the site is sui generis and the application is for a change of use to retail (Use Class E(a)). The proposed development would be for 2,345m² net retail floorspace and the total gross internal retail floor area is 2,606m² (existing gross internal floorspace is 3,169m²).

2.28 The application for the development of a retail unit in an out of centre location requires the applicant to submit a sequential, and because it is over 1,000m² also an impact assessment, in accordance with paragraph 87 and 90 of National Planning Policy Framework (NPPF) and Policy DM3.4 of the Local Plan (2017).

2.29 The applicant has submitted both and it is the officer's opinion that each assessment provides sufficient evidence that the development would not have a significant adverse impact on the centres within the catchment of the development and that no suitable, available, or viable sites were sequentially preferable.

2.30 Conclusion:

2.31 The proposal has not been able to identify any sequentially preferable sites within the catchment area and the impact assessment has proven the development would not have a significant adverse impact on the viability or vitality of the relevant town centres. Considering national guidance and the need for the Council to support sustainable economic growth, the application would be in accordance with Policy S2.1, DM2.3 and DM3.4 of the Local Plan (2017).

2.32 There are no objections raised.

2.33 Environmental Health (Pollution)

2.34 I have viewed the application and note that there will be an external plant room and new service door to side of the unit. A noise survey has been carried out to review the impact of delivery and plant noise. The noise survey involved measurement of the current background noise levels taken on the northern side of Middle Engine Lane on the grass verge. The background noise levels for daytime were averaged as 64 decibels however evening background noise level was 56 to 57 decibels for period between 20:00 and 22:00 hours while night time background noise level was 38 decibels.

2.35 The noise report considered typical noise levels from the arrival loading and unloading and departure of HGVs. It is not clear if the arrival or departure considered the use of reversing alarms on the vehicles and it is also not clear if the assessment considered whether the premises will be able to control the type of delivery vehicles. The noise impact from reversing alarms can be an issue at night due to its intermittent impact noise. Vehicle reversing alarm noise can be mitigated by the use of white sound reversing alarms with the ability to vary the level of noise dependant on background noise levels. However, this would not be possible if the company use independent delivery companies.

2.36 I would therefore suggest that no night time deliveries are permitted due to the potential impact on residents from reversing alarms from HGV vehicles. I have viewed the background noise levels obtained and would suggest for the

purpose of amenity to residents that prior to operation of the external plant a noise scheme is submitted and thereafter implemented and maintained to ensure the overall rating level of external plant operating does not exceed the background evening noise level as this is a more sensitive time of day when considering impact. The evening background noise levels between 20:00 and 22:00 hours varied between 57 and 58 decibels.

2.37 I would recommend that in order to protect residents from the impact of external plant noise prior to operation of plant a noise scheme is submitted for written approval by the planning authority and thereafter implemented and maintained to ensure the rating level does not exceed the background noise level of 58 decibels for daytime and a background noise level of 38 decibels for night time measured in accordance with BS4142.

2.38 I would have no objections subject to the following conditions to protect neighbouring residential premises from noise from new plant, delivery noise and general construction noise and light pollution from new illuminated signage:

2.39 HOU04 Standard construction hours

2.40 HOU03 business opening times as set out in report 08:00 to 22:00 hours Monday to Saturday, 08:00 to 18:00 hours on a Sunday.

2.41 Delivery times shall be restricted to between 07:00 and 23:00 hours Monday to Saturday and 07:00 to 17:00 hours on a Sunday.

2.42 Submit for approval in writing to the Local Planning Authority a noise scheme for the external plant in accordance with BS4142 to determine the current background noise levels for the representative times of the day or night when the external plant is to operate. The rating level for the plant must not exceed the current background noise levels measured at the nearest noise sensitive residential premises. It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant.

2.43 If the signage is to be illuminated or additional lighting installed within car park I would request a condition for light: LIG01