



North Tyneside Council

Planning Committee

17 August 2023

To be held on **Tuesday, 29 August 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 4 July 2023.	5 - 10

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Agenda Item	Page
<p>5. Planning Officer Reports</p> <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>	11 - 14
<p>6. 23/00925/FUL, G33-G48 Garage Adjacent to 71-73 Bellshill Close, Wallsend</p> <p>To determine a full planning application from North Tyneside Council for the variation of condition 1 of planning approval 22/01672/FUL in order to show increase in height of walls, eaves and ridge height of the approved bungalows following receipt of detailed site levels.</p> <p>Speaking rights granted to:</p> <ul style="list-style-type: none"> • Caroline Armstrong of Bellshill Close • Russell Edwards of Edwards Architecture on behalf of the applicants 	15 - 24
<p>7. 21/00174/FUL, 1-2 East Parade, Whitley Bay</p> <p>To determine a full planning application from North Eastern Holdings Ltd for the demolition of existing building and erection of residential development comprising 19no. 2-bed apartments, with associated vehicular access, landscaping and other associated works.</p>	25 - 66

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

Tuesday, 4 July 2023

Present: Councillor W Samuel (Chair)
Councillors S Cox, J Cruddas, T Hallway, C Johnston,
P McIntyre, J O'Shea, P Oliver and M Thirlaway

Apologies: Councillors S Burtenshaw and J Montague

PQ10/23 Appointment of substitutes

There were no substitute members appointed.

PQ11/23 Declarations of Interest

Councillor M Thirlaway declared a non-registerable personal interest in planning application 23/00469/FUL, Buzz Bingo Club, Middle Engine Lane, Wallsend because his school friend was employed by Buzz Bingo. He withdrew from the meeting during consideration of the item and took no part in the voting or decision making.

PQ12/23 Minutes

Resolved that the minutes of the meeting held on 13 June 2023 be confirmed and signed by the Chair.

PQ13/23 Planning Officer Reports

The Committee received guidance in relation to the principles of decision making when determining planning applications and then gave consideration to the planning applications listed in the following minutes.

PQ14/23 16/01710/FUL, Tynemouth Open Air Pool, North of Percy Gardens, Tynemouth

The Committee considered a report from the planning officers, together with two addendums, one circulated prior to the meeting and another circulated at the meeting, in relation to a full planning application from Friends of Tynemouth 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.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme Mr Peter Coulson had been granted permission to speak to the Committee. Mr Coulson referred to the history of the site and support received from the Mayor of Waverley in Sydney, Australia for the restoration of the pool. He stated that the careful design of the proposed developments would enhance the character and appearance of the conservation area. An alternative design of the temporary structures had been submitted on 1 April 2023 but the planning officers had yet to respond. The proposals would not distract from the amenity and operation of neighbouring organisations and people. It was acknowledged that the biodiversity assessments were now out of date but these could be reviewed at the appropriate time in the year.

Councillors Lewis Bartoli and Sarah Day, ward councillors for the Tynemouth Ward had also been granted permission to address the Committee.

Councillor Bartoli highlighted 3 areas of concern raised by the planning officers which he believed could be satisfactorily resolved. He stated that if the biodiversity, bird and habitat assessments were updated this would satisfy the concerns regarding the absence of up to date information. Councillor Bartoli compared the impact of the temporary buildings on the character and appearance of the area with the impact of existing similar structures in the area and he contended that the harm did not outweigh the public benefits of reinstating the pool. He also challenged the view contained in the planning officers report that the proposed development was un-fundable and undeliverable and argued that if the project ultimately proved to be unviable, the Authority would inherit an asset in an improved condition.

Councillor Day referred to the history of the site, the community campaign to restore the pool and the amount of public support for the scheme. She outlined the benefits of the scheme and those aspects of the proposal which were deemed to be acceptable. She acknowledged the concerns raised by the planning officers but she believed these issues could be resolved to allow permission to be granted. This would in turn enable the applicants to seek funding to progress the ambitious scheme.

Dr Anton Lang addressed the Committee on behalf of the applicants, Friends of Tynemouth Pool, to respond to the speakers' comments. Dr Lang accepted that the bird and ecology assessments were out of date but he emphasised that they had not raised any issues for concern. He argued that the proposed reasons for refusing permission could be translated into conditions imposed on the granting of planning permission. He commented on the design and appearance of the proposed temporary structures which could be adapted to mitigate their impact on the character and appearance of the area. He asked the Committee to give the community hope by granting permission subject to a series of conditions requiring the issues raised by officers to be satisfactorily resolved.

Members of the Committee asked questions of the speakers and officers and made comments. In doing so the Committee gave particular consideration to:

- a) car parking and public transport links in the area surrounding the site;
- b) the difference between the estimated build costs for the development calculated by officers and the applicants;
- c) examples of outdoor swimming pools operated in other parts of the country which had proven to be financially viable;
- d) the statutory timescales for the commencement of works following the granting of planning permission;
- e) the significance of the site, the economic, health and social benefits of the proposed development and the level of public support in favour of the reinstatement of the pool;
- f) the impact of the proposed temporary structures on the character and appearance of

the conservation area; and

g) the advice from planning officers that should planning permission be granted, subject to conditions requiring the wintering bird surveys and a biodiversity net gain assessment to be undertaken, this would deny Natural England and the Biodiversity Officer the opportunity to properly assess, and potentially object to, the application before planning permission was granted and would leave the Authority at risk of challenge and not able to satisfactorily discharge its additional duties under the Habitats Regulations.

The Chair proposed that the Committee indicate it is minded to grant the application and authorise the Director of Regeneration and Economic Development to issue a notice of grant of planning permission, provided the applicant satisfactorily resolves the issues described by the Chair and set out below.

On being put to the vote, 8 members of the Committee voted for the proposal and 1 member voted against with no abstentions.

Resolved that (1) the Committee is minded to grant the application; and (2) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission, providing no further matters arise which in the opinion of the Director of Regeneration and Economic Development raise issues not previously considered which justify reconsideration by the Committee, subject to:

- i) any conditions considered necessary by the Director of Regeneration and Economic Development;
- ii) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £15,165 towards the Coastal Mitigation Service;
- iii) receipt of information to satisfactorily address the comments of Natural England and the Council's Biodiversity Officer, including an updated Ecological Impact Assessment, additional wintering bird surveys and an updated Shadow Habitat Regulation Assessment, to allow the Local Authority to undertake an appropriate assessment under the Habitat Regulations which demonstrates to the satisfaction of Natural England and the Council's Biodiversity Officer that the development would not have an adverse effect on designated sites;
- iv) receipt of a Biodiversity Net Gain Assessment undertaken in line with the most up-to-date DEFRA Biodiversity Metric and associated habitat mitigation/net gain plans which demonstrates a net gain in biodiversity would be achieved to comply with Local Plan Policy DM5.5 and the requirements of the Environment Act; and
- v) receipt of a revised flood risk assessment containing the most recent flood risk data and climate change allowances and receipt of a satisfactory consultation response from the Environment Agency.

PQ15/23 16/01711/OUT, Tynemouth Open Air Pool, North of Percy Gardens, Tynemouth

The Committee considered a report from the planning officers, together an addendum circulated at the meeting, in relation to an outline planning application from Friends of Tynemouth Pool for the construction of a new building to provide changing facilities, cafe, retail unit and gym associated with open-air swimming pool

A planning officer presented details of the application with the aid of various maps, plans

and photographs.

In determining the application, the Committee gave consideration to the points raised by those people granted speaking rights and during members' questions and discussions as recorded in the previous minute (PQ14/23).

The Chair proposed that the Committee indicate it is minded to grant the application and authorise the Director of Regeneration and Economic Development to issue a notice of grant of planning permission, provided the applicant satisfactorily resolves the issues described by the Chair and set out below.

On being put to the vote, 8 members of the Committee voted for the proposal and 1 member voted against with no abstentions.

Resolved that (1) the Committee is minded to grant the application; and (2) the Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission, providing no further matters arise which in the opinion of the Director of Regeneration and Economic Development raise issues not previously considered which justify reconsideration by the Committee, subject to:

- i) any conditions considered necessary by the Director of Regeneration and Economic Development;
- ii) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £40,061 towards the Coastal Mitigation Service;
- iii) receipt of information to satisfactorily address the comments of Natural England and the Council's Biodiversity Officer, including an updated Ecological Impact Assessment, additional wintering bird surveys and an updated Shadow Habitat Regulation Assessment, to allow the Local Authority to undertake an appropriate assessment under the Habitat Regulations which demonstrates to the satisfaction of Natural England and the Council's Biodiversity Officer that the development would not have an adverse effect on designated sites;
- iv) receipt of a Biodiversity Net Gain Assessment undertaken in line with the most up-to-date DEFRA Biodiversity Metric and associated habitat mitigation/net gain plans which demonstrates a net gain in biodiversity would be achieved to comply with Local Plan Policy DM5.5 and the requirements of the Environment Act; and
- v) receipt of a revised flood risk assessment containing the most recent flood risk data and climate change allowances and receipt of a satisfactory consultation response from the Environment Agency.

PQ16/23 23/0469/FUL, Buzz Bingo Club, Middle Engine Lane, Wallsend

(Councillor M Thirlaway declared a non-registerable personal interest, withdrew from the meeting during consideration of the following item and took no part in the voting or decision making.)

The Committee considered a report from the planning officers, together with two addendums circulated prior to the meeting, in relation to a full planning application from BMW (UK) Trustees Ltd for 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.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Mrs S Robinson had been granted permission to speak to the Committee but she did not attend the meeting.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to:

- a) the impact of the development on the amenity of neighbouring residents;
- b) the effect of the lease held by Buzz Bingo until 2025 on the granting of planning permission;
- c) the objections received relating to the loss of a bingo hall; and
- d) the advice of the planning officers in relation to the effect and application of Policy 7.10 of the Local Plan in relation to the application.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 7 members of the Committee voted for the recommendation and 1 member voted against with no abstentions.

Resolved that the application be permitted subject to the conditions set out in the planning officers report.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's Local Plan 2017 and National Planning Policy Framework, the proposed development was acceptable in terms of the principle of development and its impact on the character and appearance of the area, residential amenity and highway safety.)

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PLANNING COMMITTEE

Date: 29 August 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: 23/00925/FUL Author: Julia Dawson
Date valid: 10 July 2023 ☎: 0191 643 6314
Target: 4 September 2023 Ward: Battle Hill
decision date:

Application type: full planning application

Location: G33-G48 Garage Adjacent To, 71-73 Bellshill Close, Wallsend, Tyne and Wear

Proposal: Variation of condition 1 of planning approval 22/01672/FUL in order to show increase in height of walls, eaves and ridge height of the approved bungalows following receipt of detailed site levels. Substitution of Approved drawing number 22014-HUSK-DR-ST-01-A-0302-P01 with 22014-HUSK-DR-ST-01-A-0302-P02 (Revised Description 25.07.23)

Applicant: North Tyneside Council

Agent: Edwards Architecture

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for Members to consider in this case are:

- The impact on amenity (visual and residential); and,
- Other issues.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The site to which the application relates originally consisted of two single storey garage blocks located within the established residential area of Wallsend. The facing blocks are separated by a tarmac area and a distance of approximately 7.8m. Access to the application site is via an opening onto Bellshill Close to the east. Several car parking spaces are located within the site curtilage adjacent to the northern and southern boundaries. The application site is separated from the front gardens of No's 73-80 Bellshill Close (to the north) and No's 65-71 Bellshill Close (to the south) by public footpaths which run

parallel to each boundary. Crossgates Sheltered Accommodation development is located to the east of the application site.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to vary condition no.1 of planning approval 22/01672/FUL in order to increase the height of the walls, eaves and roof ridge of the approved bungalows following receipt of detailed site levels. Approved drawing no. 22014-HUSK-DR-ST-01-A-0302-P01 is to be replaced with drawing no. 22014-HUSK-DR-ST-01-A-0302-P02.

3.2 The full wording of condition no.1 imposed on the original grant of planning permission, 22/01672/FUL, is set out below:

Condition 1: The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Application Form 06.09.22
- Location Plan - Belshill Site 3, 21022 - HUSK - DR - ST - 01 - A - 0007 - P01
- Battle Hill Site 3 22014 - HUSK - DR - ST - 01 - A - 0502 - P02
- Bellshill Close Site 3 22014 - HUSK - DR - ST - 01 - A - 0302 - P01
- 2B/3P House Type 22014 - HUSK - DR - ST - 01 - A - 0300 - P01

Reason: To ensure that the development as carried out does not vary from the approved plans.

4.0 Relevant Planning History

22/01672/FUL - Conversion of existing garages to form 2 Bungalows – Approved 07.11.2022

23/00311/COND - Discharge of conditions of 5 (Landscape Plan and Implementation), 10 (Coastal Mitigation) and 11 (Detailed Drainage Design) of planning approval 22/01672/FUL – Approved 02.05.2023

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policies

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

6.2 National Planning Practice Guidance (NPPG) (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 Local Planning Authorities (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 Detailed Planning Considerations

7.1 The principle of the works approved via planning application 22/01672/FUL for the conversion of the original garages into two bungalows has already been established as acceptable and this is not for re-consideration as part of the current application.

7.2 Within the current application the applicant is proposing to vary condition no.1 in order to make the following amendments:

- Retain the height of the garage walls at their original height of 2.4m (approx.).
- Increase roof height by 40cm (approx.) at eaves and 50cm (approx.) to ridge (when viewed from the side).
- Increase roof height by 50cm (approx.) at eaves and 55cm (approx.) to ridge (when viewed from the rear)

7.3 The main issues for Members to consider in this case are:

- The impact on amenity (visual and residential); and,
- Other issues.

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

8.0 The impact on amenity (visual and residential)

8.1 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social objective; and an environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.2 Paragraph 126 of the NPPF encourages good design stating that “this is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Paragraph 134 of the NPPF makes it clear that development of a poor design should be refused.

8.3 Paragraph 185 of the 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 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 amongst other matters; mitigate and reduce to a minimum potential adverse impact resulting from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.

8.4 LP 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.

8.5 Policy DM5.19 'Pollution' states, amongst other matters, development that may cause pollution will be required to incorporate measures to prevent or reduce pollution so as not to cause unacceptable impacts to the environment, to people and to biodiversity. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

8.6 LP Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces and a good standard of amenity for existing and future residents and users of buildings and spaces.

8.7 Two objections have been received regarding the impact on residential and visual amenity and the content of these are noted. It is acknowledged that the proposed revisions to the approved plans have resulted in an increase in the height of the approved bungalows. The retention of the original height of the garage walls, rather than a slight reduction in their height, and the introduction of a slightly higher eaves and ridge height of the roof will be visible from the windows of the neighbouring dwellings, which are located directly to the north and south of the site on Bellshill Close.

8.8 However, the overall increase in height is a maximum of approximately 50/55cm when compared to the original approved drawings. The highest part of the roof of each of the new bungalows, (the ridge), will be located approximately 11m from the windows of the dwellings to the north and south and will be approximately 4.85m high (eaves 2.8m). It is noted that the Design Quality SPD recommends a separation distance of 12m for a back elevation to gable elevation relationship between two storey dwellings. In this particular case, the bungalows are single storey (therefore, considerably lower than a two-storey dwelling) and at its closest point (the rear elevation) the eaves height of the bungalows will be just 2.8m (approx.), increasing to 4.85m (approx.) when they are almost 12m from the facing windows. Taking this guidance into account the proposed heights are considered acceptable at this separation distance.

8.9 With particular reference to No's 71 and 72, the rear elevations of both of these dwellings face in a northerly direction and, as such, daylight and sunlight are not directly impacted by the bungalows, either in their original approved form or the proposed revised (slightly higher) form. When compared to the approved plans, the proposed revisions do not result in such a significant increased adverse impact on the amenity of the neighbouring occupants that refusal of the application could be justified on these grounds.

8.10 Objections relating to a loss of view towards the shops on Addington Road and the garages/parking areas opposite are noted. However, in planning terms, there is no right to a view. Outlook is a material planning consideration and this has been considered above.

8.11 Members need to determine whether the variations to the approved plans as set out in paragraph 3.3 of this report are acceptable in terms of their impact on the amenity of the area (visual and residential). It is officer advice the variations to the conditions are acceptable. The proposed variations would not significantly impact on the amenity of the area (visual and residential). As such, it is officer

advice, that the proposed variations to the condition comply with the advice in the NPPF and LP Policies DM6.1 and DM2.3.

9.0 Other Matters

9.8 The Manager of Environmental Health and the Highway Network Manager have raised no objections to this application, subject to the re-attachment of the original planning conditions where necessary.

9.9 Due to the sensitive end use and the fact that the application site lies within a Contaminated Land Buffer Zone and a Coal Authority referral area, the Council's Contaminated Land Officer has recommended a number of conditions in relation to contaminated land and gas investigations. However, as per the original application, these conditions were not considered necessary. The existing garage floors are structural concrete designed to take vehicular loads and, given that the proposed bungalows have been constructed off site using pre-manufactured timber panels, and then transported to the site, it is unlikely that there will be any/significant breakthrough of the existing structural concrete. As such, it is not considered necessary to attach any conditions requiring ground investigations.

9.10 This application can only consider material planning considerations and not the objections raised relating to other alleged breaches of planning control. Any alleged breaches of planning control will need to be investigated as a separate matter by planning enforcement.

9.11 Concerns have been raised in relation to the clarity of description of the proposed development/variation on the public consultation letters. The Case Officer issues revised letters during the determination period to ensure that proposed variation referred to the increase in height and that this was clear.

9.12 Concerns regarding impact on property value are not a material planning consideration.

10.0 Local Financial Considerations

10.1 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.

10.2 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. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

11.0 Conclusion

11.1 Members need to determine whether the proposed variations to condition no.1 are acceptable in terms of their impact on amenity (visual and residential). It is the view of officers that the proposed variations are acceptable. As such, officers consider that the proposed development does accord with national and local planning policies. Approval is recommended, subject to the original conditions which will be re-attached where necessary.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Application Form 10.07.23
- Bellshill Close Site 3 22014-HUSK-DR-ST-01-A-0302-P02

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for parking has been laid out 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).

3. Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for refuse storage has been laid out in accordance with the approved plans 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).

4. The landscaping scheme approved via the discharge of condition 5 as part of application 23/00311/COND on 02.05.23 shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: To ensure that important features are protected and retained in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

5. Prior to occupation of the approved development a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

7. At all times whilst demolition/conversion/constructions works are being undertaken at the application site in connection with the approved development, appropriate measures must be put in place to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities. These measures may include a) mechanical street cleaning brushes and b) the provision of water bowsers to be made available to spray working areas due to dry conditions. Construction works shall not be carried out other than when these appropriate measures are on available on site.

Reason: To safeguard the occupiers of surrounding properties and users of the public highway from any discomfort or loss of amenity arising from construction activities on the site.

8. The detailed drainage scheme for the disposal of foul and surface water from the approved development shall be installed and maintained in accordance with the details agreed via the discharge of condition 11 as part of application 23/00311/COND on 02.05.23.

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

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.



Application reference: 23/00925/FUL

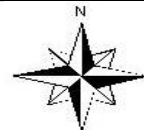
Location: G33-G48 Garage Adjacent To, 71-73 Bellshill Close, Wallsend

Proposal: Variation of condition 1 of planning approval 22/01672/FUL in order to show increase in height of walls, eaves and ridge height of the approved bungalows following receipt of detailed site levels. Substitution of Approved drawing number 22014-HUSK-DR-ST-01-A-0302-P01 with 22014-HUSK-DR-ST-01-A-0302-P02 (Revised Description 25.07.23)

Not to scale

Date: 17.08.2023

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 AC0000820329



Consultations/representations

1.0 Representations

2no. objections have been received; these are summarised below:

- Insufficient information to enable the public to be fully informed of the proposed changes – increase in height is not shown on the application form or plans.
- I initially objected to the original application due to the height and obstruction of my view and light to my property.
- Plans and D&A originally stated that the original garage wall height would be reduced to 2100mm and that the only increase in height would be from the roof of the bungalow. This fact was one of the reasons my original objections were dismissed.
- At no point during the development was any attempt made to build the bungalows to the approved plans. They have been built between 50cm and 55cm higher than approved. The garage walls are the same height as original.
- All I can now see from 3 of my 4 windows is a roof and beyond this is the roofs of the flats opposite. The solar panels on the new roofs are ugly and impact my outlook.
- Loss of view up Addington Drive towards shops and towards parking spaces opposite my home. Open feel of area has been reduced.
- Bungalows are disproportionally high next to the existing flats, making it feel very cramped and claustrophobic. No longer feel safe approach flat from the rear as the bungalows are so high and imposing.
- The fascia boards that have been installed look cheap and chatty and of inferior quality.
- Developers have shown disregard by not complying with planning conditions during the construction.
- Detrimental impact on property value as a result of impact on outlook.
- Approval will set a precedent for similar development in the area.
- Reducing the height of the bungalows to the original specification would vastly improve the aesthetics of the area overall and would also improve the outside space for the new residents as it would allow more natural light in the area.
- If the plans which have now been submitted had been the original plans I would have taken my objections further and appealed to the Secretary of State to try and stop this development. - The height means the yard attached to my property is now too closed in as the bungalow towers above it meaning what little outside space there is, is now not very usable.

2.0 Ward Councillor

2.1 Councillor Julie Cruddas (Battle Hill)

2.3 Procedural request for the application to be presented to planning committee.

3.0 Internal Consultees

3.1 Highway Network Manager

3.2 This application is for a variation condition 1 of planning approval 22/01672/FUL. Correction of elevation drawings following detailed site levels. All other conditions and informatives attached to 22/01672/FUL should be retained. Recommendation – approval.

3.4 Environmental Health (Pollution)

3.5 No objection in principle to this application but would recommend all previous conditions for construction hours and dust mitigation are reattached to any approval.

3.6 Contaminated Land Officer

3.7 No objection to amendment. However, previous comments still apply:

3.8 This application is for Conversion of existing garages to form 2 Bungalows.

3.9 The previous use may have given rise to contamination. As there proposed end use is sensitive, namely residential, I recommend conditional approval.

3.10 Conditions: Con 003; Con 004; Con 005; Con 006; Con 007

4.0 External Consultees

4.1 The Coal Authority

4.2 The Coal Authority have no comments to make. It is requested that if this development is approved by the Local Planning Authority, our Standing Advice should be added to the Decision Notice.

Application No: 21/00174/FUL Author: Julia Dawson
Date valid: 19 January 2021 ☎: 0191 643 6314
Target decision date: 20 April 2021 Ward: Whitley Bay

Application type: full planning application

Location: 1 - 2 East Parade, Whitley Bay, Tyne And Wear, NE26 1AW

Proposal: Demolition of existing building and erection of residential development comprising 19no. 2-bed apartments, with associated vehicular access, landscaping and other associated works

Applicant: North Eastern Holdings Ltd

Agent: Lichfields

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to grant this application; and
- b) authorise the Director of Regeneration and Economic Development to issue a notice of grant of planning permission subject to:
 - i) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £6,403 towards specific coastal mitigation projects and coastal service; and
 - ii) the addition, omission or amendment of any conditions considered necessary by the Director of Regeneration and Economic Development.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 This planning application was originally presented to planning committee on 27th September 2022 where Members were minded to grant permission subject to conditions and a S106 agreement. However, since this time, the applicant has reassessed the viability of the development and has subsequently submitted a Financial Viability Appraisal to demonstrate that the development cannot viably provide the targeted contributions. Having reviewed this issue, it is necessary to bring the application back to committee for re-consideration. There have been no other material changes which would affect the proposed development and this report has been updated/amended where necessary.

1.1 Main Issues

1.2 The main issues in this case are;

- Principle of the proposed development
- North Tyneside 5-year housing land supply
- Impact on amenity
- Impact on character and appearance of site and surrounding area
- Impact on biodiversity
- Highway impact

1.3 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 the former 42nd Street Public House, which is located on the corner of East Parade and North Parade in the designated town centre of Whitley Bay. The existing building is a largely two storey pitched roof structure with frontages facing onto both East Parade (the seafront) and North Parade. An incut car park is positioned beyond the north west facing elevation. Seaview residential care home, a flat roofed four storey building, abuts the north western facing boundary of the application site. Beyond the south western boundary is an access lane and beyond this are the side elevations and rear yards of dwellings located on North Parade and Ocean View. To the south east of the application site, on the opposite corner of North Parade, is a restaurant (Turknaz). Beyond this, on the opposite corner of South Parade, is the former Rex Hotel, which is currently being converted into a residential care home.

2.0 Description of the Proposed Development

2.1 The proposal relates to the construction of 19no. two-bedroom apartments to be located across a maximum of four floors. The proposal includes vehicular access to an under-croft car park which will provide 19no. car parking spaces and secure cycle storage provision.

3.0 Relevant Planning History

74/01590/FUL - Preparation room and garage space in rear yard – Approved 20.02.1975

84/01358/FUL - Provision of permanent car parking for adjacent public house and beer garden with access from public house – Refused 11.09.1984

85/00618/FUL - Alteration of public house frontage to provide new fascia patio and car park – Approved 14.05.1985

90/01816/FUL - Enlarge existing fire escape widths (2) - Approved 06.12.1990

98/01081/FUL - Extension to ground floor public bar to form new family area; external alterations to elevations including store at first floor; internal alterations. – Approved 29.09.1998

00/00621/FUL - Change of use of first floor from bedroom accommodation into open plan offices. – Approved 14.06.2000

07/01645/FUL - Patiola (Self supporting cover) to be attached to the front of the building. Additional front entrance to be constructed facing completed patiola – Refused 12.07.2007

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;

- Principle of the proposed development
- North Tyneside 5 year housing land supply
- Impact on amenity
- Impact on character and appearance of site and surrounding area
- Impact on biodiversity
- Highway impact

7.0 Principle

7.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF. However, it is clear from paragraph 219 of the NPPF that "... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The Council considers that the LP policies set out in this report are consistent with the NPPF and can be afforded significant weight.

7.2 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. 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 Policy S1.4 'General Development Principles' 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.

7.4 Policy S3.2 'Hierarchy of Centre's defines the area where the application site is located as within the 'town centre' of Whitley Bay.

7.5 Policy S3.1 Competitive Centres states that within the Borough's defined centres the Council will seek ways to support their growth and regeneration, and support proposals for main town centre development, appropriate residential and mixed-use schemes

that would:

- a. Contribute to the protection and enhancement of the vitality and viability of the centre.
- b. Capitalise upon the character and distinctiveness of the centre, while sustaining and enhancing its heritage assets.
- c. Support the improvement in the range and quality of shops, services and facilities.
- d. Boost the growth of small and medium sized businesses that can provide unique and niche services.
- e. Encourage the growth of the evening economy with leisure, culture and arts activities.
- f. Enhance accessibility by all modes including public transport, walking, cycling and by car.
- g. Introduce measures that reduce crime and the fear of crime and any other disorder issues

7.6 Policy AS8.15 'The Coastal Sub Area' states that within the Coastal Priority Investment and Regeneration Area new development should; (a) create a vibrant Whitley Bay town centre with an appropriate mix of shopping and other town centre uses to support local businesses; (c) 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, and; (d) promote the revitalisation of the adjoining Spanish City and seafront area, providing a high quality public realm.

7.7 Policy DM4.5 'Criteria for New Housing Development'

Proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough; and,
- b. Create a, or contribute to an existing, sustainable residential community; and,
- c. Be accessible to a range of sustainable transport modes; and,
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and,
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and,

- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and,
- g. Demonstrate that they accord with the policies within this Local Plan.

7.8 The application site is a brownfield site located within a predominantly residential area in the designated town centre. The principle of the proposed development of the application site for residential purposes is in accordance with policies S1.4, S4.3, AS8.15 and DM4.5 in that it will make effective and efficient use of this site, which will assist in the ongoing regeneration of the seafront, whilst making a positive contribution to the identified housing needs of the borough and contributing to an existing sustainable residential community.

8.0 North Tyneside 5-Year Housing Land Supply

8.1 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.2 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, November 2022. It identifies the total potential 5-year housing land supply in the borough at 4,008 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a three-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 1,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in this assessment. However, the 19no. proposed flats would make a valuable contribution towards the borough achieving a five-year housing land supply.

9.0 Residential Amenity

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 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

9.3 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.

9.4 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.

9.5 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.

9.6 A Noise Assessment and Daylight and Sunlight Assessments have been submitted as part of the application.

9.7 Objections have been submitted by local residents with regard to the impact of the proposed development on their residential amenity in terms of disturbance from noise, increased waste, shading of existing properties, loss of outlook and future maintenance (of the adjacent Seaview residential care home), amongst other matters. These concerns are noted.

9.8 The Environmental Health team have been consulted and have raised concerns regarding noise late at night from both customer noise and amplified music, if provided, from the adjacent restaurant, known as Turknaz. They have also raised concerns in relation to noise from the nearby taxi rank and late night external noise due to the late opening hours of premises on South Parade. However, it is considered that these matters can be adequately controlled via the attachment of the conditions suggested by the Environmental Health Officer with regard to a further detailed noise scheme and mechanical ventilation. Conditions are also suggested to ensure that construction hours are controlled and dust suppression measures are put in place during construction works.

9.10 It is noted that the proposed building is between three and five stories high with the higher levels facing towards the seafront. This result in a loss of a direct sea view from some windows in some surrounding properties, but it is not considered that it will result in such a harmful and significant loss of outlook that planning permission could be withheld on these grounds. In planning terms there is no right to a view.

9.11 The main impact will be on the dwellings to the south west of the access lane on Ocean View and North Parade. However, the side elevations of these dwellings face directly onto the access lane and the main habitable windows are located within their front and rear elevations which will be unaffected by the proposed development. The scheme has been well designed to minimise impact on the privacy of the occupants of these dwellings. The submitted Daylight and Sunlight Assessment (neighbouring properties) concludes that the proposed development will have a low impact on light received by its neighbouring properties, which sufficiently safeguards the daylight and sunlight amenities of these dwellings.

9.12 The standard of accommodation provided for future occupants is also a material planning consideration. It is considered that the proposed town houses will provide an acceptable standard of habitable space, with sufficient incurtilage refuse storage facilities for each dwelling. Furthermore, Policy DM4.9 'Housing Standards' states that all new homes, both market and affordable, will meet the Government's Nationally Described Space Standard (NDSS). The applicant has provided information which demonstrates that the accessibility, floor area and storage for each dwelling comply with the housing standards and therefore the proposed dwellings would comply with this policy.

9.13 The Design Officer originally raised some concerns with regard to some units of the proposed development receiving limited direct sunlight. However, he recognised that in high-density developments, the BRE guide acknowledges it is not always possible for every dwelling to be well situated to receive direct sunlight. Mitigation was provided for those units with less direct sunlight by way of the provision of outdoor space. The submitted Daylight Assessment concludes that the proposed development satisfies the majority of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'.

9.14 Members need to consider whether the impact on the amenity of the occupiers of nearby residential dwellings is acceptable and whether the proposed development will provide an acceptable standard of amenity for future occupants. It is officer advice that the impact on amenity is acceptable subject to advice from the Environmental Health team and the suggested conditions.

10.0 Character and Appearance

10.1 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.

10.2 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).

10.3 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.

10.4 The Council's Design Quality SPD states that innovative design and layout will be encouraged, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

10.5 Objections have been received from local residents with regard to the design, scale and massing and these are noted. Concerns have also been submitted by the Newcastle and Northumberland Society and these are also noted.

10.6 The applicant has submitted a Design and Access Statement in which they have described how the overall design concept has been developed. They have advised that they consider that any proposals on the site should respect the street scape and surrounding massing without overpowering the influential Rex hotel. The existing building does not do this, and the proposal could begin to mark the significant corner of North Parade and draw attention to the former Rex. This would in turn develop a more coherent street scape for the prominent sea front position.

10.7 Since the application was originally submitted there have been a number of revisions in response to discussions with the LPA and public consultation responses. This has resulted in the current proposal, which is a reduction in unit numbers (from 21 to 19) and changes to the overall scale, massing and design. The applicant has advised that the design philosophy is to provide active frontage to North Parade parade and surveillance to all areas at upper levels to create a safe and secure public realm. The proposal has been reduced in building footprint terms and aims to follow the building lines of both North Parade and East Parade. Balconies and terraces are incorporated into a significant proportion of apartments to provide amenity for the residents and articulation to the street scene whilst breaking up overall massing. Window positions are carefully engineered to preserve amenity of existing residents and avoid overlooking. The arrangement of apartments within the Westernmost block is such to avoid overlooking of the upper floor towards the residential dwellings opposite.

10.8 Concerns were originally raised regarding the impact of the proposed development on the Rex Hotel. The current plans and submitted visuals were submitted to address this issue. The Council's Design Officer has been consulted and has noted the fifth floor has a reduced footprint and is set back from the building line, as such this would be partially obscured from street level where it would be seen as a four-storey building. Whilst he has noted that the dominant building form in the local area is two or three storey development with pitched roofs and that the height of the proposed building is approximately the same as the ridge height of the former Rex hotel, he has noted that the submitted visuals help to demonstrate that there is a clear separation between the proposal and the Rex Hotel, and the design of the top floor helps to mitigate its impact. Whilst visible from long range views, it would not harm the character and appearance of the sea front and that several changes have been made to the design to address previous concerns.

10.9 In response to the comments by the Design Officer in respect of bike and bin storage and the roof top balustrade the applicant has submitted further plans with small revisions to address these issues. The Design Officer has reviewed these and advised that they address the outstanding issues. He has advised that the proposal is acceptable subject to the conditions as set out.

10.10 Members need to consider whether the proposed development is acceptable and determine whether it would harm the character and appearance of the surrounding area. It is officer advice that, on balance, the proposal is acceptable in terms of design, scale and the relationship with the surrounding area.

11. Highway Impact

11.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

11.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

11.3 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.

11.4 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.

11.5 The Transport and Highways SPD set out the parking standards for new development.

11.6 The applicant has submitted a Transport Assessment in support of the application.

11.7 Vehicular and cycle access to the undercroft parking area will be from a new opening point on North Parade. The proposed scheme provides for 19no. car parking spaces; 22no.cycle parking spaces and storage provision for 38no. wheelie bins.

11.8 Objections have been received with regard to the impact of the proposed development on highway safety, both in terms of vehicle users and pedestrians, increased congestion, insufficient parking provision and insecure cycle storage within the proposed scheme. These objections are noted.

11.9 The Highway Network Manager has raised no objections to the proposed development and has recommended conditional approval.

11.10 The Sustainable Transport Team have also commented and raised no objection to the proposed development.

11.11 Members need to determine whether the proposed development is acceptable in terms of parking provision and the impact on highway safety. It is officer advice that it is.

12.0 Impact on Biodiversity and Landscape

12.1 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 by amongst other matters improving biodiversity.

12.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.4 Policy DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

12.6 Local Plan 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.

12.7 The application site is within close proximity to the Northumbria Coast Special Protection Area and Ramsar Site, the Northumberland Shore Site of Special Scientific Interest (SSSI) and Tynemouth to Seaton Sluice SSSI. Natural England has raised no objection to the proposed development subject to appropriate mitigation being secured.

12.8 The Council's Biodiversity Officer has reviewed the submitted Ecology Report and noted the location of the application site. She has suggested several conditions to ensure that impact of the construction works will not result in harm to the Northumbria Coast SPA. As per the comments of Natural England, she has also noted the potential of the proposed development to impact coastal designated sites (SPA & SSSI) as the result of an increase in recreational activity at the coast, particularly in relation to cumulative impacts with other residential schemes at the coast and the wider area. In order to mitigate this impact, she has suggested that a financial contribution is agreed with the LPA towards the Council's Coastal Mitigation Service. As such, the applicant has agreed to a financial contribution of £337 per dwelling towards the coastal mitigation service to be secured via legal agreement.

12.9 The Council's Landscape Architect has noted that limited detail has been provided with regard to the landscape proposals for the development and has suggested that a condition is attached to ensure that a fully detailed landscape scheme is submitted to and approved by the LPA within one month of operations starting on site.

12.10 Members need to consider whether the proposed development is acceptable in terms of its biodiversity and landscaping impact. Officer advice is that, subject to the suggested conditions and coastal mitigation contribution, it is not considered that the proposed development will result in harm to the coastal wildlife corridor or designated sites and it therefore does not conflict with policies S5.4, DM5.5, and DM5.6 and is acceptable in this regard.

13.0 Other Issues

13.1 Flood Risk and Drainage

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

13.2 Policy DM5.12 Development and Flood Risk states that all new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

13.3 Paragraph 8.51 of the Local Plan advises that whilst increases in flood risk are normally associated with major development proposals, minor developments can cumulatively increase the risks of flooding if left unchecked. The Council will, therefore, encourage small scale proposals to incorporate appropriate sustainable drainage alternatives to offset or minimise the risks of flooding.

13.4 The site falls within Flood Zone 1 and is located within a Critical Drainage Area. In order for the Local Planning Authority to be able to fully consider the impacts of the proposed development the applicant has provided a Flood Risk Assessment. A local resident has raised a concern with regard to the proposed development advising that the car park regularly floods. This point is noted.

13.5 The Council's Local Lead Flood Authority has reviewed the application documents and advised that the proposed surface water drainage for the development is acceptable. He has recommended that a condition is attached to the permission to ensure that the detailed drainage design is provided to the LLFA for approval prior to construction.

13.6 Northumbrian Water have provided comments and raise no objections subject to the attachment of a condition requiring the submission of a detailed scheme for the disposal of foul and surface water from the development.

13.7 Members are advised that the proposed development would have an acceptable impact upon flood risk, subject to the suggested conditions.

13.8 Ground Stability

13.9 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

13.10 Policy DM5.18 'Contaminated and Unstable Land'; 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.

13.11 The application site is located within a Coal Authority referral area and a Contaminated Land buffer zone.

13.12 A Coal Mining Risk Assessment and a Contaminated Land Risk Assessment (Phase 1 Desk Top Study) have been submitted in support of the application.

13.13 The Coal Authority has raised no objection to the development, subject to a condition requiring intrusive site investigations prior to development commencing.

13.14 The Contaminated Land Officer has reviewed the submitted report and has raised no objections to the proposed development, subject to conditions.

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

13.16 Sustainability

13.17 Section 14 of the NPPF sets out the Government's objectives for the planning system in terms of meeting the challenge of climate change, flooding and coastal change. Para.152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraphs 153 through to 158 set out measures for the planning system to address the climate change challenge, including the planning of green infrastructure, reduction of greenhouse gas emissions and increasing the use and supply of renewable and low carbon energy and heat. A planning application should be approved if its impact is, or can be made, acceptable.

13.18 Policy DM7.6 of the Local Plan states that proposals for development involving the provision of renewable and/or low carbon technologies, including micro-generation technologies, will be supported and encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations of the development.

13.19 Within the submitted Planning Statement the applicant has advised that the proposed development has been carefully designed to incorporate modern construction methods to ensure energy efficiency and sustainability within the development. The structure designed will consider both the immediate and the wider environmental impacts, both in choice of material, construction methods and design. The proposal has been designed to make the most efficient and best use of this brownfield site to provide new homes, as is emphasised in paragraph 117 of the NPPF.

13.20 Passive solar gain will be generated by creating glazed openings across the southern, eastern and western facades as much as reasonably practicable. Naturally, due to the site's northern boundary relationship with the adjacent care home, glazing on the northern side has been minimised to reduce any solar loss and retain heat where at all possible. The applicant has advised that, overall, the proposals have been designed to minimise the impact on Climate Change through the design of the building and through the encouragement of sustainable modes of transport.

13.20 Members need to determine whether the proposed development is acceptable in terms of its provision of renewable and/or low carbon technologies, incorporation of green infrastructure and measures to reduce greenhouse gas emissions in accordance with Policy DM7.6 and the NPPF.

13.21 S106 Contributions

13.22 Paragraph 55 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

13.23 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

13.24 Policy S7.1 'General Infrastructure and Funding Statement' states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

13.25 Policy DM7.2 'Development Viability' states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

13.26 Policy DM7.5 'Employment and Skills' states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training.

13.27 Policy DM4.7 'Affordable Housing' sets out that to meet the Borough wide housing target, the Council will seek provision of 25% affordable homes on new housing developments.

13.28 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

13.29 The following contributions were requested by service providers:
Affordable housing: financial equivalent to 25% (reduction as a result of vacant building credit).

Ecology: £4,095

Parks and green space: £11,181

Equipped play: £13,300

Employment and training: £5,000 or 1 apprenticeship

13.30 The applicant has advised that the provision of affordable housing and S106 contributions would make the development unviable and has submitted a Financial Viability Appraisal (FVA) to evidence this. The FVA highlights the affect that cost inflation is currently affecting developments of this nature and rising costs, which are a concern across the industry.

13.31 An independent assessment of the FVA has concluded that the provision of the affordable homes or S106 contributions would generate a significant deficit.

13.32 The development will be subject to a CIL payment.

13.33 It is officer advice that affordable housing and S106 contributions would make the proposed development unviable. The applicant has demonstrated that the site is not viable and that the affordable housing and S106 contributions cannot be afforded. It is officer advice that the proposal is therefore in accordance with policies S7.1, DM4.7, DM7.2, DM7.5 of the North Tyneside Local Plan (2017) and the advice in Planning Obligations SPD (2018). Members need to consider whether they agree and weight it in their decision.

13.34 Local Financial Considerations

13.35 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.

13.36 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. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

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 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

14.3 The Council does not have a 5-year supply of deliverable housing sites. It therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. It is officer opinion that the impacts of the development would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission should be granted subject to the conditions as set out and a S106 Legal Agreement to require a contribution of £6,403 towards specific coastal mitigation projects and coastal service.

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to grant this application; and**
- b) authorise the Director of Regeneration and Economic Development to issue a notice of grant of planning permission subject to:**
 - i) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £6,403 towards specific coastal mitigation projects and coastal service; and**
 - ii) the addition, omission or amendment of any conditions considered necessary by the Director of Regeneration and Economic Development.**

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
 - Existing Site Location Plan, 100-00, rev.1, 27.11.20
 - Proposed Site Plan, 200-00, rev.7, 06.09.22
 - Proposed Ground Floor Plan, 210-01, rev.9, 06.09.22
 - Proposed First Floor Plan, 210-02, rev.9, 06.09.22
 - Proposed Second Floor Plan, 210-03, rev.9, 06.09.22
 - Proposed Third Floor Plan, 210-04, rev.9, 06.09.22
 - Proposed Fourth Floor Plan, 210-05, rev.9, 06.09.22
 - Proposed Roof Plan, 210-06, rev.6, 06.09.22
 - Proposed North East and South East Elevations, 240-01, rev.10, 06.09.22
 - Proposed South West Elevation and Section, 240-02, rev.7, 06.09.22
 - Transport Statement, ref.894-TS, rev.5, 16.12.21
 - Measurement of Environmental Noise, ref. 10734-1, 28.07.20
 - Contaminated Land Risk Assessment (Phase 1 Desk Top Study), ref. SES/NEH/EP/1#1, 02.06.20
 - Coal Mining Risk Assessment, ref. 211218.R.001, January 2022
 - Report to Inform Appropriate Assessment, ref.5977, January 2021
 - Ecological Appraisal and Bat Survey, ref.5977, rev.4, May 2022
 - Flood Risk Assessment and Drainage Strategy, ref.QD1819-FRA, 25.08.22

Reason: To ensure that the development as carried out does not vary from the approved plans.
2. Standard Time Limit 3 Years FUL MAN02 *
3. Prior to commencement of the approved development, the applicant will be required to enter into an appropriate Legal Agreement with the Local Authority for the following works:
 - New access
 - Upgrade of footpath abutting the site
 - Associated highway drainage
 - Associated street lighting
 - Associated road markings
 - Associated signage
 - Associated Traffic Regulation Orders

Thereafter, this scheme shall be implemented in accordance with the approved details

Reason: In the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Local Plan 2017.
4. Notwithstanding the details submitted, no part of the development shall be occupied until the new means of access has been laid out 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).
5. Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for parking has been laid out 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).

6. Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for refuse storage has been laid out in accordance with the approved plans 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).

7. Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for the provision of secure cycle storage has been laid out in accordance with the approved plans 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).

8. No part of the development shall be occupied until details of Electric Vehicle (EV) Charging 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: To accord with Central Government and Council Policy concerning sustainable transport.

9. 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; details of the site compound for the storage of plant (silos etc) 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; 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.

10. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a

temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

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.

11. Development shall not commence until a scheme, to include detailed drainage design, for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

12. Prior to the commencement of the approved works, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- samples of all construction materials and hard surfacing finishes
- Location of flues, vents, utility boxes and any other utility equipment

Thereafter, the works shall be carried out in accordance with the approved details.

Reason: These details are required prior to commencement of the development due to the prominent location of the site in order to ensure that works are carried out in an appropriate manner with the advice in National Planning Policy Framework and Local Plan Policy DM6.1.

13. Prior to occupation of the approved development details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to Local Plan policies DM6.1 and DM5.19.

14. The development shall not be occupied until a noise scheme for the acoustic glazing system in accordance with noise report no.10734-1 has been submitted to and approved in writing by the Local Planning Authority. The submitted noise scheme shall ensure that internal noise levels can be achieved to meet BS8233 and the World Health Organisation community noise guidelines. All habitable rooms fronting the Promenade and North Parade must meet a noise level of 35 dB LAeq for living rooms and bedrooms a level of below 30 dB LAeq, with no exceedances of the maximum noise levels of 45 dB. Thereafter the development shall only be carried out in accordance with the approved details.

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

15. The development shall not be occupied until a ventilation scheme for all habitable rooms has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that an appropriate standard of ventilation with windows closed is provided. Where the internal noise levels specified in BS8233 are not achievable with windows open due to the external noise environment, an alternative mechanical ventilation system, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR), must be provided to address thermal comfort and purge ventilation requirements and reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Thereafter the development shall only be carried out in accordance with the approved details.

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

16. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

Reason: To ensure that important features are protected and retained in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

17. Prior to occupation of the approved development a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

18. Prior to commencement of the approved development a construction environmental management plan (CEMP) will be submitted to and approved in writing by the Local Planning Authority. This shall include details of the following measures:

- Details of key noise emitting activities that will be undertaken during the summer months to limit disturbance impacts to wintering birds.

- Details of noise emitting activities during the winter months (October to March) including a set decibel level limit that these works will adhere to.
- Details of appropriate screening/acoustic fencing to be installed and maintained throughout the construction phase in order to minimise disturbance through movement/noise or lighting.
- Details of best practice working methods in relation to prevention of pollution/spillage incidents, protection of water quality and limitation of dust emission.

Thereafter, all construction works will be undertaken in accordance with the approved Plan.

Reason: This is required prior to commencement of the approved development due to the sensitive location of the application site in the interests of addressing any impact on ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

19. A detailed lighting plan will be submitted to the LPA for approval prior to works commencing on site to ensure there is no additional light spill to the Northumbria Coast SPA. The lighting details shall include the following information:

- a statement of frequency of use, and the hours of illumination.
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures.
- the type, number, mounting height and alignment of the luminaires.
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: This is required prior to commencement of the approved development due to the sensitive location of the application site in the interests of addressing any impact on ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

20. 2no. bat roosting features must be incorporated into the building design. Full details, locations and specifications of the bat roosting features must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site. Thereafter, the agreed details shall be installed prior to the completion of the scheme and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

21. 3no. house martin nest boxes must be placed in the eaves of the new building. Full details, locations and specifications of the house martin nest boxes must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site. Thereafter, the agreed details shall be installed prior to the completion of the scheme and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

22. Demolition works will be undertaken outside of the bird nesting season (March to September inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests immediately prior to works commencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

23. No vegetation removal shall take place during the bird nesting season (March- August inclusive) unless a checking survey by a suitably experienced ecologist confirms the absence of nesting birds immediately prior to works commencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

24. Prior to the commencement of the approved development a Bat Method Statement must be submitted to and approved in writing by the Local Planning Authority. Thereafter, all building works will be undertaken in accordance with the approved details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

25. Prior to the commencement of the approved development the following shall be undertaken:

- A scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;

- A report of findings arising from the above intrusive site investigations and any remedial works and/or mitigation measures considered necessary to address land instability arising from coal mining legacy (shallow coal mining / zone of influence of an off-site mine entry) as may be necessary, shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the approved development shall be carried out entirely in accordance with the approved details and all necessary remedial works and/or mitigation measures shall be implemented in accordance with authoritative UK guidance.

Reason: This information is required prior to commencement of the development 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 NPPF.

26. Prior to the occupation of the development 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 and approved in writing by the Local Planning Authority. 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.

Reason: In the interests of land stability, having regard to the NPPF.

27. Site Investigation	CON004	*
28. Remediation Method Statement	CON005	*
29. Validation Report	CON006	*
30. Unexpected Hotspots	CON007	*
31. Gas Investigate no Development	GAS006	*

32. Prior to demolition of any buildings on the site an asbestos survey must be carried out and the results submitted to and approved in writing by the Local Planning Authority. Thereafter, all demolition works must be carried out in accordance with the approved details.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

33. Restrict Hours No Construction Sun BH	HOU00 4	*
34. Restrict Hours No Demolition Sun BH	HOU00 5	*

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (103)

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out 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 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 they should 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

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 requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact Streetworks@northtyneside.gov.uk for further information.

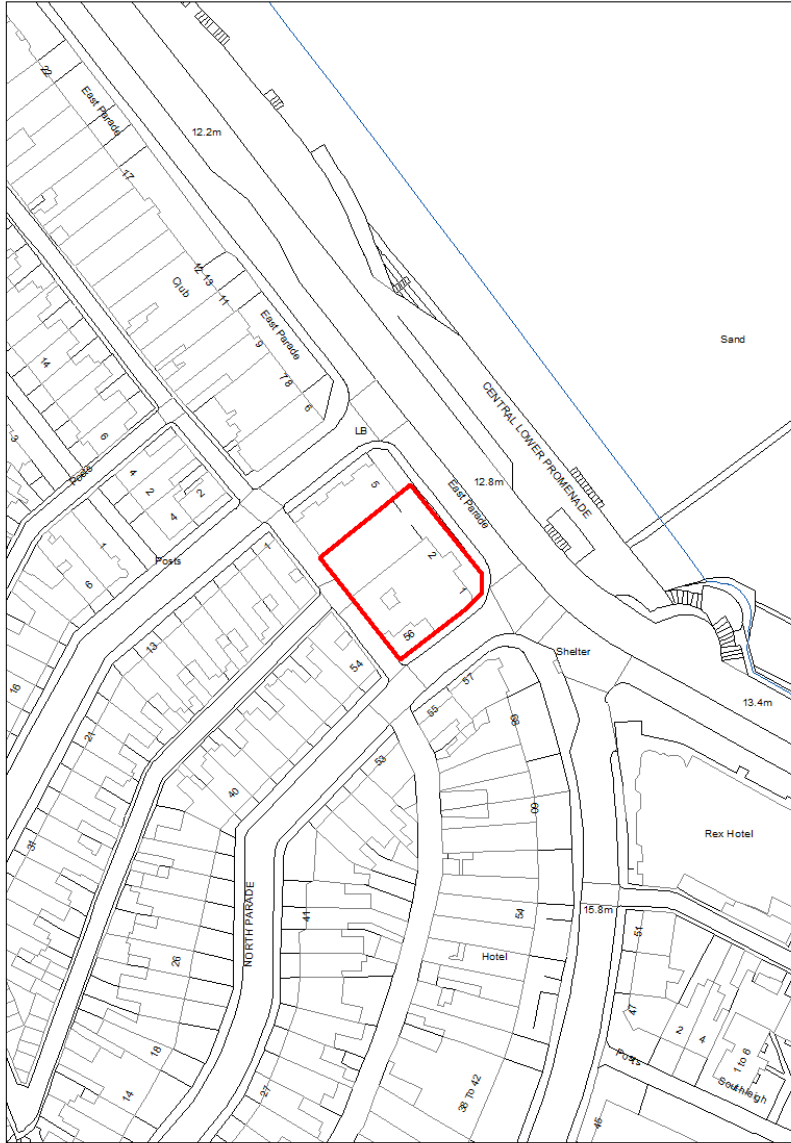
The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact New.Developments@northtyneside.gov.uk for further information.

The applicant is advised that occupiers may not be entitled to a parking permit under the council's residential permit scheme. Contact Parking.control@northtyneside.gov.uk for further information.

Coal Mining Standing Advice (FUL,OUT) (144)

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:- - Soakaway - Watercourse, and finally - Sewer If sewer is the only option the developer should contact Northumbrian

Water to agree allowable discharge rates and connection points into the public sewer network. This can be done by submitting a pre planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopmentenquiries.aspx> or telephone 0191 419 6559. A strategic water main runs along the boundary of the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to its apparatus. NWL will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. This informative is included so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>



Application reference: 21/00174/FUL

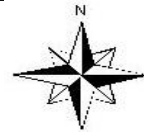
Location: 1 - 2 East Parade, Whitley Bay, Tyne And Wear, NE26 1AW

Proposal: Demolition of existing building and erection of residential development comprising 19no. 2-bed apartments, with associated vehicular access, landscaping and other associated works

Not to scale

Date: 17.08.2023

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Consultations/representations

1.0 Representations

49no. objections to the public consultation. Summarised below:

1.1 Objections:

1.2 Character and Appearance:

- Proposal is too big, overbearing, out of scale.
- Design is out of keeping with other properties in the area/eyesore.
- Building will dominate.
- The building is too tall and unattractive.
- Another ugly development that will be a blot on the seafront look of Whitley Bay.
- No sustainable or innovative design here.
- Revised plans are so similar to the previous one that I objected to that I struggle to see any difference. Whole scheme needs to be reduced to fit in with its surroundings.
- The development sits in front of the street line on the East Parade. This will overburden East Parade and impact the view travelling down the promenade.
- Poor relationship with existing properties on North Parade.
- Blank elevation on North Parades misses the opportunity to include passive surveillance from an active frontage.
- The design doesn't represent a high level of attractiveness or exemplar design solutions.
- The setback top storey this will still be visible along key sightlines, including along the promenade.
- Inappropriate materials.
- Looks awful totally out of keeping with the lovely Victorian sea front.
- Development is incongruous and overbearing and constitutes over development of the site, particularly with the incorporation of the uppermost floor.
- The side street will become a characterless blank brick wall.
- A smaller development, with space for visitors and greater visual appeal would be preferable to an out of scale oversized block of residential flats.

1.3 Highway Impact

- Not enough parking spaces for the number of proposed residents in an area that has limited street parking.
- Inadequate parking provision proposed.
- Proposal will exacerbate existing parking, congestion and access problems.
- The cycle storage is not secure, discouraging its use.
- Has provision been made for charging points to encourage lower emission cars.
- No meaningful changes have been made. All of our original concerns regarding parking have been completely ignored.

1.4 Amenity

- There will be a problem with waste.
- Too many occupants.
- Building will shade neighbouring dwellings.
- Will block views of existing residents.

- Very limited outdoor amenity space. Instead, the development focusses on maximising the number of units rather than providing adequate amenity space.
- Noise pollution.
- Chemical pollution.
- Proposed scheme pays no regard to future maintenance that may be required to existing vents, rain water pipes/gulley's and incoming gas main of adjacent site, all of which are currently located on the south elevation (facing towards application site). At the very least an access corridor between the two buildings should have been included in the proposals.
- Part of the area is currently a car park and regularly floods. Will the development lead to any back up to other properties if the water is unable to egress?
- There is no space for rubbish bins to be put out.
- Loss of privacy for neighbouring residents.

1.5 Other

- Lack of demand for this type of accommodation.
- There are already a significant number of similar new properties remaining unsold in the area.
- Given the amount of unsold and overpriced properties along our small piece of coast it would be ridiculous to add more.
- It looks like someone wants to make as much money as possible at the detriment of the local community.
- The council have been selective when sending out letters regarding the development. Only a handful of residents in each street have been notified.
- Unacceptably high density and over-development of the site
- Development does not represent a design which will contribute to a zero-carbon standard.
- Has the possible impact on other amenities, such as Internet and TV signal in nearby homes been considered. eg BRE assessment?
- Property devaluation.

1.6 Ward Councillors

1.7 Councillor John O'Shea (Whitley Bay) – Support

1.8 I wish to support the above application. In the event that planning officers are not able to recommend approval of the application I would request that I be allowed to make representations to the Planning Committee.

1.9 Internal Consultees

1.10 Highway Network Manager

1.11 This application is for the demolition of the existing building and erection of a residential development comprising 19 two-bed apartments with associated vehicular access, landscaping, and other associated works.

1.12 The site will be accessed via North Parade and an appropriate level of parking will be provided. Cycle storage has been incorporated into the design and refuse will be stored on site. Conditional approval is recommended.

1.13 The applicant will be required to enter into an appropriate legal agreement with the Local Authority for the following works:

New access
Upgrade of footpath abutting the site
Associated highway drainage
Associated street lighting
Associated road markings
Associated signage
Associated Traffic Regulation Orders

1.14 Conditions:

1.15 Notwithstanding the details submitted, no part of the development shall be occupied until the new means of access has been laid out 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).

1.16 Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for parking has been laid out 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).

1.17 Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for refuse storage has been laid out in accordance with the approved plans 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).

1.18 Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for the provision of cycle storage has been laid out in accordance with the approved plans 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).

1.19 No part of the development shall be occupied until details of Electric Vehicle (EV) Charging 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: To accord with Central Government and Council Policy concerning sustainable transport.

1.20 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; details of the site compound for the storage of plant (silos etc) 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; 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.

1.21 Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

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.

1.22 Informatives:

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

1.24 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.

1.25 The applicant is advised that they should 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

1.26 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

1.27 The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact Streetworks@northtyneside.gov.uk for further information.

1.28 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.

1.29 The applicant is advised that occupiers may not be entitled to a parking permit under the council's residential permit scheme. Contact Parking.control@northtyneside.gov.uk for further information.

1.30 Sustainable Transport Team

1.31 This application is looking at the revised plans submitted July 2022 for the demolition of existing building and erection of residential development comprising 19no. 2-bed apartments, with associated vehicular access, landscaping and other associated works. Due to the low number of properties on the site, the requirement for a Travel Plan will not be required for the development.

Recommendation – Approval

1.32 Local Lead Flood Authority

1.33 I can confirm that the proposed surface water drainage for the development is acceptable. I will require a condition to be placed on the application requiring the detailed drainage design to be provided to the LLFA for approval prior to construction.

1.34 Design Officer (final comments provided on 22nd September 2022)

Following comments dated 17th February 2021, 14th March 2022 and 19th August 2022, which raised concerns with the application, the scheme has been revised and further information submitted. Comments on the outstanding issues are set out below:

a) Bike and bin stores

Bike and bin stores have now been removed from the front gardens of units facing onto East Parade. This is acceptable.

b) Roof top balustrade

The glass and metal balustrades associated with the roof top is now set back to reduce its visibility from street level. The set back is also now clearly shown on the floor plans. This is acceptable.

1.35 Conclusion

The application has addressed the outstanding issues and is acceptable subject to the recommended conditions below.

1.36 Suggested Conditions:

- a) Materials of construction
- b) Boundary walls and fences
- c) Hard surfacing
- d) Landscape works implementation
- e) Location of flues, vents, utility boxes and any other utility equipment

1.46 Environmental Health

1.47 Please refer to previous comments, dated 17.02.2021. These are set out below:

1.48 I have concerns regarding noise late at night from both customer noise and amplified music, if provided, from the adjacent restaurant, known as Turknaz. It is noted that the site is in close proximity to South Parade and the taxi rank for the area is located adjacent; this will result in noise such as loud voices from people waiting for taxis in this area. The licensed premises in South Parade have operating hours until 03:00 hours and this will result in customers congregating in the vicinity of the taxi rank until early hours of the morning, especially at weekends. Noise from customer loud voices may also arise from the external seating area to the front of the Turknaz restaurant.

1.49 I have viewed the noise report that refers to the noise monitoring carried out on a Saturday during July 2020, which should have ensured that the external noise environment for the busier summer months, although it is noted that monitoring was during a period when customer levels may have been lower due to the Covid 19 restrictions. Noise levels for the area were assessed as 59 dB for the daytime period and 52 dB during the night period. The only reference to noise in the area was that it is within an area subject to high traffic serving the Promenade. The report indicates that external noise transmission from the external noise environment can be addressed through mitigation and use of alternative mechanical ventilation. The noise report does not make any reference to other noise sources such as potential live music from the adjacent restaurant or loud voices of people in the street. Associated noise from the restaurant such as plant and equipment is also not considered within the report. This would need to have been assessed in accordance to BS412. Noise arising from the restaurant may have the potential to cause nuisance as Statutory nuisance legislation is more onerous than Building Regulations. It is therefore important that if planning consent is to be given mechanical ventilation is provided for habitable rooms located to the front of the development to ensure adequate ventilation without recourse to open windows.

1.50 The National Planning Policy Guidance indicates the aim under Section 123 is "avoid noise from giving rise to significant adverse impacts on health and quality of life" and that businesses "should not have unreasonable restrictions put on them". The noise assessment has outlined that external noise to the front of the development due to the existing noise arising from the street will give rise to adverse impacts. Sound attenuation measures are necessary including use of mechanical ventilation to prevent the need to open windows to ensure that the proposed development will not lead to potential restrictions on the activities of the

adjacent restaurant as the introduction of residential houses will cause a potential nuisance to arise.

1.51 If planning consent is to be given I would recommend the following conditions:

1.52 Prior to occupation submit and implement on approval of the local Planning Authority a detailed noise scheme to be provided in accordance with noise report reference 10734-1 to show that all habitable rooms fronting the Promenade and North Parade are provided with good standards of glazing and sound attenuation to give a resultant noise level of below 30 decibels and maximum noise level of 45dB for bedrooms and 35 dB for living rooms is achieved as described in BS8233 and the World Health Organisation community noise guidelines.

1.53 Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

1.54 The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

1.55 Prior to the development commencing a detailed scheme to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of a) mechanical street cleaning brushes and b) the provision of water bowsers to be made available to spray working areas due to dry conditions. Thereafter development shall not be carried out other than in accordance with the approved details and the approved measures shall be retained on site for the duration of the works and used on all occasions when visible dust emissions are likely to be carried from the site eg during dry, windy conditions.

1.56 Landscape Architect

1.57 Following earlier comments in February 2021 March 2022, the scheme has been revised and further information submitted that refers to 'additional landscaping detail provided on plans' (email dated 27th July 2022 Lichfields). However, the recently submitted plans only show landscaping as graphic visuals, with no species type, numbers, method of support and/or other ancillary management and maintenance information. Therefore, should approval be granted the following conditions should be applied:

1.58 Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully

detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

1.59 Biodiversity Officer

1.60 Additional information has been submitted to support the above application following previous comments and changes to the design. The following additional ecological information has been submitted to support the application:

- Ecological Appraisal and Bat Survey (E3 Ecology May 2022)

1.61 Ecological Appraisal and Bat Survey (2022)

1.62 A single dusk presence/absence survey in August 2019 recorded a very low level of common pipistrelle commuting activity and no roost emergences. An updating dusk survey in May 2022 found similar results, with no roosts identified and only occasional common pipistrelle passes.

1.63 With regard to other protected or otherwise notable species, the surveys recorded feral pigeon and house martin nesting within the building. No other protected or otherwise notable species are anticipated to be impacted by the proposals.

1.64 Potential impacts of the development are:

- The loss of potential crevice roost sites within the buildings to be demolished.
- Very low residual risk of harm/disturbance to a small number of bats that may be using the buildings at the time of works.
- Loss of a building currently being used by breeding feral pigeon and house martin.
- Harm/disturbance to nesting birds if works are carried out during the bird breeding season (March to August inclusive).

1.65 Key mitigation measures recommended within the Report include:

- Two bat roosting features will be incorporated into the design proposals, in the form of either incorporated bat boxes or crevices created through careful pointing within walls.
- Two bird boxes designed for house martin will be placed in the eaves of the new building.
- Demolition works will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.
- As a precaution works will be undertaken to a method statement; loose slates, ridge tiles, hanging tiles, fascias, soffits and barge boards will be removed carefully by hand, being aware that bats may be present beneath slates or ridge tiles, within mortise joints, cavity walls, between loose bricks, between lintels and in gaps around window frames.

- If bats are found during works, works will stop in that area and the ecological consultant will be contacted immediately. If it is necessary to move the bats for their safety, this will be undertaken by a licensed bat handler.

1.66 Coastal Designated Sites

1.67 It is considered that without appropriate mitigation, the above scheme would have an adverse effect on the Northumbria Coast SPA and Ramsar site and would impact the interest features for which the Northumberland Shore SSSI has been notified.

1.68 The 'Report to Inform an Appropriate Assessment' (E3 Ecology Jan 2021) states there is potential for disturbance impacts resulting from the construction phase of the development including dust, noise, and light spill which could disturb qualifying and special interest features of the SPA and SSSI sites. To mitigate these impacts the report states that a Construction Environmental Management Plan (CEMP) should be agreed with the LPA prior to works commencing and will include the following measures:-

- Timing restrictions with regard to key elements of work based on noise levels that will avoid the sensitive winter period
- Use of screening/acoustic fencing to minimise disturbance resulting from movement noise and light

1.69 These measures are considered adequate to address the potential for construction phase impacts and will need to be conditioned as part of the application.

1.70 With regard to operational impacts, the scheme will result in an increase in residential units that may impact designated sites due to an increase in recreational disturbance. It is, therefore, recommended that an appropriate financial contribution is secured towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD, to mitigate these recreational impacts. This contribution should be agreed with the LPA prior to the determination of the application.

1.71 The scheme also has the potential to impact the SPA/SSSI as a result of lighting impacts associated with the operation of the building. Lighting details will therefore need to be submitted to and agreed with the LPA prior to development commencing on site, to ensure there will be no additional light spill to the Northumbria Coast SPA.

1.72 The following conditions should be attached to the application:

1.73 Conditions:

1.74 A Construction Environmental Management Plan (CEMP) will be submitted to the LPA for approval prior to works commencing on site. Thereafter, all construction works will be undertaken in accordance with the approved Plan. The CEMP will include details of the following measures:

1.75 Details of key noise emitting activities that will be undertaken during the summer months to limit disturbance impacts to wintering birds.

1.76 Details of noise emitting activities during the winter months (October to March) including a set decibel level limit that these works will adhere to.

1.77 Details of appropriate screening/acoustic fencing to be installed and maintained throughout the construction phase in order to minimise disturbance through movement/noise or lighting.

1.78 Details of best practice working methods in relation to prevention of pollution/spillage incidents, protection of water quality and limitation of dust emission

1.79 A detailed lighting plan will be submitted to the LPA for approval prior to works commencing on site to ensure there is no additional light spill to the Northumbria Coast SPA. The lighting details shall include the following information:

- a statement of frequency of use, and the hours of illumination.
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures.
- the type, number, mounting height and alignment of the luminaires.
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

1.80 Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

1.81 2 no. bat roosting features will be incorporated into the building design proposals. Details of the roost feature specification and locations will be submitted to and approved in writing by the Local Planning Authority within 4

weeks of development commencing on site and will be installed in accordance with the approved plans

1.82 3no. house martin nest boxes will be placed in the eaves of the new building. Details of nest box specification and locations will be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans

1.83 Demolition works will be undertaken outside of the bird nesting season (March to September inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.

1.84 A Bat Method Statement will be submitted to the LPA for approval prior to works commencing on site and all building works will be undertaken in accordance with the approved Plan.

1.85 No vegetation removal shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

1.86 Contaminated Land Officer

1.87 This application is for the Demolition of existing building and erection of residential development comprising 19no. 2-bed apartments, with associated vehicular access, landscaping and other associated works.

1.88 I note that the Phase 1 report states:

1.89 No significant plausible pollutant linkages or significant uncertainties are considered to exist other than that potentially from asbestos and therefore no further investigation is considered to be needed. An asbestos survey should be undertaken and any identified asbestos should be removed and disposed of by a licenced contractor.

1.90 There has been precedent in the borough where contamination has been found in on a site that was deemed not to be affected by contamination. Due to the proposed sensitive end use and the Coal Mining Report stating that the site is at risk of shallow mine workings, there may be a risk to the site from mine gas.

1.91 The site lies within a coal referral area. Due to the proposed sensitive end use the following must be attached to any application:

1.92 Con 004; Con 005; Con 006; Con 007; Gas 006

1.93 An asbestos survey should be carried out prior to demolition and any findings acted upon accordingly.

1.94 External Consultees

1.95 Natural England

1.96 Natural England has previously commented on this proposal and made comments to the authority in our letter dated 08 February 2021 NE reference

number 341811. The advice provided in our previous response applies equally to this amendment. (Comments set out below):

1.97 No objection, subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Northumbria Coast Special Protection Area and Ramsar Site <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which the Northumberland Shore and Tynemouth to Seaton Sluice Sites of Special Scientific Interest have been notified.

1.98 In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- A Construction Environmental Management Plan should be agreed between the applicant and LPA to prevent construction phase impacts.
- A financial contribution to the Local Planning Authority's (LPA) Coastal Mitigation Service to mitigate the impacts of recreational disturbance.

1.99 We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

2.0 The Coal Mining Authority

2.1 I can confirm that the Coal Authority has no specific comments to make on the revised

Proposed Site Layout Plan (Drawing No. 200-00 Revision 6), and our previous comments dated 24 February 2022 remain valid and relevant to the decision making process. (Comments set out below).

2.2 Coal Authority recommends the imposition of the following conditions:

1. No development shall commence until;

- a) a scheme of intrusive site 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 (shallow coal mining / zone of influence of an off-site mine entry) 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.

2.3 This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would

respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made. The Coal Authority withdraws its objection to the proposed development subject to the imposition of the conditions to secure the above.

2.4 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.

2.5 Northumbrian Water

2.6 I refer you to our original response to the application, dated 10th February 2021, and can confirm that at this stage we have no additional comments to make. (Comments set out below):

2.7 In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

2.8 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

2.9 Having assessed the proposed development against the context outlined above we have the following comments to make:

2.10 The planning application does not currently provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

2.11 **CONDITION:** Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

2.12 Northumberland and Newcastle Society

2.13 No further comments on revised plans. Original comments set out below:

2.14 The committee considered that the proposed apartment block is far bigger than is appropriate for the site. The Design and Access Statement, page 17, speaks of the wish or intent to maintain the dominance of the former Rex Hotel, now Waverley House. The main montage photos on page 24 of the Statement clearly show that because of its size and bulk this has not been achieved. In the view from the south it appears as an oversized building of block like proportions overtopping its neighbours and made up of disparate elements which do not cohere into a satisfactory design. The extra storey of facing brick at the south end robs the block of all visual balance and symmetry; if the height cannot be reduced to match its neighbours it would be better to extend the setback glazed storeys over the whole building, giving the brick clad floors the appearance of a plinth of uniform height. This would reduce the overbearing effect of this corner and at least introduce some balance into the design.

2.15 On the same page, viewed from the north, the building is shown to be on a building line some three or four metres in front of that of its northern neighbour, the recently permitted and built Seaview care home (this is confirmed on plan). So it will present a large, unattractive expanse of dead brick gable end and adversely affect Seaview's outlook and daylighting, belying its name. This surely cannot be acceptable. Though the building is said to step down towards the four storey Seaview it is still clearly much taller. Are there no design policies governing the height of buildings along the sea front? The number of units has been reduced to 21 from 37 but even this smaller number makes the building far too tall. As the montages show, the partial setback of the top storeys designed to counter this appearance has proved to be visually unsatisfactory. The North Parade montage shows the equally bad effect of the new construction on that street, with the intervening lower western block visually totally at odds in design and materials with the street scene to which it "contributes".

2.16 The U-shaped plan of the building we assume was necessitated to fit in the number of units required, but it seems to create a number of problems of daylight, sunlight and outlook for the north and west ranges. These will be overshadowed for a large part of the day by the taller eastern range, even in summer. The Sunlight and Daylight Report seems to address only the effect of the building on the adjacent existing properties and concludes (paragraph 7.1) that there will be no adverse effect on these. Contrary to this the elevational drawings show overshadowing of the internal courtyard (proposed south east elevation); this should not be ignored as it will affect the properties in the north and west ranges, which already suffer from a very poor limited outlook.

2.17 The living rooms of apartments G and M are perhaps the worst examples of less than acceptable outlook on to what is very much the rear elevation of the eastern block. The offsetting of the windows in bedrooms 2 in apartments B, C, I and O on the east elevation seems unjustified as the rooms they light are identical. It is visually more disruptive than aligning them vertically. Also this arrangement is unbalanced with the corresponding bay on the right of the elevation, which has windows vertically aligned. We are not convinced by the use of brick, particularly yellow brick to construct the projecting bays. The comparison

we believe should in any case be made not with “yellow hued local stone” (Design and Access Statement p.32) but with the terra cotta used on the neighbouring terrace.

The necessity to include parking spaces and access to them has resulted in a most unsatisfactory street elevation on North Parade, with the cube-like block of pierced yellow brickwork intruding on the street scene.

2.18 We found that the elevations are an unresolved mix of visual elements, unharmonious within themselves, and within the building’s setting. The elevation to the sea front with its drop from five to four storeys is not resolved visually. The brickwork simply seems to stop and does not even appear to have a decorative or practical coping. The documents talk of this being a “gateway development” but where we might hope for an architectural treatment that would mark and turn the corner from North to East Parade, taking a cue from the Rex across the street and adding a strong positive visual element to the street scene, there are simply lengths of flanking brickwork with no visual termination or detailing. The west range on North Parade bears little resemblance to the east range in appearance and choice of materials and its cube-like appearance; all make it wholly alien to the street.

2.19 In summary we believe the proposal is too large and an overdevelopment of the site, and that this has led to major unresolved design issues in the upper floors, and also its severe effect on Seaview. The use of heavy brick vertical bays is unpleasing. There seems to have been little or no attempt to achieve what might be called a seaside spirit, or harmony with its location, or any particular individuality of design which would make it acceptable. As a consequence we would wish to see the application refused.

2.20 Tyne and Wear Archaeology Officer

2.21 No further comments on revised plans. Original comments set out below:

2.22 I have checked the site against the HER and historic Ordnance Survey maps. The applicant is proposing the demolition of the existing buildings on the site. Historic maps indicate that East Parade, a short terrace of five houses, was built in the later 19th century. By the early 20th century, numbers 1 and 2 were in use as a Temperance Hotel. The remainder of the terrace was demolished in the later 20th century. Most recently the building has been in use as a public house with modern interiors.

2.23 Whilst the building has some historic interest, it has been considerably altered from its original form, and I consider that no historic building recording work is required prior to demolition.

2.24 Police Architectural Liaison Officer

2.25 No further comments on revised plans. Original comments set out below:

2.26 We do not have any objections to this application, however we would like to make the following comments and recommendations mainly around the proposed undercroft parking. It is essential to ensure that criminal opportunities is minimised, ensuring the day to day access does not undermine the security of

the residential building above, this is especially important given that from the car park there is direct access to the apartments via a lift and internal staircase.

- Can it be clarified if there is or will be access control systems installed on all internal doors and lifts giving access to communal areas of the building, preventing unlawful access to the floors and apartments above.
- Communal parking facilities should be lit to the relevant levels as recommended by BS 5489-1:2013
- There are two cycle stands located to the vehicle entrance and exit doors, these could be vulnerable to opportunistic theft. Therefore the cycle storage should reflect this and should facilitate the locking of both wheels and the crossbar to prevent theft.

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