



North Tyneside Council

Planning Committee

16 September 2022

To be held on **Tuesday, 27 September 2022** in Room 0.02, Quadrant, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

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 30 August 2022.	5 - 12

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Agenda Item	Page
5. Planning Officer Reports	13 - 18
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.	
6. 21/02519/FUL, Tynemouth Library, 36 Front Street, Tynemouth	19 - 62
To determine a full planning application from North Tyneside Council for demolition of existing buildings. Redevelop the site to provide a community facility with Library services, ICT, Tourist Information, flexible spaces for community use, financial Services and a Changing Places Bathroom. Residential accommodation to provide 6no flats to be accessed from Middle Street via stairs and a lift, including parking. Substation to be rebuilt to suit modern requirements.	
7. 20/00321/FUL, Friends Meeting House, 23 Front Street, Whitley Bay	63 - 94
To determine a full planning application from the Clerk of the Monkseaton Meeting House for conservation and renovation of the pre-1911 elements of the building. Demolition of the existing front porch and rear extensions of the building dating from 1911 to 1980. Construction of a new front porch (modelled on the existing) and rear extension connected to the main building. The front and rear gardens will be remodelled to provide access for all.	
8. 21/00174/FUL, 1-2 East Parade, Whitley Bay	95 - 136
To determine a full planning application from North Eastern Holdings Ltd for demolition of existing building and erection of residential development comprising 19no. 2-bed apartments, with associated vehicular access, landscaping and other associated works.	
9. 22/01502/FULH, 23 Monks Way, Tynemouth	137 - 146
To determine a full householder planning application from Mr Nathan Sandy for over garage extension and porch to front elevation. Replacement of timber cladding with smooth white fibre cement cladding.	
10. 22/01328/FUL, Land Adjacent to Third Avenue, Tyne Tunnel Trading Estate	147 - 172
To determine a full planning application from Northumberland Estates for construction of battery energy storage containers and substation buildings, together with associated electrical infrastructure, small operational buildings, security fencing, CCTV, improved access tracks and structural landscaping.	

Members of the Planning Committee:

Councillor Ken Barrie
Councillor Muriel Green
Councillor John Hunter
Councillor Tommy Mulvenna
Councillor Paul Richardson (Deputy Chair)
Councillor Jane Shaw

Councillor Julie Cruddas
Councillor Margaret Hall
Councillor Chris Johnston
Councillor John O'Shea
Councillor Willie Samuel (Chair)

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Planning Committee

Tuesday, 30 August 2022

Present: Councillor W Samuel (Chair)
Councillors K Barrie, L Bones, P Earley, M Hall,
John Hunter, L Marshall, T Mulvenna, J O'Shea,
P Richardson and J Shaw

In attendance:
Councillors S Day, C Johnston and E Parker-Leonard

Apologies: Councillors J Cruddas and M Green

PQ22/22 Appointment of substitutes

Pursuant to the Council's Constitution the appointment of the following substitute members was reported:

Councillor L Bones for Councillor C Johnston
Councillor P Earley for Councillor M A Green
Councillor L Marshall for Councillor J Cruddas

PQ23/22 Declarations of Interest

Councillor L Bones stated that, with reference to planning applications 20/00136/FUL and 20/00137/LBC, Vacant Land to the South and North of Tynemouth Metro Station, he had campaigned on behalf of a candidate standing for election in the Tynemouth Ward but he had not expressed any personal opinions on the applications, he had an open mind to the arguments to be presented at the meeting and he had not predetermined the matters.

Councillor L Marshall stated that she had been contacted by residents living in the Wallsend Ward regarding planning application 22/01053/FUL, Football Pitches West of St. Peters Road, Wallsend but she had remained neutral on the matter with no fixed opinion and she had not predetermined the matter.

PQ24/22 Minutes

Resolved that the minutes of the meeting held on 2 August 2022 be confirmed and signed by the Chair.

PQ25/22 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.

PQ26/22 20/00136/FUL, Vacant land to the North and South of Tynemouth Metro Station Building to the East of the Metroline, Tynemouth

The Chair of the Committee explained that as planning applications 20/0136/FUL and 20/00137/LBC were both in relation to the same development, the Committee would deal with both applications together for the planning officer's presentation, speaking and questions. The Committee would then consider and vote on each application separately.

The Committee considered a report from the planning officers, together with an addendum and supporting documentation circulated prior to the meeting, in relation to a full planning application from Station Developments Ltd for a mixed use scheme comprising 130sqm A1/A3/A4 use and 71no. one, two and three bedroom residential units with 43 car parking spaces, cycle parking, public realm improvement and landscaping on land to the south of Tynemouth Station; new access from Tynemouth Road; partial demolition of the stone perimeter wall to Tynemouth Road; and car parking on land to the north of Tynemouth Station; widening of access from Station Terrace.

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, Ms Joan Hewitt of Birtley Avenue, Tynemouth had been granted permission to speak to the Committee. Ms Hewitt described Tynemouth Station as being the jewel in the crown of the Tynemouth Conservation Area and a vibrant hub for social and community events. She stated that 150 local residents had come together to form the Tynemouth Action Group who had unanimously agreed to oppose the proposed development. She highlighted her objections in terms of:

- a) the amount of car parking to be incorporated within the residential development which fell short of the Council's standards. This shortfall would create intense car parking pressures on Tynemouth Road and would have negative impact on the air quality in the area;
- b) the impact of increased noise created by the canyon effect of constructing a six storey building next to the metro line;
- c) its detrimental impact on the conservation area;
- d) the risk of having another licensed premises within the cumulative impact area; and
- e) inadequate landscaping proposals for the site which was located within a wildlife corridor.

Ms Hewitt asked the Committee to reject the plan.

Councillor Lewis Bartoli, a ward councillor for the Tynemouth Ward, had been granted permission to speak to the Committee. As he was unable to attend the meeting Councillor Chris Johnston spoke on his behalf. Councillor Johnston stated that the scale, height and mass of the proposed development was totally unacceptable in the Tynemouth Conservation Area. He contended that the benefits to be derived from the development, whilst desirable, did not outweigh the harm which would be caused to the heritage assets. He set out details of a range of planning policies which would be contravened if the development were to be approved. He believed that there could be a viable development of the site which would be more sympathetic to its surroundings. He also expressed his concerns regarding the level of car parking to be provided and challenged the findings contained within applicant's Transport Assessment. Councillor Johnston urged the Committee to think about the Conservation Area and reject the applications.

Councillor Sarah Day, a ward councillor for the Tynemouth Ward, had also been granted permission to speak to the Committee. Councillor Day referred to the strength of public opinion against the application. She set out her objection to the development on the basis of its size being harmful to the conservation area, the site had not been designated as housing land within the Local Plan and she was concerned that the proposed number of parking places would exacerbate parking problems and traffic congestion in the area. Councillor Day concluded that the Committee should refuse planning permission.

Mark Stone of Station Developments Ltd addressed the Committee to respond to the speakers' comments. Mr Stone explained that the purpose of the company was to maintain the heritage of Tynemouth Station and this required significant investment. The company had worked with the Council and Heritage England to bring forward a viable proposal for sustainable development on a derelict site. He set out the range of benefits that would be derived including a high quality residential development, new cycling and pedestrian access to the station, extended CCTV coverage, new public toilets, canopy lighting, new car parking facilities, net biodiversity gain, a new retail unit and construction and retail employment. The company was proud of the restoration of Tynemouth Station and he asked the Committee for its assistance in continuing this process by approving the planning applications.

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

- a) the quantity and operation of the car parking to be provided as part of the residential development and at the site north of the station as set out in the applicant's transport assessment and interim travel plan;
- b) the proposed conditions requiring the applicant to monitor the impact of the development on car parking in surrounding streets and to provide any necessary mitigating measures;
- c) the design, height and scale of the residential development, taking into account the height and scale of other buildings in the area, the applicant's revisions to the design and the relevant planning policy documents;
- d) the opinions of the Council's design officer and Heritage England on the level of harm which would be caused to the listed building and the conservation area and whether any harm would be outweighed by the public benefits provided by the development;
- e) the outcome of the applicant's viability assessment and the Council's independent review of this assessment which demonstrated that, with the exception of a financial contribution towards the Coastal Mitigation Strategy, the financial contributions requested by service areas should not be sought;
- f) the impact of the development on existing and future residents in terms of noise and vibration and the risk of a "canyon effect";
- g) the impact of the loss of grassland and scrub habitat and the proposed mitigating measures and landscaping scheme; and
- h) the effect of Policy S3.3 of the Local Plan which identified Tynemouth Station as a key site for providing 1011m² of additional retail floorspace.

Following the planning officer's presentation, speaking and questions, Councillors Johnston and Day withdrew from the meeting during the Committee's deliberations and voting on the application.

Resolved that (1) the Committee is minded to grant the application subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and (2) the Director of Regeneration and Economic Development be authorised to determine the

application following the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £23,927 towards delivery of the Council's Coastal Mitigation Strategy.

PQ27/22 20/00137/LBC, Vacant land to the North and South of Tynemouth Metro Station Building to the East of the Metroline, Tynemouth

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to an application for listed building consent from Station Developments Ltd for the demolition of a section of the stone boundary wall on Tynemouth Road and Tynemouth Terrace to facilitate access to a development comprising 130sqm Class E unit and 71no. one, two and three bedroom residential units with 43 car parking spaces, cycle parking, public realm improvement and landscaping on land to the south of Tynemouth Station and car parking on land to the north of Tynemouth Station.

A planning officer presented details of the application with the aid of various maps, plans and photographs. In considering the application the Committee gave regard to the relevant comments made by Ms Joan Hewitt, Councillors Chris Johnston and Sarah Day and Mark Stone of Station Developments Ltd who had been granted permission to speak to the Committee.

(Councillors Johnston and Day withdrew from the meeting during the Committee's deliberations and voting on this item.)

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 its impact on the significance of Tynemouth Station as a Grade II listed building.)

PQ28/22 22/01053/FUL, Football Pitches West of St Peters Road, Wallsend

The Committee considered a report from the planning officers, together with an addendum circulated at the meeting, in relation to a full planning application from North Tyneside Council for the development of a new sports hub at St Peters Playing Field (west) which includes, new sports pavilion / clubhouse / multi use community space, new 3G AGP (artificial grass pitch), new site fencing, car parking and other ancillary facilities.

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

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

- a) the height and design of the proposed boundary fencing;
- b) the impact of the development on existing public rights of way and informal paths around along the southern perimeter of the site which would remain open and unobstructed;
- c) the risk of flooding in Wallsend Dene;

- d) the proposed condition requiring the applicant to submit for approval details of the frequency and hours during which the floodlighting would be illuminated. The Committee agreed that if the application were approved it should be subject to a condition requiring the floodlighting to be switched off whenever the all weather pitches are not being used for sport;
- e) how the continued community use of the open space would be safeguarded by a community use agreement;
- f) the nature and location of other areas of open space in the area; and
- g) the impact of the development on the local highway network and the proposed condition requiring the applicant to monitor car parking in the area and take any necessary mitigating measures.

Resolved that the application be permitted subject to the conditions set out in the planning officers report and a condition requiring the floodlighting to be switched off whenever the all-weather pitches are not being used for sport.

(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 site and surrounding area, residential amenity, the highway network and biodiversity.)

PQ29/22 22/00755/FUL, Unit 14 Wesley Way, Benton Square Industrial Estate

The Chair of the Committee explained that as planning applications 22/00755/FUL and 22/00603/FUL were both in relation to the same site, the Committee would deal with both applications together for the purposes of the planning officer's presentation, speaking and questions. The Committee would then consider and vote on each application separately.

The Committee considered a report from the planning officers in relation to a full planning application from Jospeh Parr (Tyne & Wear) Ltd for the variation of conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL, to permit the display of goods externally.

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, Councillor Erin Parker Leonard, a ward councillor for the Killingworth Ward, had been granted permission to speak to the Committee. Councillor Parker Leonard stated that she had been contacted by residents who felt that there had been a lack of consideration given to their concerns. The history of variations to the original planning permission and enforcement actions had been difficult to follow but residents were now concerned that the latest proposed variations would not be possible to implement and the past conduct of the applicant suggested that the proposed developments would not happen. She stated that the proposals did not go far enough to satisfy residents wishes and that some earlier planting had already died. Whilst she hoped that a new storage area would help the situation, she did not understand why the original terms of the planning permission could not be enforced and why there was now a need for variations.

Marc Poppleton of Jospeh Parr Ltd had been invited to speak to the Committee to respond

to Councillor Parker Leonard's comments. As he was unable to attend the meeting the Committee considered a written statement submitted by Mr Poppleton. In the statement he explained that Joseph Parr had invested £1m to purchase the large warehouse adjacent to the site and the company was currently in the process of moving a large proportion of the materials on site into the new warehouse space. He appreciated the concerns of local residents and that was the reason for the proposed variations to the original planning permission. It was envisaged that the materials would be removed by the end of the week. Mr Poppleton hoped that these actions demonstrated that they had worked closely with the planning team to make the applications successful.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to how compliance with the varied conditions, if approved, would be monitored and enforced.

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 its impact on the visual and residential amenity of neighbouring residents.)

PQ30/22 22/00603/FUL, Unit 14 Wesley Way, Benton Square Industrial Estate

The Committee considered a report from the planning officers in relation to a full planning application from Joseph Parr (Tyne & Wear) Ltd for the variation of conditions 12 and 13 of planning approval 10/00552/FUL, amendments to landscaping layout.

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

The Committee gave regard to the relevant comments made by Councillor Erin Parker Leonard who had been granted permission to speak to the Committee in accordance with the Committee's Speaking Rights Scheme.

Marc Poppleton of Joseph Parr Ltd had been invited to speak to the Committee to respond to Councillor Parker Leonard's comments. As he was unable to attend the meeting the Committee considered a written statement submitted by Mr Poppleton. In the statement he explained that a substantial amount of planting had already been completed and that the company had worked closely with the planning team to prepare details of the landscaping scheme. All works would be completed in the November planting season, in accordance with the Council's specification and a full landscaping maintenance programme would be in place to ensure that the landscaping thrived over the coming years.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to the exact locations of the proposed landscaping and the preliminary groundworks that would have to be completed prior to planting.

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 its impact on the visual and residential amenity of neighbouring residents.)

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PLANNING COMMITTEE

Date: 27 September 2022

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.

PLANNING APPLICATION REPORTS
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- Tynemouth Library 36 Front Street Tynemouth Tyne And Wear NE30
4DZ**
- Speaking rights granted to Mrs Patricia Stevens of Northumberland
Terrace, Tynemouth.
- 7 20/00321/FUL** **Monkseaton
South**
- Friends Meeting House 23 Front Street Whitley Bay Tyne And Wear
NE25 8AQ**
- Speaking rights granted to:
Mr Colin Barrett of Bygate Road, Monkseaton
Mr Maurice Searle of Searle Town and Country Planning
Mr Gavin Kirby of Front Street, Monkseaton
- 8 21/00174/FUL** **Whitley Bay**
- 1 - 2 East Parade Whitley Bay Tyne And Wear NE26 1AW**
- 9 22/01502/FULH** **Tynemouth**
- 23 Monks Way Tynemouth Tyne And Wear NE30 2QN**
- 10 22/01328/FUL** **Chirton**
- Land Adjacent To Third Avenue Tyne Tunnel Trading Estate North
Shields Tyne And Wear**

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Application No: 21/02519/FUL Author: Rebecca Andison
Date valid: 4 January 2022 ☎: 0191 643 6321
Target: 1 March 2022 Ward: Tynemouth
decision date:

Application type: full planning application

Location: Tynemouth Library, 36 Front Street, Tynemouth, Tyne And Wear, NE30 4DZ

Proposal: Demolition of existing buildings. Redevelop the site to provide a community facility with Library services, ICT, Tourist Information, flexible spaces for community use, financial Services and a Changing Places Bathroom. Residential accommodation to provide 6no flats to be accessed from Middle Street via stairs and a lift, including parking. Substation to be rebuilt to suit modern requirements.

Applicant: North Tyneside Council, Miss Mackay Block A The Killingworth Site
Harvey Combe Station Road Killingworth NE12 6QQ

Agent: North Tyneside Council, Miss S Mackay Block A The Killingworth Site
Killingworth NE12 6QQ

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Design and impact of the proposal on heritage assets;
- Impact on biodiversity; and
- Whether there is sufficient car parking and access provided.

2.0 Description of the Site

2.1 The application site is located on Front Street, Tynemouth. It comprises a vacant 3-storey building, previously occupied by Tynemouth library and Tynemouth Photographic Society, and an adjoining single storey retail unit. At the rear of the site is a yard, substation and various single storey extensions.

2.2 Adjoining the site to the east is Timothy Duff Court, a sheltered housing scheme, and to the west is a pedestrian access route between Front Street and Middle Street. The building beyond the access contains a ground floor commercial unit and a residential dwelling. At the rear of the site are 2-storey terraced dwellings on Middle Street.

2.3 The site lies within Tynemouth District Centre and the Tynemouth Conservation Area.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to demolish the existing library, shop and substation and construct a new 3-storey development to include a new community facility containing a library, with building society and changing place facility and 6no. residential apartments. A replacement substation is also proposed.

3.2 The ground floor of the development would contain the library and 1no. 1-bedroom apartment, with the first and second floors containing 2no. 2-bedroom and 2no. 3-bedroom apartments. A further 3-bedroom apartment is proposed within the roofspace.

3.3 A single storey substation and 5no. parking spaces are proposed at the rear of the development.

4.0 Relevant Planning History

03/02770/LAREG3 - Provision of access ramp to main entrance and renewal of rainwater goods – Permitted 04.12.2003

80/01358/FUL - Roofing over yard area to form builders store – Permitted 15.08.1980

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 National Planning Practice Guidance (As Amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for Members to consider are:

- Principle;
- Impact on the living conditions of surrounding occupiers, and whether the proposal would provide a sufficient residential living environment for future occupiers;
- Design and impact of the proposal on designated heritage assets;
- Impact on biodiversity; and
- Whether there is sufficient car parking and access provided.

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

8.0 Principle

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

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

8.3 Paragraph 60 of NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

8.4 Paragraph 74 of 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.

8.5 Paragraph 86 of NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

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

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

8.8 Policy S3.1 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.

8.9 Policy S3.2 defines the boroughs main town, district and local shopping centres.

8.10 Policy S4.1 states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable Greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

8.11 Policy S4.3 specifically allocates sites to meet the overall housing needs. The application site is not allocated for housing in the Local Plan.

8.12 Policy DM4.5 states that 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.

8.13 Policy AS8.15(e) states that the further development of Tynemouth as a centre for tourism and the regeneration of Tynemouth station will be promoted in the context of the heritage importance of the village.

8.14 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, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 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 4 year supply of housing land. It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in this assessment.

8.15 The development would provide 6no.new homes, which would contribute to meeting the housing needs of the borough in accordance with the NPPF and part (a) of Policy DM4.5. It is located in a highly sustainable location within walking distance of shops and services and public transport. The principle of residential development on this site is therefore considered to be acceptable.

8.16 The ground floor of the development would provide a library and community hub with a building society facility, tourist information service, flexible community space and changing places toilet. This part of the development would provide an additional facility for residents and visitors which would enhancement the vitality and viability of the centre in accordance with NPPF (par.86) and LP Policy S3.1 (a and c).

8.17 Having regard to the above; the principle of the proposed development is considered acceptable subject to consideration of the following matters:

9.0 Impact on the amenity of existing and future occupiers

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 S1.2 of the Local Plan states that the wellbeing and health of communities will be maintained and improved by amongst other matters requiring development to create an age friendly, healthy and equitable living environment.

9.4 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.

9.5 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.

9.6 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.

9.7 Policy DM4.9 states that to ensure that new homes provide quality living environments for residents both now and in the future and to help deliver sustainable communities, from the 1 October 2018 the following standards will apply, subject to site viability:

Accessibility of homes:

Market Housing

a. For new housing developments, excluding low-rise non-lift serviced flats, 50% of homes are to meet building regulation M4(2) – ‘Category 2 -accessible and adaptable dwellings’.

Affordable Housing

b. For all new housing developments, excluding low-rise non-lift serviced flats, 90% of homes should meet building regulation M4(2) – ‘accessible and adaptable dwellings’.

c. 10% of new homes where the local authority is responsible for allocating or nominating a person to live in that dwelling should meet building regulation M4 (3) (2) (b). When providing for wheelchair user housing, early discussion with the Council is required to obtain the most up-to-date information on specific need in the local area. Where there is no specific need identified, then M4 (3) (2) (a) will apply, to allow simple adaptation of the dwelling to meet the future needs of wheelchair users.

Internal Space in a Home:

d. All new homes, both market and affordable, will meet the Government’s Nationally Described Space Standard (NDSS).

9.8 The Design Quality SPD states: “The quality of accommodation provided in residential development contributes significantly to the quality of life of residents and reduces energy use. Residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy.”

9.9 Impact on existing residents -

9.10 The proposed development is 3-storey and adjoins 4-storey residential apartments within Timothy Duff Court to the east. Timothy Duff Court has a rear offshoot adjacent to the boundary of the site and the proposed development would not project beyond this existing feature. The proposed substation would be located adjacent to the car park of Timothy Duff Court and would not impact on any ground floor windows.

9.11 To the west of the site is a commercial unit (34 Front Street) and a residential dwelling (1 Silver Street). The residential dwelling has windows in the side elevation facing the application site. These windows serve a ground floor bedroom, first floor landing and kitchen and a second-floor bedroom. There would be a separation distance of approximately 4m between the development and these windows.

9.12 No.1's ground floor bedroom window currently faces the blank side elevation of the existing retail unit. It is not therefore considered that the proposal would have a significant impact on this window in terms of loss of light or outlook. To prevent any loss of privacy the ground floor library window which is located opposite No.1's window would be obscurely glazed.

9.13 The proposal would have some impact on No.1's first floor windows due to its height compared to the existing single storey retail unit and the limited separation distance. However, one of the windows is non-habitable, serving a landing/stairway, and the other relates to a kitchen which has a second window in the rear elevation. Taking these factors into account the impact on light and outlook is considered to be acceptable. There would be some overlooking between 2no. first floor bedroom windows within the development (bedrooms 2 and 3 of apartment 2) and No.1's existing 1st floor windows. However, on balance it is officer opinion that the degree of overlooking is acceptable when taking into account that one of No.1's the windows is non-habitable and the other is a secondary kitchen window.

9.14 The impact on the privacy of No.1's second floor bedroom window would be mitigated through the use of obscure glazing within the facing second floor window within the development. This window relates to an open plan living/dining area which has 4no. further windows in the front elevation.

9.15 Properties on Middle Street are located 17.7m from the closest part of the L-shaped development and 22.4m from the inset part of the rear elevation. This compares to a distance of approximately 22m from the existing library building. There are habitable windows in both the existing dwellings and the rear elevation of the proposed development. It is officer opinion that the separation distance provided is sufficient to prevent any significant loss of privacy when taking into account that the distance is in keeping with established separation distances in the area. The impact on light and outlook is also considered to be acceptable when taking into account the separation distance and the established layout of the street.

9.16 The impact of impact of noise from the proposed library on existing residents is considered to be acceptable when taking into account the location of the site within Tynemouth District Centre and the nature of the proposed commercial use.

9.17 Impact on future occupiers –

9.18 The development includes 1no. 1-bedroom, 2no. 2-bedroom and 3no. 3-bedroom apartments. The floor areas of all the properties meet the Government's Nationally Described Space Standard (NDSS). A ground floor apartment is proposed at the rear of the building with windows which face north

towards the rear courtyard and parking area. The apartment would be provided with a small private courtyard to give separation from the communal areas. While outlook and light from this apartment would be limited it is considered that an acceptable standard of accommodation would be provided.

9.19 All other apartments have front facing living/dining/kitchen windows and bedrooms with either side or rear facing windows. They would be accessed via a communal access in the rear of the building which leads to stairs and a lift.

9.20 There is no external amenity space within the proposed development, but the site is very well placed in terms of access to public open space, including Northumberland Park, Tynemouth Park and the coast.

9.21 A Noise Impact Assessment has been submitted as part of the application to consider the potential impact of road traffic and noise from the community hub and library on future residents. The Manager of Environmental Health has been consulted and provided comments. She states that an appropriate glazing and ventilation scheme is proposed to protect residents from external noise. With regards to internal noise transmission, she advises that the proposed sound mitigation scheme is acceptable subject to there being no amplified music or voices within the library and community hub and recommends that a condition is imposed to control this. Further conditions are recommended in respect of external plant, construction hours, to control the hours of opening of the library, refuse storage and external lighting.

9.22 Members need to determine whether the proposed development is acceptable in terms of its impact on existing residents and whether acceptable living conditions would be provided for future occupiers. It is officer advice that the impact on existing and future residents, in terms of noise, light, outlook and privacy is acceptable, and that the proposed development accords with the NPPF and LP Policies DM5.19 and DM6.1.

10.0 Impact on Character and Appearance

10.1 The Local Planning Authority must have regard to its statutory duty to ensure the preservation and enhancement of the character and appearance of conservation areas, as outlined in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It must also have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under section 66 of the same Act.

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

10.3 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking

into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

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

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

10.6 NPPF para.201 states that where a proposed development will lead to substantial harm to (or total loss of significance) of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

10.7 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para.202).

10.8 NPPF para.206 states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

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

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

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

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;

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

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

10.12 Relevant sections of the Design Quality SPD include:

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

4.3 “The scale, mass and form of new buildings are some of the most important factors in producing good design and ensuring development integrates into its setting.”

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

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

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

10.13 The Tynemouth Village Conservation Area Character Appraisal was adopted in 2010 and is an update of the community-led character statement that was adopted in 2003. The Tynemouth Conservation Area Character Statement states “Consideration should be given to improving the council-owned site of the empty newsagent’s shop next to the public library”.

10.14 The Tynemouth Village Conservation Area Management Strategy SPD (TVCAMS) was adopted in 2014. The SPD states that all alterations, extensions or new developments in the Conservation Area should have the highest respect for the existing character of Tynemouth Village. They should be in proportion to surrounding buildings and spaces in terms of size and scale and use high quality materials. The SPD states that the design of new development, whether it be a small extension or a whole new building, will generally be supported if it represents good quality traditional-style design or good quality modern design. It notes that the ongoing vacancy of 35 Front Street, the single storey building next to the library, harms the vibrancy of an otherwise bustling street and raises uncertainty about its continued maintenance. It is described as an eyesore that is badly in need of a long term, sustainable solution.

10.15 The application site lies within Tynemouth Conservation Area. The buildings are not listed but are covered by the Tynemouth Article 4 Direction. They are located close to listed buildings on Front Street.

10.16 When assessing the impact on heritage assets there are two issues to be considered, firstly the principle of demolishing the existing building and secondly whether the development proposed is acceptable in terms of its design and impact on the conservation area.

10.17 The application is supported by a Heritage Assessment and structural surveys. The Heritage Assessment discusses the significance of the heritage asset in terms of its historic, aesthetic and communal value and looks at what impact the proposed development would have on this significance.

10.18 Historic map evidence contained within the Heritage Assessment shows that there was a building on the site from 1826. The original building was much larger than the current building and had frontages onto both Front Street and Silver Street. The part of the building at 35 Front Street was later demolished.

10.19 In terms of its architectural interest the Heritage Assessment notes that the original parts of the building are of an attractive appearance and are constructed in brick with a rough texture and mottled appearance which have attractively weathered. The brick is laid out in English Bond, which is the oldest form of brick bonding. Down pipes and gutters are non-original and the roof, while natural slate, is unlikely to be original due to the extensions, demolitions and alterations that have been made to the original building. The windows are single glazed with wooden frames but are not original. The current building is approximately half the size of the original and the side elevation was added at a later date when No.35 was demolished. At the rear are single and two storey extensions dating from the 1930’s. The original ground floor shop window has also been lost and replaced by modern windows, and render has been added to the ground floor.

Internally the building retains little of its original layout and few original features. It is in a very poor condition with problems of water ingress, damp, a collapsed staircase ceiling and cracked walls.

10.20 In summary of the building's significance the Heritage Assessment states that the building lacks significant architectural features required to be listed but remains of local interest and has some historic and architectural merit. It advises that the use of the building as a hotel has historic interest in the context of Tynemouth as a Victorian holiday destination while the use of the building as a library has some communal historic interest. It also notes that there is archaeological interest in the site and the potential for roman and medieval findings in addition to the potential for buried remains associated with the Priory Cemetery. The front of the building is described as making a positive contribution to the character and appearance of the conservation area and the adjoining shop a neutral contribution. To the rear of the site the alterations and demolitions to the original building mean there is little or no architectural or heritage significance.

10.21 The proposal would result in the demolition of all the existing buildings on the site. The TVCAMS notes that the ongoing vacancy of 35 Front Street harms the vibrancy of an otherwise bustling street. The flat roofed single storey building is of no architectural quality and it is considered that its demolition and sensitive redevelopment could enhance the character of the conservation area. Likewise, the rear extensions at No.36 have no architectural or historic interest and it is not considered that the demolition of these structures would harm the character of the conservation area.

The submitted Heritage Assessment notes that the demolition of No.36 would result in some harm to heritage assets due to the loss of an historic building with historic, aesthetic and communal value.

10.22 In respect of the consideration of harm Planning Practice Guidance (Par:018 Reference ID: 18a-018-20190723) states:
"Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

10.23 The applicant has assessed the level of harm as less than substantial due to the changes that the building has already experienced. When taking into account that there are few parts of the original building remaining it is officer opinion that the demolition of the Front Street elevation of the building would result in less than substantial harm to the character of the conservation area and no harm to the setting of nearby listed buildings due to the separation distance and lack of direct relationship.

10.24 NPPF states that where a development results in less than substantial harm this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. LP Policy DM6.6 states that any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

10.25 Planning Practice Guidance advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

10.26 As the development would result in harm to the conservation area Members must consider whether this harm is outweighed by any public benefits of the proposal, whether the development is necessary to achieve these benefits and if the benefits could be met in another way.

10.27 The public benefits of the proposal are set out below:

- Provision of enhanced library services and a flexible space available for other community uses.

The partnership between Newcastle Building Society and the Council would allow the facilities to open six days a week compared to two days a week previously and add a banking facility to Tynemouth. The new community hub would include portable bookcases which would allow the space to be easily opened up and be used for community events such as meetings, exhibitions and reading groups.

- Tourist information

The library would include a year-round tourist information facility. It is proposed to include information boards within the building to detail the history of the site.

- Access to library resources

The library would provide a range of educational resources, a work/study space and free internet access.

- Improved accessibility with a Changing Places toilet

Changing Places are fully accessible toilets designed to meet the needs of people with learning or physical disabilities. There are no other changing places facility available in Tynemouth.

- Provision of 6no. new homes, which would contribute towards meeting the shortfall in housing land supply.

- Demolition of flat roofed retail unit, substation and rear extensions which detract from the conservation area.

10.28 The applicant has also advised that the CCTV equipment which is located within the existing building would be reinstated within the new development to offer a security benefit to the local businesses, residents and visitors.

10.29 A development which retains and refurbishes the existing building would still deliver the benefits set out above. However, options for the site have been reviewed as part of a detailed options appraisal, and this concluded that for each option, the cost of modernisation and adaptation was prohibitive. This is largely a result of the extensive structural works required.

10.30 The Options Appraisal has been submitted as part of the application. It looks at eight options for re-developing the site, including a wholly residential development, residential development with fewer apartments, mixed commercial and residential development, retaining and converting the building and retaining the front facade.

10.31 The option of refurbishing the existing building was discounted. The cost to refurbish the building was high and the project would make a significant loss. This option did not allow the aims of the project to be met as the library would not be able to contain the Changing Places WC and provide the community space that was identified as important during the public consultation process.

10.32 Retention of the front facade and demolition of the rest of the building was also discounted. This option was assessed as being extremely risky due to the lack of foundations to the existing building, the cost of underpinning the existing foundations and dealing with the associated party wall. This option would also mean that the levels of the building would not allow the required head within the residential accommodation that was required to make the scheme financially viable.

10.33 The potential for delivering a library service elsewhere in Tynemouth has also been considered. The applicant has stated that there are no other suitable buildings within Tynemouth that could accommodate a library.

10.34 The Options Appraisal concludes that demolition and rebuild was the only option that met the community goals of providing a new library, introducing a Changing Places WC facility and being financially viable.

10.35 The application is also supported by Structural Reports which identifies the need for significant structural and foundation strengthening work in order to maintain the structural integrity of the building in its new form. The reports advise that it may be possible to modify the existing structure to accommodate the proposals, but this is likely to be an expensive option in both the short term construction costs and the long term maintenance costs.

10.36 It is officer opinion that the information submitted demonstrates that the benefits of the development could not be delivered in a less harmful way.

10.37 Turning to the design of the proposed development and the impact this would have on the conservation area's character.

10.38 The proposed development has been designed to reflect the size and shape of the original building, with frontages onto both Silver Street and Front Street. It follows the established building line, and the height is in keeping with the existing building. The main building has a pitched roof and includes traditional dormer windows which are a common feature on Front Street. At the rear of the building a flat roofed 3-storey element is proposed. The applicant has advised that this is required to allow lift access to be provided to the 3rd floor apartment. The flat roofed design of this part of the development is not in keeping with the pitched roofed design of the original building or the surrounding properties, and it is officer opinion that it does have some negative impact on the overall appearance of the development. However, it is noted that this part of the building would only be visible from Middle Street and is screened from side views by the pitched roof of the development and the adjacent offshoot of Timothy Duff Court. When taking into account the limited impact on the character of the conservation area it is considered that the inclusion of a flat roofed element in this location is acceptable.

10.39 Windows would be timber double glazed sash and the bricks would be laid out in English Bond, to match the original building. The roof would be covered in natural slate with conservation style rooflights and the rainwater goods would be metal. It is proposed to enclose the front curtilage with metal railings to reflect the railings which would have originally been associated with the building and that enclose the front curtilages of other properties on Front Street. The frontage of the library is traditional in design and in keeping with other shop fronts within Tynemouth.

10.40 It is officer opinion that the development is sympathetically designed and would sit comfortably in the street scene.

10.41 Historic England have provided comments and consider that the development would result in less than substantial harm to heritage assets. They acknowledge the viability issues attached to retaining the building and raise no objections to the application.

10.42 The Tyne and Wear Archaeologist has also provided comments. She recommends conditions requiring that the groundworks are overseen by an archaeologist and that the building is recorded prior to demolition.

10.43 The development would result in harm to a heritage asset and therefore there is a strong policy presumption against the development. However, given the clear financial viability issues of developing the site and the public benefits of the proposal, it is officer opinion that the public benefits outweigh the less than substantial harm to the conservation area. It is officer opinion that the development complies with the NPPF, Policies DM6.1 and DM6.6 of the North Tyneside Local Plan, The TVCAMS SPD and the Design Quality SPD.

11.0 Biodiversity

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

11.2 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.

11.3 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.

11.4 Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance.

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

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

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

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

11.6 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.

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

11.8 The site is occupied by existing buildings and hard surfacing and does not contain any trees or landscaping. A Bat Risk Assessment has been submitted in support of the application. This states that the main library building is considered to be of low suitability for use by roosting bats, and the substation and retail unit of negligible suitability. No evidence of roosting bats was recorded. The potential impacts of the development were assessed as the loss of a small number of potential crevice roost sites and the low residual risk of disturbance or harm to a small number of bats that may be using the buildings at the time of proposed works. To mitigate these impacts the report recommends sensitive external lighting and that works are carried out to a precautionary bat method statement.

11.9 A Report to Inform a Habitat Regulations Appropriate Assessment has also been submitted. The report considers the potential direct effect of the proposals on the Northumbria Coast SPA and Durham Coast SAC sites and qualifying features through mechanisms such as habitat loss and construction disturbance, and the potential indirect effects of the development such as increased recreational activity.

11.10 Given the nature and small scale of the proposed development and distance to the SPA and SAC no adverse effects through pathways such as pollution incidents, dust emission or degradation of air or water quality are anticipated.

11.11 The development lies within 6km of the coast and therefore has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance. To mitigate this impact, in accordance with the Coastal Mitigation SPD, the developer has agreed to contribute towards coastal mitigation. A condition is recommended to secure this.

11.12 The Biodiversity Officer has been consulted and provided comments. She raises no objections subject to conditions and a contribution towards the Coastal Mitigation Service.

11.13 Members need to consider whether the impact on protected species and habitats would be acceptable and weight this in their decision. It is officer advice that the impact is acceptable subject to a contribution towards the Coastal Mitigation scheme. It is considered that the proposal accords with the NPPF and LP policies S5.4, DM5.5 and DM5.6 and the Coastal Mitigation SPD.

12.0 Whether there is sufficient car parking and access provided

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

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

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

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

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

12.6 It is proposed to provide 5no. parking spaces which would be accessed directly from Middle Street. A secure cycle store with 2no. spaces per apartment is also proposed. The library would be provided with an integral bin storage area while the apartments have a separate bin store, accessed from the rear parking area.

12.7 The level of parking proposed does not accord with the Transport and Highways SPD.

12.8 The Highway Network Manager has been consulted and provided comments. He considers that the reduced parking provision is acceptable in this case when taking into account the location of the site within Tynemouth centre where there are good links to public transport and parking restrictions in place.

12.9 NPPF is clear that that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

12.10 In this case it is officer opinion that the development would not have a severe impact on the highway network or highway safety when taking into account the highly sustainable location of the site.

12.11 Having regard to the above, it is officer advice that the proposal complies with the advice in NPPF, policy DM7.4 and the Transport and Highways SPD.

13.0 Other issues

13.1 Contaminated Land

13.2 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.

13.3 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.

13.4 The Contaminated Land Officer has been consulted and provided comments. She advises that the substation it may contain polychlorinated biphenyls (PCB's), which are highly toxic and carcinogenic, and that the main building may contain asbestos. She recommends that conditions are imposed to address the potential contamination.

13.5 Subject to these conditions, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

13.6 Local Financial Considerations

13.7 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the 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 the Community Infrastructure Levy (CIL).

13.8 The proposal involves the creation of 6no. new dwellings. Granting planning permission for new dwellings increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

13.9 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period. The library will also create jobs when operational.

13.10 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

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 housing land supply. The proposed development of 6no. homes would make a small but valuable contribution to the current shortfall. This is a significant benefit that weighs in favour of the appeal proposal.

14.4 It is officer advice that the proposal would ensure sufficient separation distances to neighbouring properties and would not have an adverse impact on the amenity of existing residents. The standard of accommodation provided for future occupiers is also considered to be acceptable.

14.5 It is officer opinion that the proposal would result in less than substantial harm to the character of the conservation area due to the loss of the existing building but the public benefits of the development outweigh this harm. The design and layout of the development are considered to be acceptable.

14.6 It is considered that the level of parking proposed is acceptable when taking into account the highly sustainable location of the site. The development would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe.

14.7 The impact on ecology is also considered to be acceptable subject to a contribution towards the Coastal Mitigation Scheme.

14.8 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. In the opinion of officer's, 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 conditions.

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
 - Site location plan NTC-TL-21-001
 - Proposed site plan NTC-TL-21-002
 - Proposed site plan and floor plans NTC-TL-21-024
 - Proposed east elevation NTC-TL-21-013
 - Proposed front elevation (south) NTC-TL-21-011
 - Proposed rear elevation(north) NTC-TL-21-010
 - Proposed west elevation NTC-TL-21-012 Rev.A

- Proposed elevations NTC-TL-21-025
- Proposed ground floor plan NTC-TL-21-005
- Proposed first floor plan NTC-TL-21-006
- Proposed second floor plan NTC-TL-21-007
- Proposed third floor plan NTC-TL-21-008
- Proposed roof plan NTC-TL-21-009

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. No part of the development shall be occupied until a scheme for the following off-site highway works has been submitted to and approved by in writing the Local Planning Authority:

- Provision of new access
- Provision of signalised crossing
- Upgrade of footpaths abutting the site
- Associated highway drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders

The approved scheme shall be implemented in accordance with the details agreed 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 new means of access shall be laid out in accordance with the approved plans prior to occupation of the development 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. The scheme for parking shall be laid out in accordance with the approved plans prior to occupation of the development. It shall not be thereafter retained and not used for any other purpose.

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. The scheme for the provision of and storage of refuse, recycling and garden waste bins shall be laid out in accordance with the approved plans and prior to the occupation of the development. These storage areas shall be thereafter retained and shall not be used for any other purpose.

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. The scheme for the provision of cycle storage shall be laid out in accordance with the approved plans prior to the occupation of the development and thereafter retained.

Reason: To accord with Central Government and Council Policy concerning sustainable transport having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. 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

9. 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.

10. Prior to occupation of the residential accommodation a scheme of sound insulation must be submitted to and approved in writing by the Local Planning Authority. The scheme must include an acoustic glazing scheme, sound insulation and ventilation scheme in accordance with noise report no. 8433.1 to address external road traffic noise arising from Front Street and noise arising from the ground floor community hub and library to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms. The scheme shall be implemented in accordance with the agreed details prior to occupation of the development and thereafter retained.

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

11. The construction site subject of this approval shall not be operational and there shall be no construction, demolition, 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.

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.

12. The library and community hub shall not be open outside the hours of 07:00 to 21:00 on Monday to Saturday and 09:00 to 18:00 on Sundays and Bank Holidays.

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

13. There shall be no deliveries or collections to the library and community outside the hours of 07:00 to 21:00 hours on Monday to Saturday and no deliveries on Sundays and Bank Holidays.

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

14. No live music in the form of bands, solo and duo artists and no amplified music in the form of discos, DJ's and karaoke or any recorded background music shall be played in the library and community hub at any time.

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

15. Prior to occupation of the development a noise scheme to assess noise from external plant and the substation must be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the rating level from plant and equipment, as measured one metre from façade for the nearest residential dwelling, does not exceed the background noise level. The measurement shall be carried out in accordance with BS4142. The scheme shall be carried out in accordance with agreed details and thereafter retained.

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

16. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme to be submitted to and agreed by the Local Planning Authority in writing and the plant and machinery shall not be used until the approved soundproofing has been implemented.

Reason: To protect the occupants of nearby residential properties from noise and disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

17. Within 1 month of the external plant and equipment being installed, acoustic testing must be undertaken to verify compliance with condition 16 and the results submitted to and agreed in writing by the Local Planning Authority.

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.

18. Noise No Tannoys Externally Audible NOI002 *

19. Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This 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; and
- all street lighting associated with the development should be fully shielded so as to prevent direct lighting up into the atmosphere and avoid potential distraction to pilots flying overhead.

High intensity security lights shall be avoided as far as practical and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.

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

Reason: In the interest of visual amenity and to protect wildlife habitats; having regard to policies DM5.5, DM5.7 and DM5.19 of the North Tyneside Local Plan (2017).

20. Desk Study and Method Statement	CON003	*
21. Site Investigation	CON004	*
22. Remediation Method Statement	CON005	*
23. Validation Report	CON006	*
24. Unexpected Hotspots	CON007	*

25. All demolition and building works must be undertaken in accordance with an approved Precautionary Bat Method Statement. Details of the Bat Method Statement must be submitted shall be submitted to and approved in writing by the Local Planning Authority prior to development 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.

26. No vegetation removal or building works 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.

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.

27. 2no. integrated Vivara Pro Cambridge Brick Faced Swift Nest Box (or similar) shall be sited in a suitable location (ideally a north-east facing wall) at height of at least 5m under the eaves, with a clear flight path to the entrance. Details of the specification and locations of the bird features shall be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing and the boxes shall be installed in accordance with the approved plans.

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.

28. 2no. Built-In Bat Boxes shall be provided in suitable locations on the building. Details of the specification and locations of the bat features shall be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing and the boxes shall be installed in accordance with the approved plans.

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.

29. No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

30. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of

groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

31. The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition 30 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

32. Notwithstanding any indication of materials which may have been given in the application, no development shall take place above damp proof course level until a schedule and/or samples of the construction and surfacing materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the brick coursing and mortar detailing. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

33. Notwithstanding any indication of materials which may have been given in the application, no development shall take place above damp proof course level until details of the materials for the hard surface areas have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

34. Prior to construction above damp proof course level large scale joinery details and the detailed design, colour and material specification for the windows, doors and library frontage must be submitted to and agreed in writing by the Local Planning Authority. All windows must be timber sliding sash. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

35. Details of all screen and boundary walls, fences and any other means of enclosure must be submitted and approved in writing by the Local Planning

Authority prior to installation. Thereafter the development must be carried out in accordance with the agreed details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

36. No construction above ground level shall commence until details of rainwater goods, which must be metal, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the rainwater goods shall be implemented in accordance with the approved details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Tynemouth Conservation Area is conserved and enhanced; having regard to policy DM6.1 and DM6.6 of the North Tyneside Council Local Plan 2017.

37. Notwithstanding Condition 1, the proposed dwellings must comply with the housing standards set out under Policy DM4.9 of the North Tyneside Local Plan (2017).

Reason: To ensure appropriate living conditions for future occupiers are provided in accordance with Policy DM4.9 of the North Tyneside Local Plan (2017).

38. Prior to the first occupation of any of the hereby approved dwellings, a scheme to address the impacts of the hereby approved development on the Northumberland Coast SPA shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be in full accordance with the North Tyneside Coastal Mitigation Supplementary Planning Document July 2019.

Reason: In the interest of ecology and biodiversity having regard to policies DM5.5, DM5.6 and DM5.7 of the North Tyneside Local Plan 2017 and the North Tyneside Coastal Mitigation Supplementary Planning Document July 2019.

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

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

Highway Inspection before dvlpt (I46)

Contact ERH Erect Scaffolding on Rd (I12)

Street Naming and numbering (I45)

No Doors Gates to Project Over Highways (I10)

The applicant is advised that end users will not be eligible for any parking permits in this area and the onus will be on the developer to convey this information to these users. Contact Parking.control@northtyneside.gov.uk for further information.



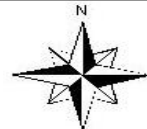
Application reference: 21/02519/FUL

Location: Tynemouth Library, 36 Front Street, Tynemouth, Tyne And Wear
Proposal: Demolition of existing buildings. Redevelop the site to provide a community facility with Library services, ICT, Tourist Information, flexible spaces for community use, financial Services and a Changing Places Bathroom. Residential accommodation to provide 6no flats to be accessed from Middle Street via stairs and a lift, including parking. Substation to be rebuilt to suit modern requirements.

Not to scale

Date: 15.09.2022

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the demolition of the existing buildings, redevelopment of the site to provide a community facility with library services, ICT, tourist information, flexible spaces for community use, financial services and a changing places bathroom, residential accommodation to provide 6 flats to be accessed from Middle Street via stairs and a lift with parking, the substation is to be rebuilt to suit modern requirements.

1.3 The site is in Tynemouth village with good links to public transport and there are parking restrictions in the vicinity of the site so a reduced parking provision is considered to be acceptable in this instance. Two cycle storage spaces will also be provided for each apartment. The developer should be aware that end users will not be eligible for parking permits in this area and the onus will be on the developer to convey this information to these users. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

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

Provision of new access
Upgrade of footpaths abutting the site
Associated highway drainage
Associated street lighting
Associated road markings
Associated signage
Associated Traffic Regulation Orders

1.6 Conditions:

Notwithstanding the details submitted, no part of the development shall be occupied until a scheme for the following highway works has been submitted to and approved by in writing the Local Planning Authority:

Provision of new access
Provision of signalised crossing
Upgrade of footpaths abutting the site
Associated highway drainage
Associated street lighting
Associated road markings
Associated signage
Associated Traffic Regulation Orders

The approved scheme shall be implemented in accordance with the details agreed and retained thereafter.

Reason: In the interests of highway safety

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).

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).

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for the provision of and storage of refuse 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).

Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for undercover cycle parking provision 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).

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.

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.

1.7 Informatives:

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 end users will not be eligible for any parking permits in this area and the onus will be on the developer to convey this information to these users. Contact Parking.control@northtyneside.gov.uk for further information.

1.8 Manager of Environmental Health (Pollution)

1.9 The development site is located an area which is of mixed use within the conservation area of Tynemouth.

1.10 I have viewed the noise report which has considered the potential impact of road traffic noise on the proposed new residential apartments and potential noise from the community hub and library. The noise report included for unattended noise monitoring over a 24 hour period. The noise monitoring was carried out at 2 locations P1 to assess noise to the front façade adjacent to Front Street and P2 to assess noise to the rear of the site. Daytime noise levels were 60 dB LAeq and 50 dB LAeq for P1 and P2, and night-time were in the region of 50 and 40 dB LAeq. An appropriate glazing and ventilation scheme has been recommended and a condition is recommended for the apartments to ensure the noise scheme is provided.

1.11 The noise report has considered internal noise transmission from the community hub and library and the first-floor apartments and recommended a level of sound insulation between the ground and first floor of 50 dB DnT,w + Ctr or greater. This is based on an assumption that there will be no amplified music or voices within the community hub. A condition is recommended to ensure the sound mitigation scheme detailed within the noise report is implemented so that the internal noise levels within the apartments comply with the WHO community noise guidance of 30 dB LAeq and maximum noise level of 45dB for bedrooms at night and 35 dB LAeq for living rooms during the day is achieved. A condition will also be required to restrict on the playing of live and amplified music within the community hub and library.

1.12 Other conditions recommended include for a noise scheme to address new external plant and equipment, equipment and plant for the electricity sub-station, operating hours, deliveries and collections to the site, and any external lighting.

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

Residential Apartments:

Prior to occupation of the residential accommodation, hereby permitted, the residential apartments shall not be occupied until a scheme of sound insulation works has been submitted to and approved in writing by the Local Planning Authority and installed and thereafter retained that includes for an acoustic glazing scheme, ventilation scheme and sound insulation scheme in accordance to noise report no. 8433.1 to address external road traffic noise arising from Front Street and associated noise arising from the ground floor community hub and

library to show that all habitable rooms are provided with sound attenuation measures to give a resultant noise level of below 30 dB LAeq and maximum noise level of 45dB for bedrooms and 35 dB LAeq for living rooms is achieved.

HOU04
HOU05
SIT03

Community Hub and Library:

HOU03 07:00 and 21:00 hours Monday to Saturday and 09:00 to 18:00 hours on Sundays and Bank Holidays.

Deliveries and collections for the community hub and library should take place between the times of 07:00 and 21:00 hours; Monday to Saturday and none permitted on Sundays and Bank Holidays.

Reason: To protect the amenity of residential premises against noise.

Non-standard condition: Entertainment Restrictions

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

External Plant and Equipment and Electricity Sub-Station

A noise scheme must be submitted to the planning authority for written approval and implemented prior to development to ensure the rating level from plant and equipment, as measured one metre from facade for the nearest residential dwelling, does not exceed the background noise level. The measurement shall be carried out in accordance with BS4142.

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order

NOI04 this will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

NOI02
LIG01
REF01
REF02

1.14 Manager of Environmental Health (Contaminated Land)

1.15 This application is for the demolition of existing buildings. Redevelop the site to provide a community facility with Library services, ICT, Tourist Information.

1.16 Part of the development is to replace the existing substation with a smaller substation. Depending on the age the current substation it may contain polychlorinated biphenyls (PCB's), which are highly toxic and carcinogenic.

1.17 The building is of an age where it may contain asbestos. An asbestos survey must be carried out prior to demolition and any findings acted upon.

1.18 Due to the proposed sensitive end use which includes a ground floor flat the following must be attached to the application:

Con 003

Con 004

Con 005

Con 006

Con 007

1.19 Biodiversity Officer

1.20 Existing Site: The site is located at 35-36 Front Street and occupies a prominent location in the centre of Tynemouth Village. The site currently consists of three buildings which can be categorised as:

- 36 Front Street - 3 storey former library building with a mix of one and two storey extensions to the rear;
- 35 Front Street - the adjacent single storey vacant shop unit and;
- The electricity substation situated to the rear of the site on Middle Street.

1.21 None of the buildings on site are listed or locally listed. The site is located within the Tynemouth Village Conservation Area. The site lies within the Impact Risk Zones (IRZs) for several nearby Sites of Special Scientific Interest (SSSI) and also lies close to Natura 2000 sites.

1.22 Proposal: The proposal comprises a new Library and Commercial space at ground floor level, along with six residential apartments. The application includes details of associated car parking, cycle storage and refuse storage.

1.23 Bat Survey: A Bat Risk Assessment was undertaken by E3 Ecology Ltd on 23rd March 2020 and comprised a detailed inspection of the structures on site. The site is situated in a densely urbanised area with very limited potential foraging habitats or connectivity within the surrounding landscape. Overall, the habitats present in the local area were assessed as negligible suitability for use by foraging/commuting bats.

1.24 The main library building was well sealed with occasional areas of damaged slates on the northern roof pitch. Despite the presence of potential roost features, the poor quality of the surrounding habitat for foraging bats and the absence of connective features to suitable foraging habitat indicates that the building is unlikely to support roosting bats. The remaining two buildings are single storey and constructed of brick with flat felt roofs. These structures were well sealed. Overall, the main library building was considered to be of low suitability for use by roosting bats and the remaining two buildings were considered to be of negligible suitability for use by roosting bats.

1.25 Thorough internal and external inspection of the main library building recorded no evidence of roosting bats. The sub-station and annex were inspected externally only, as access was not available at the time of survey,

however, they have flat roofs therefore this was not considered a significant constraint. No evidence of the presence of roosting bats was recorded.

1.26 The potential impacts of the development were assessed as the following:

- The loss of a small number of potential crevice roost sites considered unlikely to support roosting bats due to negligible suitability of the setting.
- Low residual risk of disturbance or harm to a small number of bats that may be using the buildings at the time of proposed works.

1.27 In order to mitigate the impact of the scheme, the following recommendations are proposed:

- Sensitive external lighting, where external lighting forms part of the proposals.
- Works to a precautionary bat method statement

1.28 Report to Inform an Appropriate Assessment: A Report to Inform a Habitat Regulations (2017 as amended) Appropriate Assessment for the proposed development at Tynemouth Library has been submitted, assessing the potential effects on the National Site network (formerly known as Natura 2000 sites) within the local area.

1.29 The Appropriate Assessment is in relation to the Northumbria Coast Special Protection Area (SPA) and Ramsar site, and the Durham Coast Special Area of Conservation (SAC). The closest section of the SPA lies approximately 340m to the east of the site. The closest section of the SAC (Trow Point in South Shields) lies approximately 2.9km to the south-east, separated by the River Tyne and urban development.

1.30 This report considers two elements of the proposals: the potential direct effect of the proposals on the SPA and SAC sites and qualifying features through mechanisms such as habitat loss and construction disturbance, and the potential indirect effects of the development such as increased recreational activity.

1.31 The site is comprised entirely of built development. Proposals will not result in the loss of any land from within the SPA and no direct impacts on the SPA habitats are considered likely. Given the nature and small scale of the proposed development and distance to the SPA, no adverse effects through pathways such as pollution incidents, dust emission or degradation of air or water quality are anticipated. Ground investigation has not yet been completed but it has been assumed that extensive pile driving will not be required.

1.32 The proposed development site does not support the qualifying feature of the Durham Coast SAC, namely vegetated sea cliffs. No adverse effects on the SAC are anticipated during the construction phase due to the distance to this protected area (2.9km).

1.33 Given the proposed location of the site, no significant increase in recreational pressure on the SAC is anticipated from the library, but the proposals incorporate an element of residential development that could lead to indirect recreational pressure on the SPA and a contribution to the Coastal Mitigation Service will be required.

1.34 Conclusion: Subject to an appropriate financial contribution being secured for the residential element of the scheme (in accordance with the Coastal Mitigation SPD) and the following conditions being attached to the application, there are no objections to the scheme

1.35 Conditions:

- All demolition and building works will be undertaken in accordance with an approved Precautionary Bat Method Statement. Details of the Bat Method Statement shall be submitted to the LPA for approval prior to development commencing on site.
- High intensity security lights will be avoided as far as practical. Where security lights are required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects
- No vegetation removal or building works 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.
- 2no. integrated Vivara Pro Cambridge Brick Faced Swift Nest Box (or similar) shall be sited in a suitable location (ideally a north-east facing wall) at height of at least 5m under the eaves, with a clear flight path to the entrance. Details of the specification and locations of the bird features shall be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and shall be installed in accordance with the approved plans.
- 2no. Built-In Bat Boxes shall be provided in suitable locations on the building. Details of the specification and locations of the bat features shall be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and shall be installed in accordance with the approved plans

2.0 External Consultees

2.1 Coal Authority

2.2 No requirement to consult.

2.3 Historic England

2.4 Summary

2.5 No 36 Front Street was originally one of a number of 18th century houses within the Tynemouth Village Conservation Area, where it forms the immediate setting of the scheduled Priory and Castle. Alterations and losses to the building have weakened its historic character but its survival and enhancement potential makes some contribution to the significance of the conservation area.

2.6 Its demolition would be a loss to the conservation area but we note the difficulty of retaining the building, in full or part, for the intended use of the site for a library. This is primarily for the reasons of financial viability. We also note that the replacement building reflects the simple ordered facades of 18th century buildings within the conservation area.

2.7 A balanced judgement needs to be made in line with para.202 of the National Planning Policy Framework (NPPF), which asks that harm to heritage

significance is weighed against the public benefits of a proposal. This is a decision for you, as a local planning authority and the intention of this letter is to inform that decision.

2.8 Historic England Advice

2.9 Historic England's statutory remit for this application is the impact upon the setting of the scheduled remains of Tynemouth Priory and Castle. This setting is tied to the special character and appearance of the Tynemouth Village Conservation Area and so, this response concentrates on how the proposal impacts upon that conservation area.

2.10 Significance

2.11 The Tynemouth Village Conservation Area encapsulates the growth of Tynemouth from the Priory and its village in the medieval period to a Victorian and Edwardian seaside resort and commuter town. Front Street is the original centre of the settlement and is remarkable for retaining aspects of its village character through the survival of a number of 18th century houses.

2.12 No 36 Front Street is part of that phase. Probably originally a house it was adapted to a temperance hotel, then shops and apartments and then a library. The two western bays were demolished in the 1930's and the replacement single storey shop unit is of no historic or architectural interest.

2.13 In its much altered form its historic character is much less than the listed buildings of a similar age opposite on Front Street but it is still a survival of this early phase of Tynemouth and so is of historic interest. Its restoration and re-use would add much to the character and appearance of Front Street compared to its currently vacant, dilapidated appearance. Considering the historic interest of the building and the potential for enhancement, No36 Front Street makes a positive contribution to the significance of the Tynemouth Village Conservation Area.

2.14 Impact

2.15 The proposal is to demolish both nos.35 and 36 and to build a new library with apartments above, housed in a building with a front that is similar to the scale and likely design of the original building.

2.16 The design of the new reflects the order, proportion and simplicity of detail of the listed buildings opposite and is a successful historical based approach to design in this conservation area. Still, it would remove what remains of the historic building and this is a loss to the significance of the conservation area.

2.17 Policy and Position

2.18 Para.207 of the NPPF asks that when considering the loss of a positive element of a conservation area, the contribution it makes to the significance of the conservation area as a whole should be taken into account. In this instance the contribution is limited by the building's much altered condition and the resulting harm would be less than substantial in degree.

2.19 Para. 200 asks that all harm to designated heritage assets, such as conservation areas, requires a clear and convincing justification and para.202

asks that harm to this degree should be weighed against the public benefits of the proposal.

2.20 This weighing of harm against public benefit is a decision for the local planning authority, who are best placed to judge the local need for a library and the housing provided above it. However, in making that decision it is pertinent to consider ways in which the same benefits could be provided by retaining the existing building and so avoid the harm caused by its loss.

2.21 The information provided in the application puts forward the argument that it is not financially viable to convert the existing building to a modern library. This is because the funding of the library is reliant on the income provided by the apartments and the existing footprint does not provide sufficient space. To this can be added costs of moving a substation, underpinning and, repairs and upgrading measures common with this age of building. We understand this conclusion has been independently reviewed and agreed with.

2.22 Another option would be to retain the brick work of the front facade which would preserve just a semblance of original character. The submission argues that this is not desirable due to the poor condition of this facade and that the upper windows in relation to the new floor plate would not be compliant with building regulations. Solutions might be found to work around these issues but it must be noted that the limited heritage benefit of doing would probably not justify the additional cost.

2.23 In conclusion we consider that the loss of the existing building would cause a less than substantial degree of harm to the significance of the conservation area. We note the difficulty of retaining in full or part the existing building for the proposed library use due to reasons of financial viability. Consequently, we consider that a decision could and should be made in line with para.202 of the NPPF which asks that the harm to heritage significance is weighed against the public benefit of a proposal. We consider that this decision needs to be taken by you as the local planning authority, noting the advice provided in this letter.

2.24 Should you be minded to grant consent the materials and details of the replacement building will be crucial to respecting the special architectural character of the conservation area. We recommend that the choice of brick work and their bonding appearance, the way string course and window surround details are formed and the design of the shop front are all conditioned.

2.25 Recommendation

2.26 Historic England has no objection to the application on heritage grounds.

2.27 Tyne and Wear County Archaeology Officer

2.28 Tynemouth Library is of 18th century construction and should be considered a non-designated heritage asset (NPPF para 203). It merits historic building recording (Historic England, Understanding Historic Buildings: A Guide to Good Recording Practice (2016)) prior to the proposed demolition taking place (NPPF para 205). Existing architects' drawings may be used as a basis for the survey, for which I can provide a specification. The work must be carried out by a suitably

qualified archaeologist or historic buildings expert. The buildings must be cleared of any detritus prior to the recording taking place.

2.29 The site lies within Tynemouth medieval village (HER 137), and there have been a number of stray finds such as coins of Roman and medieval date in the vicinity. In addition there is an early medieval cemetery under Front Street (HER 130) with finds of human remains being made from the mid 19th century onwards. In 2005 an archaeological watching brief during the refurbishment of water mains on the south side of Front Street recovered human remains from trenches 26 and 27, outside Nos. 55 and 56 Front Street (Event 2489, report 2005/33). For this reason it is essential that archaeological monitoring is carried out during all groundworks and excavations for the project.

2.30 The archaeological works can be secured by the following conditions:

Archaeological Building Recording Condition

No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Watching Brief Report Condition

The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition () has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

3.0 Representations

3.1 32no. objections have been received. These are summarised below.

- Affect character of conservation area.
- Affect setting of listed building.
- Inappropriate materials.
- Inappropriate design.
- Loss of visual amenity.
- Loss of residential amenity.
- Out of keeping with surroundings.
- Precedent will be set.
- Will result in visual intrusion.
- Impact on landscape.
- Inadequate parking provision.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- None compliance with approved policy.
- Not in accordance with development plan.
- Nuisance – disturbance.
- Strongly disagree with the destruction of another piece of Front Street architectural heritage.
- Consideration should be given to retaining the brick frontage.
- The outside of the building should be kept to be in keeping with the current historical look of the conservation area.
- Upgrading the inside whilst keeping the outside of the building would be the best option.
- The Heritage Assessment states that the building makes a positive contribution to the character and appearance of Front Street and its loss will lead to some harm.
- Front Street deserves to have its remaining buildings retained.
- The building in question was erected during the reign of George I and has remained standing since.
- The building is an intrinsic part of the history of Tynemouth.
- The building is a vital part of the streetscene.
- Loss of 300 year old bricks.
- Old buildings will outlive new developments.
- The village is gradually losing all its historical look with unnecessary new buildings.
- Financially driven.
- One rule for some and a different for others.
- Affect on the local area.
- Agree that something needs to be done to improve the building's state but not by demolition.
 - No fund raising or grants have been investigated/considered to allow the building to be retained.
- The Council are to blame for the building's current state of disrepair.
- A modern building will look out of place.
- The architecture of the building contributed to the designation of the Conservation Area.
- The Heritage assessment fails to recognise that there are 2 sorts of brickwork.
- A proper search should be undertaken to find the original builder.

- If the building is destroyed the original bricks should be re-used and the building surveyed.
- Goes against Historic England's campaign to renew and recycle not demolish.
- The shell of the building must be retained to comply with the TCAMS guidance.
- The building has historic, aesthetic and communal value.
- The 'harm' will be substantial and cannot be justified.
- Inadequacies in the research and Heritage reports made about the building.
- Additional accommodation will exacerbate problems of traffic pollution, parking and waste collection.
- Disappointing that the library will not have full use of the premises.
- It should be offered as a community asset and restored to public use.
- It should not become a source of funds for the local council.
- Until recently the building was a regular meeting place for The Art Society and The Photographic Society, both being forced to move elsewhere.
- If the building was not council-owned the proposal would not be considered.
- Not in accordance with the policies of COP26.
- The proposed design has too few books.
- Public toilets in the building are very welcome.
- Lack of public consultation with residents and transparency.
- The application should be heard by the planning committee.
- Impact of insufficient parking on already congested streets.
- Occupiers could own two cars.

3.2 5no. comments of support have been received. These are summarised below.

- Imaginative scheme.
- The Council deserves full credit for its support of our libraries.
- The scheme restores the branch library, vastly improves the community facilities, removes an eyesore and restores a full height frontage in keeping with its surroundings.
- Libraries are important for people of all ages.
- The building is in a very poor state of repair.
- The library had inadequate heating, very poor staff facilities and a damp problem.
- The single-storey unit never seems to have provided a viable business and is an eyesore.
- In keeping with the adjacent sheltered housing.
- Will provide a better street frontage and bring more life and mixed use to Front Street.
- Not everyone can travel easily to North Shields or Whitley Bay and the mobile library is a poor substitute.
- The property is unsafe and rat infested.
- There will be many unwarranted objections, but do they actually live in the vicinity.
- Inadequate parking provision.

3.3 1no. neutral comments has been received. This is summarised below.

- Building guidelines have not been created to consider the mental impact of design features on users of the building.
- I would like to share my detailed knowledge, with the designers of the proposed building, about the needs of people who sit at the high end of the sensitivity continuum.

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Application No: 20/00321/FUL

Author: Julia Dawson

Date valid: 11 March 2021

☎: 0191 643 6314

Target decision date: 6 May 2021

Ward: Monkseaton South

Application type: full planning application

Location: Friends Meeting House, 23 Front Street, Whitley Bay, Tyne And Wear, NE25 8AQ

Proposal: Conservation and renovation of the pre-1911 elements of the building. Demolition of the existing front porch and rear extensions of the building dating from 1911 to 1980. Construction of a new front porch (modelled on the existing) and rear extension connected to the main building. The front and rear gardens will be remodelled to provide access for all. **REVISED PLANS, DESIGN & ACCESS STATEMENT & APPLICATION FORM submitted 18.08.22******

Applicant: Clerk Of The Monkseaton Meeting, Mr Ian Thompson Friends Meeting House 23 Front Street Whitley Bay Tyne And Wear NE25 8AQ

Agent: Countryside Consultants, Mr Ian Wells Townhead Alston CA9 3SL

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

The main issues in this case are;

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

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

2.0 Description of the Site

2.1 The site to which the application relates is the Friends Meeting House, which is located at 23 Front Street within the designated Monkseaton Conservation Area and the district centre of Monkseaton. The property, which dates from the 18th Century, is north western facing with gardens to the front and rear. Alder House, a four-storey flat roofed building consisting of residential flats is attached

to the site to the south west. No.21 Front Street, a two-storey residential dwelling, is attached to the site to the north east. The rear garden of No.4 Bygate Road, a detached two storey dwelling, abuts the application site to the south. The application site has a rear access from Bygate Road.

2.2 The application site is included on the Council's register of buildings and parks that are of special local architectural and historic interest.

3.0 Description of the Proposed Development

3.1 The proposal relates to the following works:

- Demolition of the existing front porch and rear extensions of the building dating from 1911 to 1980.
- Construction of a new front porch (modelled on the existing) and single and two storey rear extensions connected to the main building.
- Remodelling of the front and rear gardens to provide access for all.
- Conservation and renovation of the pre-1911 elements of the building

4.0 Relevant Planning History

80/00208/FUL - Extension at rear of existing building to form lavatories – Approved 18.04.1980

No.21 Front Street:

14/00476/FUL - 21, Front Street. Larger detached garage with access from Bygate Road – Approved

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

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 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;

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

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 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 Strategic Policy S1.4 states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of 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 DM1.3 of the Local Plan states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

7.5 Policy S3.2 'Hierarchy of Centre's defines the area where the application site is located as within the 'district centre' of Monkseaton. Paragraph 6.1 of the Local Plan states that references to town centres or centres apply to town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Paragraph 6.2 states that town centres act as key locations for a diverse range of uses such as retailing, leisure, offices, cultural activities, community facilities and also provide an important, sustainable location for housing.

7.6 Policy S1.1 Spatial Strategy for Sustainable Development of the Local Plan states that most tourist and cultural facilities and accommodation will be focused:

- i. within the main urban area; and,
- ii. at areas such as the Coast, riverside and main town centres of Whitley Bay, North Shields and Wallsend, including the World Heritage Site at Segedunum Roman Fort.

7.7 Policy S7.10 states that the Council will ensure that local provision and resources for cultural and community activities are accessible to the neighbourhoods that they serve. Specifically, it advises that existing provision will be enhanced, and multi-purpose use encouraged, providing a range of services and resources for the community, at one accessible location and that opportunities to widen the cultural offer will be supported.

7.8 Significant objection was received in relation to the original development proposals for the application site, which included a detached garden room within the rear curtilage. Since this time, the applicant has submitted revised proposals which have omitted the detached garden room and introduced a new single storey rear extension which will be attached to the rear elevation of the main building. It is understood that concerns still remain regarding the intensification of the use of the host premises as a result of the proposed works. These concerns are noted.

7.9 However, within the submitted Design and Access Statement it is advised that the Meeting House is currently used by the local and area Quaker community for worship and social events. In addition, regular bookings are taken from individuals and organisations who need a quiet space and whose activities are in line with the Quaker testimonies, for example adult education, Buddhist retreats, therapy, mindfulness, craft workshops and continuing professional development. The applicant would like to see these sorts of activities continue and grow incrementally. The applicant has advised that they are willing to invest significant sums of money in the building enhancing its features and believe this will be of benefit to the local community. However, they can only justify this investment if it increases the building's use and if that use is sustainable. Without some room hire income the investment is not viable.

7.10 It is clear that the application site needs improvement and investment to be able to continue operating in a sustainable manner and it is considered that the principle of the proposed works to the building are in accordance with the above policies. In particular, with policy S7.10 in that the proposals will not result in any material change of use of the application site, but will enhance and expand the quality of accommodation, services and resources available at this accessible district centre location, providing an opportunity to widen the cultural offer.

7.11 Members must determine whether the proposed development is acceptable on this site and whether it is in accordance with the relevant local and national policies. It is officer advice that the principle is acceptable.

8.0 Character and Appearance

8.1 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.

8.2 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).

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

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

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

8.5 Policy S6.5 Heritage Assets states that North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.
- e. Supporting appropriate interpretation and promotion of the heritage assets.
- f. Adding to and keeping up-to-date the Borough's heritage asset evidence base and guidance. Examples include conservation area character appraisals, conservation area boundary reviews, conservation area management strategies, conservation statements/plans, registers of listed and locally registered buildings, the historic environment record and buildings at risk registers.
- g. Using the evidence it has gathered, implement the available tools to conserve heritage assets, such as Article 4 Directions and Building Preservation Notices.

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

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

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

8.8 The Council's "Design Quality" SPD states that each individual property contributes to the street scene and, as a result, the overall character of an area. It advises that an analysis of the immediate surroundings should form the foundation of any design. This must consider:

- a) Whether or not the property is listed, or is contained within a conservation area;
- b) The location of the extension in relation to the public zone of the street and the nature of that streetscape;
- c) The effect that the extension will have on adjacent properties and land;
- d) The effect that the extension will have on the existing property; and
- e) The forms and scale of existing built structures near the site.

8.9 The SPD states that boundary treatments can help to contribute towards the character of an area, improve the public realm and contribute towards natural surveillance and safety.

8.10 The Monkseaton Conservation Area Character Appraisal (2006) places the application site within the Village Core. It states that the historic buildings at the steepest part of Front Street, which includes the Friends Meeting House, have a certain collective presence which seems to place them higher up the hierarchy of buildings in the area. The CA also refers to the back garden of the application site as being amongst some of the most secluded and rich in the area, bounded by sandstone walls and tucked away in the tight development pattern.

8.11 The application site is included on the Council's register of buildings and parks that are of special local architectural and historic interest. This describes the building as an unusually vertically-emphasised building, with a steeply

pitched tiled roof and tall, steeply pitched half-dormers. The building is difficult to age from its style; internally it has features that could be 18th century, but the building has seen some work in subsequent decades. It is an attractive building that stands out on Front Street, with an interesting connection to Quakers in North Tyneside.

8.12 The proposed works consist of: Ramped access to a replacement front porch, secure cycle parking and new hard landscaping, noticeboard, and low maintenance soft landscaping to the front garden; Demolition of existing 20th Century extensions; Two storey rear extension; Single storey rear extension and works to the rear garden to provide access for all to the garden space.

8.13 The Council's Planning Policy Officer advising on design and conservation has been consulted and raised no objections to the revised plans, noting that although the loss of historic fabric associated with the demolition of the existing front porch is regrettable, the new porch will be modelled on the existing design and provide better access into the building. He has advised that the overall difference in appearance to the front of the building because of these works will be minor. He has also commented that the proposed two storey rear extension has been sensitively designed and complements the form and character of the original building by a continuation of the established architectural design. The scale of the extension is subservient to the main building with a lower roof height. The existing window in the rear elevation will be re-used in the new extension.

8.14 He has noted that the proposed single storey extension takes a different design approach with a contrasting contemporary design and that this extension is unlikely to be seen from any key viewpoints within the conservation area. The new location of the extension/garden room helps to retain a larger area of the garden, therefore retaining its significance.

8.15 The extension would require the demolition of part of a historic stone boundary wall. It is proposed to reuse the stone for new walls and garden planters. Any further stone which is suitable for reuse will be made available for repairs to other sections of the wall.

8.16 Members need to consider whether the proposed works are acceptable and determine whether they will harm the character and appearance of the host site and the conservation area. It is officer advice that, on balance, taking into account the public benefits of the proposed development, the proposal is acceptable in terms of design, scale; and the relationship with the surrounding area.

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 significant number of objections were submitted by and on behalf of local residents with regard to the impact of the proposed development on their residential amenity in terms of increased comings and goings to the site, increase activity within the site and the impact of the garden room on neighbouring privacy and amenity. These concerns are noted.

9.6 Since the application was originally submitted the plans have been revised to omit the detached garden room and to replace it with a single storey rear extension, which will be attached to the main building and located adjacent to the south western boundary with Alder Court. Due to the relationship of the host premises with Alder Court, it is not considered that this will result in any significant adverse impact on the amenity of the occupants of this development in terms of loss of outlook, daylight, sunlight or privacy.

9.7 The proposed single storey extension will also be located several metres from the shared boundary with No.21. It will have clear glazing to the south (rear facing) elevation only and an opaque glazed openable window on the northern end of the eastern facing wall for natural ventilation and daylight purposes. The applicant has advised that the window in this location does not overlook No.21's garden and that it is behind a high garden wall and a screen of verdant planting. It is considered that the revisions to the scheme have adequately addressed the potential impact on No.21's privacy.

9.8 The proposed two storey rear extension will not extend beyond the main rear elevation of No.21 and will not be visible from the rear habitable windows of this property. As such, it will not result in harm to the current standard of outlook,

daylight, privacy or sunlight currently enjoyed by the occupants of this dwelling. Concerns have been raised with regard to the attachment of the extension to No.21's wall. Such matters cannot be considered under this planning application. It is the applicant's responsibility to ensure that they comply with all other separate relevant legislation, i.e. the Party Wall Act and building regulations.

9.9 Whilst the concerns regarding the use of the application site are noted, it must be pointed out that the LPA currently has no control over the way in which the Friends Meeting House is operated, i.e. access to the site, opening hours, activities, etc. The proposed works do not constitute a change of use of the application site and it would therefore be unreasonable of the LPA to attach conditions to control the use and the opening hours. Any conditions must be solely relevant to the proposals put forward as part of this planning application, i.e. the extensions.

9.10 Nevertheless, the applicant has confirmed that access to the new room, as for the rest of the property, will generally be via the front porch on Front Street, and therefore will minimise movement through the rear garden. It is considered reasonable to attach conditions to ensure that all new rear windows and doors associated with the development are kept closed after 9pm to ensure that there is minimal disturbance to neighbouring occupiers during the later evening at a time when they can reasonably expect peace and quiet in their homes. Conditions to prevent the playing of live or amplified music within the extensions are also considered reasonable. The Council's Environmental Health Officer has also raised no objections, subject to conditions to ensure that if any new external lighting or new external plant or equipment is proposed to be installed full details must first be submitted to and approved by the LPA.

9.11 Members need to consider whether the impact on the amenity of the occupiers of nearby residential dwellings is acceptable. It is officer advice that the impact on amenity is acceptable subject to advice from the Environmental Health team and the suggested conditions.

10. Highway Impact

10.1 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.

10.2 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.

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

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

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

10.6 Concerns have been raised with regard to the impact of the proposed works on the highway network in terms of introducing an increase in vehicular traffic and exacerbation of existing problems. These concerns are noted. However, the Council's Highway Network Manager has been consulted and has noted that the use of the site has been established for some time and he has recommended approval of the application.

10.7 Members need to determine whether the proposed development is acceptable in terms of the impact on the highway network. It is officer advice that it is.

11.0 Impact on Biodiversity

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

11.2 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.

11.3 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.

11.4 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.

11.5 Policy DM5.9 supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

11.6 Objections have been received in response to the potential impact on biodiversity.

11.7 In response to the original public consultation on the application, the Council's Biodiversity Officer requested that a Bat Risk Assessment be submitted

due to the nature of the proposed works and the type and building. The applicant subsequently submitted an Ecological Impact Assessment and Bat Survey. In response, the Biodiversity Officer raised no objections subject to the attachment of a number of conditions to ensure that all works are carried out in accordance with the Bat Method Statement, the installation of a bat box, no vegetation removal during the bird nesting season, escape methods for mammals and that all external lighting will be low level.

11.13 Members must consider whether the impact on biodiversity is acceptable. Officer advice is that the proposed works are acceptable subject to the suggested conditions.

12.0 Other Issues

12.8 Ground Stability

12.9 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.

12.10 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.

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

12.12 Concerns have been raised by local residents that the submitted Coal Report does not apply to the extensions to the main building, only to the originally proposed detached garden room. However, the Phase 1: Coal Mining Desk Top Study Report (preliminary coal mining risk assessment) has been reviewed by the Coal Authority and the Council's Contaminated Land Officer. Both have noted the location of the application site within the referral area. The Coal Authority has raised no objections to the proposed extensions, subject to further intrusive investigative works prior to development. The Contaminated Land Officer has also suggested several conditions which will consider the presence of ground gas and contamination and any remediation measures necessary to deal with these.

12.13 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.

12.16 Sustainability

12.17 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.

12.18 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.

12.19 The applicant has advised that in 2011 'Quakers in Britain' made a corporate commitment to become a low carbon, sustainable community and that the proposed renovation works to the main building will improve its insulations levels etc.

12.20 Members need to determine whether the proposed development is in accordance with Policy DM7.6 and the NPPF.

12.21 Archaeological Impact

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

12.23 Policy DM6.7 states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public. Developments that may harm archaeological features will require an archaeological desk-based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this.

12.24 The application site is identified in the Local Plan as being of archaeological interest.

12.25 The Tyne and Wear Archaeology Officer has reviewed the application and advised that the application site is located within the Monkseaton Medieval Village and that there is potential for archaeological remains to survive, in particular from the medieval and post-medieval periods. However, these are likely to have been disturbed or truncated by 20th century building works and are very unlikely to be of sufficient significance to prevent the proposed construction proceeding (NPPF para 197). Given the potential for the survival of archaeological remains, she has recommended that an archaeological watching brief is maintained during all groundworks associated with construction (NPPF para 199).

12.26 Members must consider whether the proposed development is acceptable in terms of its impact on archaeological heritage. Officer advice is that subject to the suggested condition, the proposed works are acceptable.

12.27 Boundary Issues

12.28 Concerns have been raised that the boundary lines shown on the submitted plans are incorrect and that the applicant does not own all of the boundary walls. The applicant has responded to this as follows:

12.29 The applicant accepts that 21 Front Street owns the east boundary wall. No changes are proposed.

12.30 No.4 Bygate Road owns the rectangle of land directly in front of their garage. Recently the boundary of their land has been clearly defined by the erection of a timber fence. No changes are proposed.

12.31 The wall between the application site and Alder Court becomes a party wall where the buildings are built against it. The property agent for Alder Court has stated that the boundary wall to their (rear) car park is owned by the owner of the flats. Currently the applicant is unable to confirm whether this is the case or not. This application proposes that the existing boundary wall is carefully taken down and replaced with a newly built wall which incorporates damp proofing and insulation to meet current building regulations requirements.

12.32 The applicant has been informed by the owner of Seaton House (mid-section of the western boundary) that this section of boundary wall is part of his property. No changes are proposed.

12.33 The south section of the western boundary adjoins the road known as Victoria Place. No changes are proposed.

13.0 Local Financial Considerations

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

13.2 The proposed development will result in additional jobs being created during the construction period. The applicant has also advised that a Resource Manager is employed to manage community activity across all of the Meeting Houses under the Northumbria Quakers (Northumbria Area Meeting). The Resource Manager will take overall responsibility for the use of the building and will assess the need for other locally based employees as use of the building develops.

13.3 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

14.0 Conclusion

14.1 In conclusion, Members need to consider whether the principle of the proposed development is acceptable, and whether it is acceptable in terms of its impact on surrounding residents, the character and appearance of the application site and conservation area, biodiversity and the highway network.

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

14.3 It is officer advice, that subject the imposition of appropriate conditions, the proposed development is acceptable.

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 18.08.22
- Location Plan As Existing, Dwg No.L1, Rev.A, 07.07.20
- Proposed Ground Floor Plan, Dwg No.P1, 15.08.22
- Proposed First Floor Plan, Dwg No.P2, 15.08.22
- Roof Plan, Dwg No.P3, 15.08.22
- Proposed North West Elevation, Dwg No.P4, 15.08.22
- Proposed South East Elevation, Dwg. No.P5, 15.08.22
- Proposed Section 1, Dwg No.P6, 15.08.22
- Proposed Section 3, Dwg No.P7, 15.08.22
- Proposed Section 6, Dwg No.P8, 15.08.22
- Section 7, Dwg No.P9, 15.08.22
- Ecological Impact Assessment and Bat Survey, August 2020

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. Prior to the installation of any new external plant or equipment (i.e. extraction vents, air conditioning units, refrigeration units, etc.) to be provided in connection with the approved development, full details must be submitted to and approved in writing by the Local Planning Authority. Such details must include the exact location, height, design and materials. Thereafter, the development shall not be carried out other than 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.

4. Prior to the installation of any new plant/equipment/extraction/air ventilation system at the application site in connection with the approved development a noise scheme must first be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142

and must determine the current background noise levels at the boundary of the nearest residential property for the representative time when the plant/equipment/extraction/air ventilation is operational and identify appropriate mitigation measures, where necessary, to ensure the combined rating level of external plant and equipment does not exceed the current background noise levels. Thereafter the plant must be installed and maintained 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.

5. Within one month following installation of any plant and equipment associated with the approved development, acoustic testing must be undertaken to verify compliance with condition 4 of this approval. The results of the acoustic testing shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the plant and equipment shall be operated in accordance with the approved details at all future times.

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.

6. Restrict Hours No Construction Sun BH HOU004 *

7. At all times during demolition/construction works being undertaken at the application site measures must be put in place to ensure that mud and other debris is prevented from being deposited on the highway and to ensure that any dust arising from activities is suppressed. Such measures shall 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. Such 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.

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. Noise No Tannoys Externally Audible NOI002 *

9. No amplified music in the form of bands, solo, duo artists, discos, karaoke or DJ's is permitted to be played within the approved extensions at any time.

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

10. At all times when any recorded background music is played within the approved extensions, and at all other times between the hours of 21:00 and 08:00, all windows and doors must be kept closed except for access and egress.

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

11. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

12. A report of the results of observations of the groundworks pursuant to condition 11 must be submitted to and approved in writing by the Local Planning Authority within 6 months of the completion of the works.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

13. 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 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.

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.

14. 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.

15. Prior to the commencement of the approved works a schedule and/or sample of all construction materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must be carried out in accordance with the approved details and retained.

Reason: These details are required prior to commencement of the development due to the sensitive location of the site within the designated Conservation Area and also due to the inclusion of the host site on the Council's local register of buildings and parks that are of special local architectural and historic interest in order to ensure that works are carried out in a manner appropriate in accordance with the advice in National Planning Policy Framework and Local Plan Policy DM6.6.

16. Notwithstanding the approved details all new or replacement rainwater goods shall be in black painted cast iron and retained as such.

Reason: In order to ensure that works are carried out in a manner appropriate in accordance with the advice in National Planning Policy Framework and Local Plan Policy DM6.6.

17. Notwithstanding the approved plans and following completion of the works for which consent is granted, all making good of the existing building shall be carried out in materials which closely match those used in the existing building to the satisfaction of the Local Planning Authority.

Reason: In order to ensure that works are carried out in a manner appropriate in accordance with the advice in National Planning Policy Framework and Local Plan Policy DM6.6.

18. All works must be undertaken in accordance with the Bat Method Statement in Appendix 3 of the 'Ecological Impact Assessment & Bat Survey' report (August 2020)

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.

19. 1 no. Integrated Build-in Wood Stone Bat Box will be built into the south wall of the building in accordance with the details set out in Figure 7 of the 'Ecological Impact Assessment & Bat Survey' report (August 2020). Thereafter, the bat box shall be 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.

20. Prior to the installation of any new external lighting, full details to include a lighting assessment must be submitted to and approved in writing by the Local Planning Authority. The external lighting must be low level, avoiding use of high intensity security lighting as far as practical, and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects. Thereafter, the lighting shall only be installed and operated in accordance with the approved details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, and that neighbouring amenity is protected having regard to

the NPPF and Policies DM5.5, DM5.7 and DM5.19 of the North Tyneside Local Plan.

21. No vegetation removal or works to features (buildings) that could support nesting birds 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.

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. Any excavations left open overnight shall have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

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 trees, shrubs or hedges within or adjacent to the site shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure the trees are retained and adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

24. Any construction works and methods of installation required within the root protection area (RPA) and/or crown spread of any tree located within or adjoining the application site shall be carried out in completed accordance with BS5837:2012 which makes provision for protection and the long-term retention of the trees. This includes (and is not limited to) the location of any underground services required to supply the new gate, driveway alterations, drainage, lighting, excavation and installation of new gate posts (including foundation depths), or any structures or alterations of ground levels within the root protection area. Any excavation within the RPA of any trees are to be undertaken using a 'No-dig' specification and to include works being undertaken by hand or suitable method such as an air spade along with any necessary ground treatments to deal with compacted areas of soil. Any trenches or excavation works will not cause damage to the retained trees and/or root systems of the trees. No services shall be dug or laid into the ground other than in accordance with the approved details. All construction and excavation works shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the trees are retained and adequately protected from damage during the execution of the works hereby permitted, in the interests of

visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

25. Prior to commencement of works starting on site (including preparatory works), the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing unless otherwise agreed in writing by the Local Planning Authority. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

Reason: To ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

26. There shall be no placement of cabins, storage of plant and materials or parking within the root protection area or crown spread of any retained tree.

Reason: To ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

27. All construction works to be undertaken in accordance with BS5837: 2012 'Trees in Relation to Construction-Recommendations' in relation to protection of existing trees within the application site.

Reason: To ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

28. Gas Investigate no Development GAS006 *

29. No (further) windows, doors or openings of any kind shall be inserted in the flank elevations of the development hereby permitted without prior, express planning permission of the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties having regard to policy DM6.2 of the North Tyneside Local Plan (2017).

30. Windows Fixed Obscure Glazing Required WIN007 *north eastern

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 (I03)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

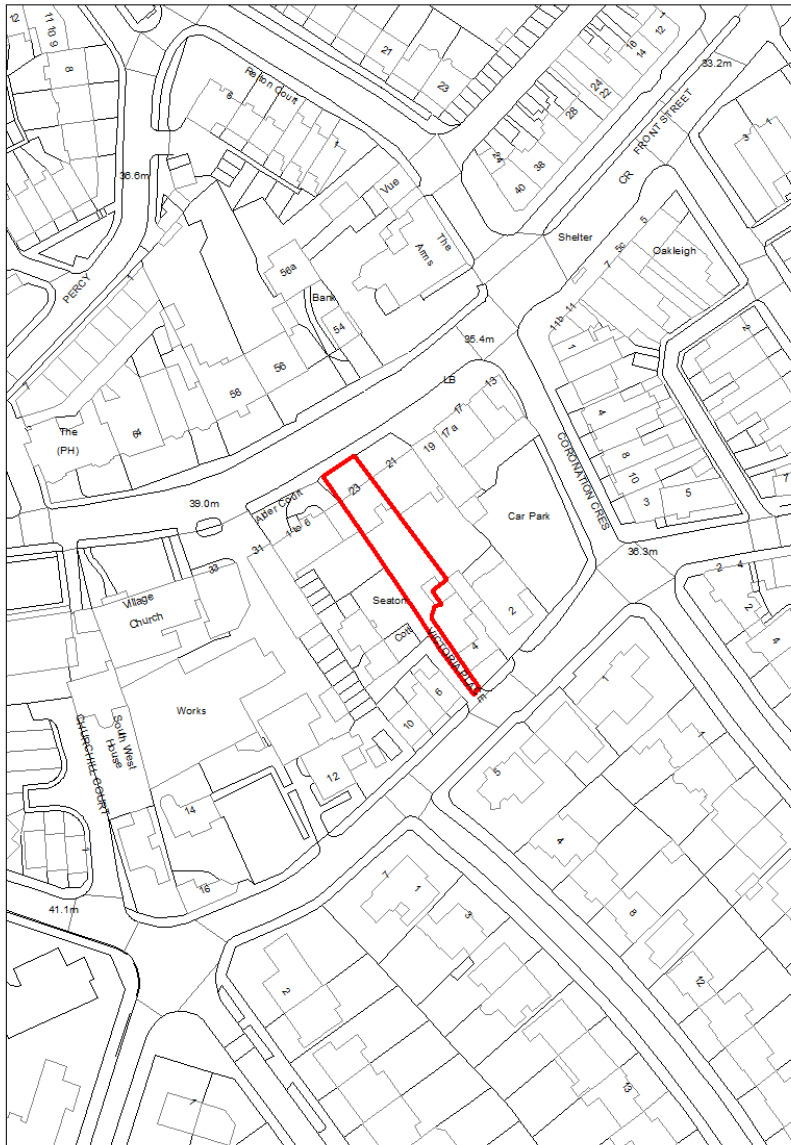
No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

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



Application reference: 20/00321/FUL

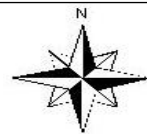
Location: Friends Meeting House, 23 Front Street, Whitley Bay, Tyne And Wear

Proposal: Conservation and renovation of the pre-1911 elements of the building. Demolition of the existing front porch and rear extensions of the building dating from 1911 to 1980. Construction of a new front porch (modelled on the existing) and rear extension connected to the main building. The front and rear gardens will be remodelled to provide access for all. **REVISED PLANS, DESIGN & ACCESS STATEMENT & APPLICATION FORM submitted 18.08.22******

Not to scale

Date: 15.09.2022

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Consultations/representations

1.0 Representations

1.1 In Response to Public Consultation on Latest Revised Plan (undertaken 31st August 2022)

1.2 One objection and one support have been received in response to the recent public re-consultation on the revised plans.

1.3 Objection:

1. Opening hours. The requested opening hours are considered to be too long in this location.

2. General access to the new facility from Bygate which would bring residents past the rear garden areas of the surrounding houses. Thereby invading the residential amenity of the nearby rear garden areas of adjoining houses. The residents wish to see all access to come from Front Street apart for maintenance etc.

3. Clarity about the intended groups who would use the building.

4. Boundary wall issues as set out in my earlier email. There is no agreement in existence for the demolition of the boundary wall which is not in the ownership of the applicants building. The wall is an historic feature and should not be the subject of demolition.

5. Issues with the construction of the boundary wall adjoining 21 Front Street.

1.4 Support:

1.5 The revised scheme seems to provide a private extension to the rear of the building which will not affect neighbours. The scheme will enable this building to be put in good order so that it can enhance the life of the Friends' Meeting and the life of the wider community by providing modernised spaces where groups can meet. These provisions could make a very important contribution to meeting local social needs.

1.6 In Response to Public Consultation on earlier plans (March 2021)

1.7 The original scheme generated significant objection and support (these are set out below for information).

Objections

51no. objections, summarised below:

1.8 Principle

- Proposed garden room would encourage extended use by outside organisations. This is a semi-commercial venture which would not necessarily be of general benefit to the immediate local community.

- Garden room is an inappropriate and unnecessary addition.

- The existing building is big enough to hold meetings.

- The existing building has not been looked after, hence its state of disrepair.

Surely conserving this historical building is a much better way for the Quakers to support the local community?!

- I am disappointed that the Society of Friends has chosen to omit the "for profit" purpose nature of its proposal from the application.
- The Friends Meeting House can be improved without the terrible impacts of the Garden Room project. I find it hard to believe that the Quaker Society of Friends have not appreciated the level of objection and upset they have created.
- Apart from the Quakers own meeting for 2 hours a week, there has been very little other activity taking place within the building for the 14 years we have lived here. The space they already have is woefully under used. I seriously question why there is a need for further development of this type when there are so many other rooms for hire that are all within a 10 minute walk from the middle of Monkseaton.

1.9 Character and Appearance

- Proposals are not in keeping with the Conservation Area.
- Total renovation only of the Meeting House itself would be more in keeping with conservation in the area rather than the building of a modern new garden room.
- Concerns that the plan shows a section of the extension which would adjoin part of the historic rear wall of Clayton House, which in turn may impact on the property due to the presence of historic sandstone foundations.
- Materials for the proposed 'Covered Walkway' and 'Garden Room' would be completely out of keeping with the established character of this part of the Conservation Area.
- Walkway and garden room will severely impact on the historic value of the area along with a permanent loss of the full vision of the adjoining historic stone walls which possibly date from the 1400's onwards. This would do irreparable harm to the very fabric of the area which is encompassed by period residences and private mature gardens.
- Garden room which will effectively destroy an open space in a conservation area.
- Significant consideration should be focused on retaining the historical character that is currently maintained by the existing buildings and gardens.
- It is of vital importance that this historical part of the old Monkseaton Village is retained and not destroyed by unsympathetic commercial development.
- Proposal intends to maximise the building floor area with no regard to the existing confined historic garden area.
- Inadequate detail has been provided with regard to the proposed materials for the rear extension.
- As neighbours we are interested in preserving this area of 150 year old houses with old stone walls and gardens. Not just for ourselves but as part of the Monkseaton heritage.
- Concerns regarding the impact of the proposed two storey rear extension on the adjoining wall at 21 Front Street (construction concerns) and also that it will obscure the historical character of No.21.

1.10 Amenity

- The peace and quiet of the resident's private gardens is imperative and the proposed garden room will cause loss of privacy for the residents.
- Proposal would undoubtedly create noise and disturbance to neighbouring properties in what is a very quiet and tranquil part of this neighbourhood.
- Substantial increase in noise and disturbance, both from vehicles and people.

- There would be issues with the shared rear access point which immediately adjoins the neighbouring residential properties, in particular; No. 4 Bygate Road.
- Visual intrusion.
- The revised application no longer details the intended use of the garden room. The original intention was to create a space that could be hired out to all comers – for bands to practice in, celebration parties, discos, etc – with little regard to the effect of this on the surrounding, residential area. That should be borne in mind when accessing this application.
- The use of the garden room and garden (levelling of rear garden gives way to them also hiring out the outside space for commercial usage) will result in greatly increased noise levels at all hours of the day and night, an increased number of non-residents using the area, and the potential for increased littering, drunken rowdiness, and low-level crime. Proposal would impact the quiet residential street of Bygate Road as this would be the preferred entrance point.
- Considerable disturbance during construction activities.
- Garden room will transform garden from a suitably placed garden allotment to an unwanted commercial unit. This will change the environment drastically for neighbours around this garden.
- It is evident from those supporting this proposal that none of them live in this area. They will not be inconvenienced or disturbed by the noise from the garden.
- The existing boundary walls do not all offer a good level of privacy between the gardens (photo supplied by No.21 Front Street shows workmen in the host site rear garden). Garden walls of 4 Bygate Road are lower than 6ft and those of 21 Front Street are lower than 5ft, allowing an invasion of privacy from any users accessing the garden room or main building to the rear of the properties.
- Rear access creates safeguarding, security and safety issues due to the close proximity of the rear access road to all gardens, garages and driveways of the neighbouring properties of Bygate Road. This would be fully compromised, due to public users having full access to the front, rear and side of these properties, any time day or night.
- Once approved there will be no means of preventing what will result in extended use of the Garden Room and the inevitable noise.
- If this commercial use is established, the outside footfall and noise will not be regulated and the only ones negatively affected are actual residents of old Monkseaton.
- Garden Room will be built directly in front of my home (Seaton House) with the intention of hiring it out to the public.
- This is a commercial project that will destroy the peace and tranquillity of one of the few remaining areas of old Monkseaton

1.11 Highway

- Increase in vehicular and pedestrian traffic, parking is already limited.
- Extra traffic will also impact surrounding streets, including Bygate Road and Beverley Road, exacerbating existing parking issues.
- Potential parking restrictions and damage to residents vehicles during construction period.
- Existing car park is often nearly full, additional demand will detrimentally impact existing businesses as car users will go elsewhere.
- Since the last application the parking and traffic has got exponentially worse with the introduction of a one-way system at Vernon Drive congesting the traffic and parking issues down to Bygate Road. This has been overlooked to date in

the proposal and a traffic impact assessment is urgently required to mitigate the additional traffic and visitor impact.

1.12 Biodiversity

- Detrimental to wildlife.
- The survey only covers the extension to the house and the disturbance it will cause, it does not detail or consider the effects that will rise from group activities taking place in the Quaker garden and Garden Room late into the evenings, or the effects of disturbing the wall during construction of the Garden Room and Walkway.
- Current human activity levels in the garden areas do not disturb the bats, we've had the pleasure of them for as many years as I have lived here. That may all change in an instant if the Garden Room development is approved and not for the better.
- The revised plans have neglected to detail the lovely tall 'Holly Tree' in the Quaker garden. This tree stands next to the 'Apple Tree'. No request to the council has been made to remove it as required within the conservation area and it is not detailed on the plans as remaining in place.

1.13 Other Matters

- Application should be delayed until such time that it can be heard in person at a planning meeting.
- The coal report only details the garden room and mentions nothing of the extension to the main building. Does the report cover both aspects of the proposal? It is not clear in that respect.
- 21 Front Street attaches to the host building. Major concerns with the plans to build an extension directly on to the gable end of our home. Over the years the rear of No.21 (which is the oldest part of the building) has moved and shows clear signs of subsidence in the direction of the Quaker building and grounds. Any excavation work alongside our home to modern standards may bring the whole end of our house down.
- Concerns regarding transferred damp issues to No.21, which have so far been unresolved for many years.
- Boundary lines on the site location plan are inaccurate with regard to the east boundary wall (with 21 Front Street), No.4 Bygate Road's garage and the wall to the west, which is within the boundaries of Seaton House, not 1-6 Alder Court as stated.
- There are issues in relation to boundaries in both the original proposal and the revised application. There are also no clear boundary lines indicated on the new proposal drawings and the private access road to the south has been completely removed from the revised site plans. The plan drawings are incorrect and misleading for anyone observing the planning application drawing documents.
- It is not clear whether the proposals are in accordance with fire safety and building regulations with regard to lifts, emergency exits etc.
- Legalities over shared access arrangement between No.4 Bygate Road and the application site.
- The submitted plans still contain significant errors in relation to the boundaries with adjoining properties with the benefit of legal title information.

1.14 Support

20no. support, summarised below:

1.15 Principle:

- Improvements will greatly enhance the utility and benefit to the Quakers and the wider community. Premises are no longer fit for purpose and need conservation and enhancement to allow the Meeting to continue and grow.
- Will enhance the building and help it to provide a significantly upgraded community facility for occasional hirers.
- The additional room at the rear is well considered and environmentally friendly too - great plans for the future of this building and the people of Monkseaton too.
- Proposed changes will secure a historic building for the future and provide a useful and pleasant resource for the Society of Friends and the local community

1.16 Character and Appearance

- Proposals will improve the look of the property and enhance the local conservation area.
- Application which seeks to improve and bring up to standard an attractive building in a prominent position in the town, which has suffered neglect over a considerable period of time.
- Aesthetics of proposed garden room are quite similar to the outside offices or studies which many people construct in their gardens without planning permission. The principle of adding tasteful and discrete modern extensions to historic buildings is well established in conservation circles. Proposed building is no more than a quiet room linked to the house by path under a roof and it has been designed to be inobtrusive. The rest of the plot will remain a garden.

1.17 Amenity

- Appreciate that neighbours might see the additions as intrusions on their amenity, but it must be accepted that the owners have right to enhance their enjoyment of their property and considered improvements will be an additional benefit to groups who might now be able to make use of an asset.
- The Friends are a sensitive group of people, I think, who will ensure that the use of their premises does not upset their neighbours.

1.18 Former Ward Councillor Sean Brockbank

1.19 I have read the documents relevant to this application and spoken to residents who raise serious concerns for the impact of these proposals on existing and very unique local housing. I would like to request the right to speak at Committee to oppose this application.

1.20 Internal Consultees

1.21 Highway Network Manager

1.22 This application is for the conservation and renovation of the pre-1911 elements of the main building. Demolition of the existing front porch and rear extensions of the building, construction of a new front porch (modelled on the existing) and rear extension connected to the main building. The front and rear gardens will be remodelled to provide access for all.

1.23 The site has been established for some time and the alterations in the grounds of the existing site. Approval is recommended.

1.24 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dv/pt

1.25 Contaminated Land Officer

1.26 The property lies within a coal referral area, as there are extensions and new build proposed the following must be applied:

1.27 The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority.

1.28 Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority.

The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment.

This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met.

The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included.

A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: In order to safeguard the development and/or the occupants thereof from possible future gas emissions from underground and or adverse effects of landfill gas which may migrate from a former landfill site having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

1.29 Biodiversity Officer

1.30 Feedback in response to March 2021 consultation:

1.31 I have no objection subject to the following conditions being attached to the application:-

- All works will be undertaken in accordance with the Bat Method Statement in Appendix 3 of the 'Ecological Impact Assessment & Bat Survey' report (August 2020)
- 1 no. Integrated Build-in Wood Stone Bat Box will be built into the south wall of the building in accordance with the details set out in Figure 7 of the 'Ecological Impact Assessment & Bat Survey' report (August 2020)
- External lighting will be low level, avoiding use of high intensity security lighting as far as practical, and if required, these will be of minimum practicable brightness, be set on a short timer and will be motion sensitive only to larger objects.
- No vegetation removal or building works 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.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.

1.32 Planning Policy

1.33 Feedback in response to August 2022 consultation on latest revised plans:

1.34 Conservation comments: This building is situated within Monkseaton conservation area. The loss of historic fabric associated with the demolition of the existing front porch is regrettable, however the new porch will be modelled on the existing design and provide better access into the building. The overall difference in appearance to the front of the building as a result of these works will be minor.

1.35 The proposed two storey rear extension is sensitively designed and complements the form and character of the original building by a continuation of the established architectural design. The scale of the extension is subservient to

the main building with a lower roof height. The existing window in the rear elevation will be re-used in the new extension.

1.36 The proposed single storey extension takes a different design approach with a contrasting contemporary design. The extension is unlikely to be seen from any key viewpoints within the conservation area. Previous comments noted that the property's garden contributes to its significance. The new location of the extension helps to retain a larger area of the garden.

1.37 The extension would require the demolition of part of a historic stone boundary wall. It is proposed to reuse the stone for new walls and garden planters. Any further stone which is suitable for reuse will be made available for repairs to other sections of the wall.

1.38 Overall, the application is acceptable, subject to the recommended conditions below.

Suggested Conditions:

- a) Materials of construction
- b) All new or replacement rainwater goods shall be in black painted cast iron.
- c) Following completion of the works for which consent is granted, all making good of the existing building shall be carried out in materials which closely match those used in the existing building to the satisfaction of the Local Planning Authority.

1.39 Environmental Health (Pollution)

1.40 I have no objection in principle to this proposal. I have viewed the layout plans and note there does not appear to be any new external plant to be fitted at the site. If this was not the case and new external plant e.g. air condition units, air source heat pumps etc then a noise assessment would be necessary to ensure existing background noise levels are maintained. If new external lighting was also to be installed, then a light assessment would be required.

1.41 In addition, conditions to address construction hours and dust mitigation during any construction phase should be applied to any planning consent.

1.42 New External Plant

No new plant or equipment to be installed at the premises unless a noise scheme has been submitted in accordance with BS4142 to determine the background noise level without the plant noise operating at the boundary of the nearest residential premises and appropriate mitigation measures taken where necessary to ensure the rating level of plant and equipment does not exceed the background noise.

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant and thereafter maintain in working order.

1.43 NOI02; LIG01 - new external lighting if fitted; HOU04; SIT03

1.44 External Consultees

1.45 The Coal Authority

1.46 The Coal Authority concurs with the recommendations of the Phase 1: Coal Mining Desk Top Study Report (Preliminary Coal Mining Risk Assessment) (4 August 2020, prepared by GEO Environmental Engineering (GEO) Ltd) that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

1.47 Accordingly, the Coal Authority recommends the imposition of the following conditions:

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

1.48 The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of the conditions to secure the above.

1.49 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.

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

1.51 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 178 and 179 of the National Planning Policy Framework.

1.52 Tyne and Wear Archaeology Officer

1.53 Previous comments remain valid.

1.54 Original Feedback (2020):

1.55 The Friends Meeting House at 23 Front Street originated as a single storey cottage of late 18th or early 19th century date. It was extended upwards and to the rear in the early 20th century. The building is entered on the Tyne and Wear Historic Environment Record (HER 9314). It is on the North Tyneside Local List and within the Monkseaton Conservation Area.

1.56 The building is within Monkseaton medieval village (HER 741) and the site has probably been occupied throughout the post-medieval period. There is therefore potential for archaeological remains to survive, in particular from the medieval and post-medieval periods. However, these are likely to have been disturbed or truncated by 20th century building works and are very unlikely to be of sufficient significance to prevent the proposed construction proceeding (NPPF para 197).

1.57 There has been no previous archaeological work at the site. The proposals include ramped access to the front porch, new hard landscaping, an extension to the rear of the building which in part replaces an existing extension of early 20th century date, and a single storey garden building to the rear of the property. Given the potential for the survival of archaeological remains, I recommend that an archaeological watching brief is maintained during all groundworks associated with construction (NPPF para 199).

1.58 The archaeological work can be secured using the following conditions:

1.59 Archaeological Watching Brief Condition:

1.60 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

1.61 A report of the results of observations of the groundworks pursuant to condition () must be submitted to and approved in writing by the Local Planning Authority within 6 months of the completion of the works.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

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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 (Revised Plans Submitted Uploaded 27.07.22)

Applicant: North Eastern Holdings Ltd, C/o Agent

Agent: Lichfields, Mr Michael Hepburn Saint Nicholas Building Saint Nicholas Street Newcastle Upon Tyne NE1 1RF

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to grant this application subject to an agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and
- b) authorise the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure the following:
 - i. Affordable Housing: financial equivalent to 1.46 units;
 - ii. Ecology: £4,095 towards habitat creation/management and footpath improvements;
 - iii. Parks and Green Space: £11,181 towards environmental improvements to Local Parks and to the local area;
 - iv. Equipped Play: £13,300 towards Investment in Council's children's equipped play site offer;
 - v. Employment and Training: £5,000 or 1 apprenticeship; and
 - vi. Coastal Mitigation: £6,403 towards specific coastal mitigation projects and coastal service.

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

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

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

2.0 Description of the Site

2.1 The site to which the application relates is 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 incurtilage 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 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, September 2021. It identifies the total potential 5-year housing land supply in the borough at 4,012 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 4 year supply of housing land. It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in this assessment. The proposed dwellings will contribute towards the identified 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 results 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 been consulted and his comments will be presented to planning committee in an addendum.

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 façades as much as reasonably practicable. Naturally, due to the sites 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 54 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 56 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 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 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 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. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
 - i. Are related to the proposed development; or,
 - ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

13.27 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.

13.28 The following contribution has been requested by service areas:

Affordable housing: financial equivalent to 1.46 units (based on 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

Coastal mitigation: £6,403

13.29 The above has been reported to IPB. The contributions are considered necessary, directly related to the development and fairly and reasonable related in scale and kind to the development. It is therefore considered to comply with the CIL Regulations.

13.31 A CIL payment will be required.

13.32 Local Financial Considerations

13.33 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the 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 the Community Infrastructure Levy (CIL).

13.34 The proposal involves the creation of 19no. new dwellings. Granting planning permission for new dwellings increases the amount of New Homes Bonus, which the Council will potentially receive. The New Homes Bonus is a government grant for each home built equivalent in value to the average Band D Council Tax charge in England in the preceding year. New Homes Bonus is paid to the Authority each year for new homes completed for a period of four years from the completion of each new home. An additional sum is paid for each empty home brought back in to use and for each affordable home delivered.

13.35 In addition, the new homes will bring additional revenue in terms of Council Tax and jobs created during the construction period.

13.36 Members should give appropriate weight to amongst all other material considerations to the benefit of the Council as a result of the monies received from central Government.

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 a S106 Legal Agreement and conditions.

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to grant this application subject to an agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary; and**
- b) authorise the Director of Regeneration and Economic Development to determine the application following the completion of the Section 106 Legal Agreement to secure the following:**
 - i. Affordable Housing: financial equivalent to 1.46 units;**
 - ii. Ecology: £4,095 towards habitat creation/management and footpath improvements;**
 - iii. Parks and Green Space: £11,181 towards environmental improvements to Local Parks and to the local area;**

- iv. **Equipped Play: £13,300 towards Investment in Council's children's equipped play site offer;**
- v. **Employment and Training: £5,000 or 1 apprenticeship; and**
- vi. **Coastal Mitigation: £6,403 towards specific coastal mitigation projects and coastal service.**

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 addresses 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	HOU004	*
34. Restrict Hours No Demolition Sun BH	HOU005	*

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

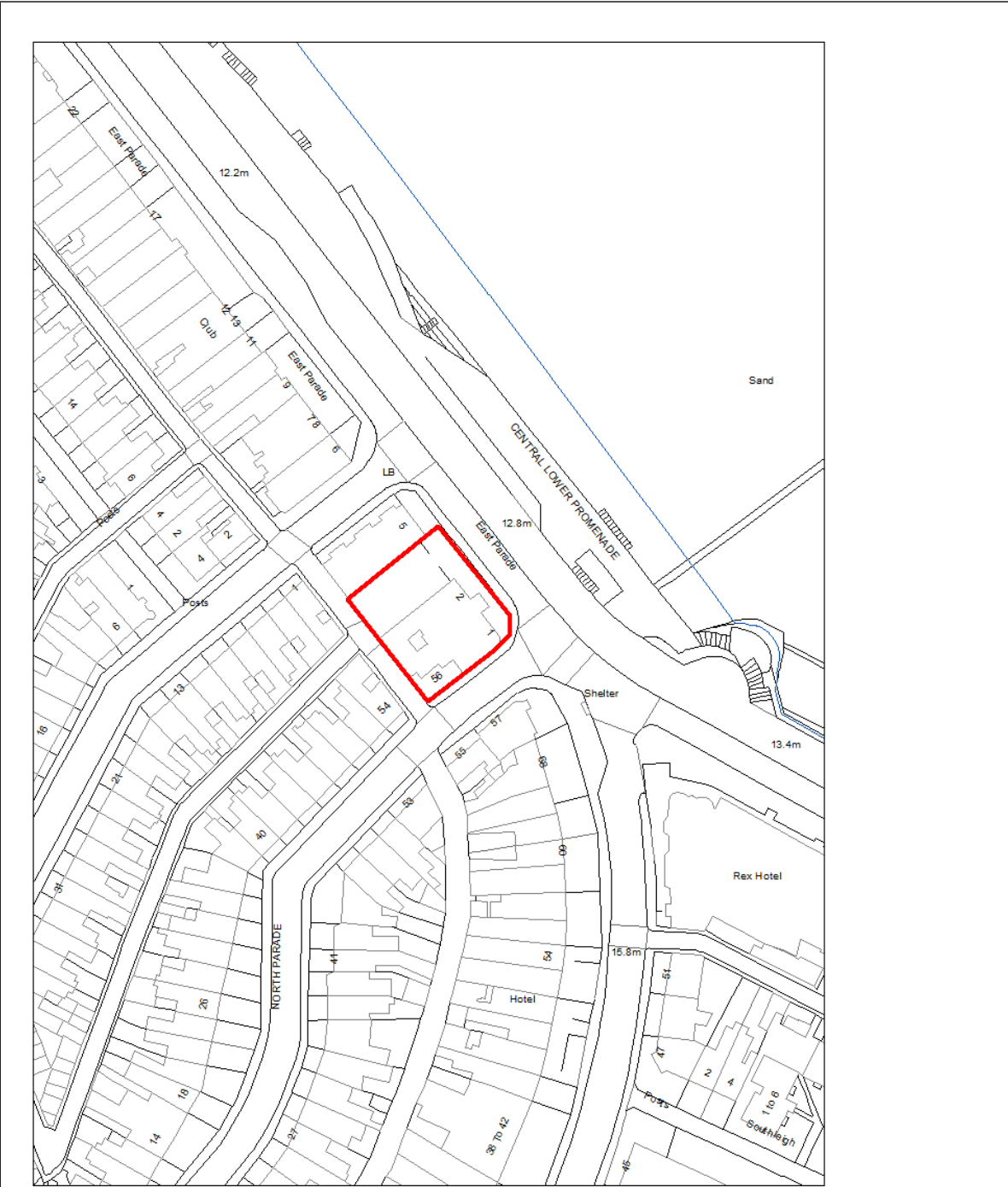
The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme 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: 15.09.2022

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Consultations/representations

1.0 Representations

26no. 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.

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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 (comments provided in response to consultation on 28th July on revised plans).

1.34 Following receipt of the comments set out below, the applicant submitted revised plans, making minor alterations to the proposed scheme (dated 9th September). The Design Officer will provide comments in respect of the latest plans via an addendum.

1.35 Following comments dated 17th February 2021 and 14th March 2022, that raised concerns with the application, the scheme has been revised and further information submitted. The proposed scheme is for a five-storey flat roof building fronting onto East Parade. The fifth floor has a reduced footprint and is set back from the building line. This would be partially obscured from street level where it would be seen as a four-storey building. The proposed building is higher than the dominant building form in the local area which is two or three storey development with pitched roofs. The proposed height of the building is approximately the same as the ridge height of the former Rex hotel. Concerns were raised that the development may compete with this landmark building.

1.36 3D visuals have been submitted showing the building from a range of different viewpoints which help to understand the visibility of the top floor in the wider context. The visuals show 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 but is more a disappointment of the design. Several changes have been made to the design to address previous concerns. While these changes positively progress the application, there are still some outstanding issues which are set out below.

1.37 a) Bike and bin stores

1.38 Previous comments objected to bike and bin stores which are proposed within the front gardens of units facing onto East Parade. These obstruct views from ground floor windows and affect the street scene at ground level. The front garden spaces should remain free of built structures and bike and bin storage should be relocated. These structures have not been removed on the revised plans and they remain unacceptable.

1.39 b) Roof top balustrade

1.40 Previous comments stated that the glass and metal balustrades associated with the roof top should be set back from the building line to reduce their visibility from street level. A very small set back is shown on the proposed elevations, however the set back is not clear on the fourth floor plans. Revised floor plans are required which clearly show the set back balustrades. It was also suggested that this may allow for the parapet roof to be reduced in height although no further information has been received.

1.41 c) Residential amenity

1.42 Some units would receive very limited direct sunlight. 32% of living rooms face either north-west or north-east, where access to sunlight is restricted. It is recognised that in high-density developments, it is not always possible for every dwelling to be well situated to receive direct sunlight. Within units 4, 5 and 15, some bedrooms receive no direct sky light and this will deliver poor living conditions. This is mitigated in part by providing outdoor space for these units, however concerns remain. This issue is referred to the Case Officer for a detailed assessment and to balance alongside the wider benefits of the scheme.

1.43 Conclusion

1.44 The further information and amendments requested above should be provided to the planning case officer within a timescale that would allow for the case to be determined within its deadline. The planning case officer should assess the request above and set a suitable timescale for this further submission.

1.45 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.

Application No: 22/01502/FULH Author: Rebecca Christie
Date valid: 9 August 2022 ☎:
Target: 4 October 2022 Ward: Tynemouth
decision date:

Application type: Householder Full application

Location: 23 Monks Way, Tynemouth, Tyne And Wear, NE30 2QN,

Proposal: Over garage extension and porch to front elevation. Replacement of timber cladding with smooth white fibre cement cladding

Applicant: Mr Nathan Sandy, 23 Monks Way Tynemouth Tyne And Wear NE30 2QN

Agent: Butler-Curnow Building Surveyors LLP, Mr Richard Lilley 67 Preston Avenue North Shields NE30 2BN

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Introduction

1. Members are advised that this application is being referred to Planning Committee as an objector is a member of the planning team.

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

- The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy; and,
- The impact of the proposal upon the character and appearance of the surrounding area.

2.1 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 take into account any other material considerations in reaching their decision.

3.0 Description of the Site

3.1 The site to which the application relates is a northwest facing semi-detached property in a residential area of Tynemouth. Attached to the southwest elevation of the property there is a flat roof garage and kitchen extension.

3.2 The adjoining property to the northeast is no.21 Monks Way. To the west are nos.12 and 14 Marshmont Avenue. Nos. 12 and 14 have a different orientation to the host property. Their rear elevations face the side elevation and rear garden of the host.

4.0 Description of the proposed development

4.1 Planning permission is sought to construct a flat roof first-floor side extension and a porch. The application also includes the replacement of timber cladding with smooth white fibre cement cladding.

5.0 Relevant planning history

23 Monks Way

87/00762/FUL, Kitchen extension and front porch, permitted 09.07.1987

14 Marshmont Avenue

79/00124/FUL, Erection of porch, permitted 20.02.1970

77/02354/FUL, New garage laundry and porch and fence, permitted 27.02.1978

17 Monks Way:

83/00292/FUL - Bedroom extension over existing garage – permitted 26.04.1983

6.0 Development Plan

6.1 North Tyneside Local Plan (2017)

7.0 Government Policy

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

7.2 National Planning Practice Guidance (NPPG) (As amended)

7.3 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

8.0 Detailed Planning Considerations

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

- The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy; and,
- The impact of the proposal upon the character and appearance of the surrounding area.

8.2 Members are advised that 3No representations have been received as a result of the consultation process.

9.0 Relevant Planning Policy

9.1 NPPF

9.2 The National Planning Policy Framework states that good design is a key aspect of sustainable development, and that permission should be refused for development of poor design.

9.3 Local Plan (2017) - Policies

9.4 Policy S1.4 sets out general development principles. Amongst other matters, this states that development should be acceptable in terms of its impacts on local amenity for existing residents and adjoining premises.

9.5 Policy DM6.1 sets out guidance on the design of development. This policy 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 of the characteristics of the site, its wider context and the surrounding area.”

Proposals are expected to demonstrate:

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

9.7 Policy DM6.2 sets out guidance on extending existing buildings. It states that: “Extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations.”

9.8 Policy DM6.2 states that, amongst other matters, when assessing applications for extending buildings the Council will consider:

- b. The location of the extension in relation to the street scene;
- c. Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy;
- e. The effect that the extension will have on the existing property and whether it enhances the overall design; and
- f. The form, scale and layout of existing built structures near the site.

9.11 Policy DM5.18 sets out guidance and policies requirements relating to contaminated and unstable land.

9.12 Supplementary Planning Documents (SPD's)

9.13 The Council's 'Design Quality' SPD (May 2018) applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

9.14 The Design Quality SPD 'Front Extensions and Porches' states : The size of extensions to the front of a property will generally be determined by the amount of available space and the character of the dwelling. Porches should avoid the inclusion of side windows where they would directly overlook a neighbour's habitable window. Obscure glazing may provide an alternative solution in these instances. Windows located on the side elevation of other front extensions will not be supported to protect neighbours privacy. It is also important that the driveway is retained at the lengths set out in the Highways section.

9.15 The Design Quality SPD 'Side Extensions' states: As an alteration affecting the front of a dwelling, it is important that the width of side extension remains subordinate to the original house. It should also reflect the characteristics of the surrounding area, ...and designed to ensure the dwelling remains balanced in the street scene. Particular care should be given to properties on a corner plot as it must respond appropriately to more than one frontage.

10.0 The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy

10.1 The proposed porch will project out by approximately 1.2m, to the same level as the existing garage front. Due to the limited projection and the separation distance to the shared boundary with no.21 Monks Way, it is not considered that the porch extension will significantly impact the light out outlook of no.21. There are no windows proposed on the side elevations of the porch, thus there will be minimal impact on the privacy of no.21. Views towards the front garden of no.21 are already afforded from the existing windows on the front elevation.

10.2 The first-floor side extension projects to the front to the same level as the existing garage below. Thus, considering the projection and separation distance, the outlook, light and privacy of no.21 will not be significantly impacted.

10.3 The proposed first floor side extension runs along the shared boundary with no.14 Marshmont Avenue for approximately 12.4m and also along a small part of the rear boundary of no.12. Due to the orientation of no.14, which is west facing, the west side elevation of the extension is located on the rear boundary of no.14, adjacent to no.14's rear garden and no.14's rear elevation. The rear elevation of no.14 is located approximately 7m from the shared boundary. The extension would impact the light reaching both the rear garden and the windows on the rear elevation of no.14 in the morning. Due to the proximity of the extension to no.14's rear windows, the outlook from the rear windows and rear garden would be impacted. Therefore, in terms of impact of the extension on the outlook and light to No.14, it is considered that the side extension would have a detrimental impact. As the side extension will also run along a small part of the shared boundary with no.12 Marshmont Avenue there will also be some impact to the outlook to the rear of no.12.

10.4 There is a frosted window proposed on the southwest side elevation of the extension. Due to this window being located on the shared boundary, this window would need to be obscured glazed to a sufficient level to prevent detriment to the privacy of no.14. However, despite minimising the impact to the privacy of no.14 the impact to the outlook and light to no.14 would still warrant refusal.

10.5 Located to the rear of the host property are the rear gardens of properties on Marshmont Avenue, specifically the rear gardens of nos. 10, 8 and 6 Marshmont Avenue. Due to the separation distances and the existing views already afforded from the existing first floor rear windows of the host property, the proposed side extension would not have a significant impact on the outlook, light and privacy of these properties.

10.6 Similarly, due separation distance and the existing views already afforded from the windows on the front elevation of the host property, the proposed porch and side extension will have minimal impact on the residential amenity of the property to the front (No.16 Monks Way).

10.7 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity of neighbouring and nearby properties. It is officer advice that the proposal would have a detrimental impact on the amenity of the neighbouring properties to the west, nos. 12 and 14 Marshmont Avenue and is therefore contrary to policies DM6.1 and DM6.2(c).

11.0 The impact of the proposal upon the character and appearance of the surrounding area

11.1 The immediate street scene is largely characterised by semi-detached and detached residential dwellings. There are numerous examples of side and front porch extensions within the area.

11.2 The porch extension accommodates a mono pitched roof, this aids the extension to fit in with the rest of the dwelling. The host property has a hipped roof and the proposed first-floor side extension accommodates a flat roof. Flat roofed extensions are discouraged to dwellings with existing pitched roofs. The flat roof does not meet the guidance set out in the council's Design Quality SPD. The flat roof stands out from the rest of the dwelling and the surrounding street scene. There are two other existing examples of first-floor flat roof side extensions within this street, at nos. 17 and 19 Monks Way and there are some in the wider area. Whilst it is therefore acknowledged that there are a small number of flat roofed first floor side extensions within the streetscene, these were obviously completed a considerable time ago and before the adoption of the North Tyneside Local Plan and Design Quality SPD. These are no reason to allow further inappropriate development. The proposed flat roofed first floor side extension is not in keeping with the style of the host dwelling or the surrounding properties. It will harm the appearance of the host dwelling and the visual amenity of the streetscene.

11.4 The proposal includes a white render to the roughcast areas of the property. White render is not an uncommon feature in the area, within the immediate street scene there are numerous examples of rendered properties and properties with different finishes on the front elevation.

11.5 Members need to determine whether the proposed development is acceptable in terms of its impact on the character and appearance of the main dwelling and the surrounding area. It is officer advice that the proposed development is contrary to DM6.1 and DM6.2 and the Design Quality SPD.

12.0 Other Issues

12.1 The Council's adopted parking standards are set out in the Transport and Highways SPD.

12.2 It is noted that the proposed development would increase the number of bedrooms from three to four. Therefore, the level of parking provision provided does not meet the Council's parking standards set out in the Transport and Highways SPD. However, this estate was built prior to the adoption of the Transport and Highways SPD and there are no parking restrictions or known parking problems in the immediate vicinity. Therefore, it is not considered that this proposal would significantly impact on parking provision within the immediate vicinity or severely affect highway safety.

13.0 Local Financial Considerations

13.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the 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 the Community Infrastructure Levy (CIL). It is not considered that the proposal results in any local financial considerations.

14.0 Conclusion

14.1 Members need to determine whether the proposal is acceptable in terms of the impact on residential amenity and whether it will have a detrimental impact on the streetscene.

14.2 It is officer advice that the proposal will have a detrimental impact on residential amenity and the streetscene. The application is recommended for refusal.

RECOMMENDATION: Application Refused

Conditions/Reasons

1. The proposed first floor side extension, by virtue of its size, height and position in relation to the neighbouring properties, Nos. 12 and 14 Marshmont Avenue, would have a significant overbearing impact on the residents of those properties, resulting in an unacceptable loss of residential amenity in terms of loss of outlook and light from the rear gardens and windows; contrary to Policies DM6.1 and DM6.2 of the North Tyneside Local Plan 2017 and the Design Quality SPD.

2. The proposed first floor side extension, by virtue of its flat roof, is not in keeping with the design of the existing dwelling and would be out of character with the host dwelling and neighbouring properties. The proposal is therefore considered to be contrary to policies DM6.1 and DM6.2 of the North Tyneside Local Plan 2017.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



Application reference: 22/01502/FULH

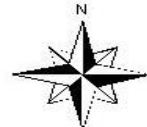
Location: 23 Monks Way, Tynemouth, Tyne And Wear, NE30 2QN

Proposal: Over garage extension and porch to front elevation. Replacement of timber cladding with smooth white fibre cement cladding

Not to scale

Date: 15.09.2022

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**Appendix 1 – 22/01502/FULH
Item 4**

Consultations/representations

1.0 Internal Consultees

1.1 None

2.0 Representations

2.1 3No representations have been received. These are summarised as follows:

- Adverse effect on wildlife
- Impact on landscape
- Loss of privacy
- Loss of visual amenity
- Loss of/damage to trees
- Will result in visual intrusion
- Out of keeping with surroundings

In principle, no objections. However, it is very much to be desired that the front of the additional storey will extend no further than the front wall of the house. This point is not wholly plain to us on the plans. We would object to the loss of sightline and light if the front of the new construction were to be aligned perpendicularly with the front of the current garage at this property; rather than set back to be absolutely in line with the house.

-I object to the proposal of the over garage extension as it will significantly impact on our views/sightline from the rear of our property. The building would be extremely intrusive and will most definitely impact on the saleability and value of our property. It would block light and result in the view from our bedroom window being blocked by a brick building. Also, the proposed rear window would look into our garden and rear windows only metres away. Some thought could be taken over the impact this would have on privacy and overall outlook from my property as this is already proving to be very stressful.

- The new rear window would look directly into our rear garden, impacting on our privacy. Also, the build would result in visual intrusion as it would block our views and limit light from the side. This would also impact on visual amenity as the build would be overbearing in addition to the existing brick kitchen extension, which stands at 3m(H) x 4m(W) bordering our small rear garden. The application states there are no trees or shrubs at risk, however, the extension would interfere with our tree, which has regular nesting birds and stands directly at the corner of the proposed extension.

3.0 External Consultees

3.1 None

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Application No: 22/01328/FUL Author: Rebecca Andison
Date valid: 12 July 2022 ☎: 0191 643 6321
Target: 11 October 2022 Ward: Chirton
decision date:

Application type: full planning application

Location: Land Adjacent to Third Avenue, Tyne Tunnel Trading Estate, North Shields, Tyne And Wear

Proposal: Construction of battery energy storage containers and substation buildings, together with associated electrical infrastructure, small operational buildings, security fencing, CCTV, improved access tracks and structural landscaping

Applicant: Northumberland Estates, Mr Barry Spall Estates Office Alnwick Castle Alnwick NE66 1NQ

Agent: Northumberland Estates, Mr Barry Spall Estates Office Alnwick Castle Alnwick NE66 1NQ

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

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

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

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 application site is located on the west side of Narvik Way within the Tyne Tunnel Trading Estate. It has an area of approximately 1.38 hectare and is currently vacant.

2.2 The A19 is located beyond the site's western boundary and to the north is vacant employment land with commercial/industrial premises beyond. To the south of the site is a building supplier (Jewson) and to the east are further industrial uses.

2.3 The site is allocated for employment use within the Local Plan and lies within the A19 Economic Corridor.

3.0 Description of the proposed development

3.1 Planning permission is sought for a battery energy storage facility. The development includes containers and substation buildings, together with associated electrical infrastructure, small operational buildings, security fencing, CCTV, improved access tracks and landscaping.

3.2 The site would be surfaced in gravel and concrete with areas of landscaping and a new access from Narvick Way.

4.0 Relevant Planning History

15/00699/OUT - Construction of 20,754 sqm of B2/B8 business units with new access roads, HGV turning areas, yards and car parking spaces (Additional ecology surveys received 05.10.2015) – Permitted 12.02.2016

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (July 2021)

6.2 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers;
- the impact of the proposal on the character and appearance of the surrounding area;
- whether sufficient parking and access would be provided; and
- the impact on trees and ecology.

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

8.0 Principle of the Proposed Development

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

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

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

8.4 Paragraph 151 of NPPF states “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.”

8.5 Paragraph 151 of NPPF states: “When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

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

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

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

8.9 Policy DM2.3 states that the Council will support proposals on employment land for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary. Proposals on identified employment land or other buildings in use class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not:

- a. Result in the unacceptable loss of operating businesses and jobs; and,
- b. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and,
- c. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.

8.10 Policy AS2.6 states that the Council will promote and support further development and investment in a range of B1, B2 and B8 employment activities across the A19(T) Economic Corridor, and the continued diversification of North Tyneside's economy through delivery of small, medium and large scale office developments.

8.11 Policy DM7.6 states that the Council will encourage the local production of energy from renewable and low carbon sources to help to reduce carbon emissions.

The Council will also encourage and support community energy schemes that reduce, manage and generate energy to bring benefits to the local community. Where planning permission is required, 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.

Commercial scale renewable energy generation projects will be supported in locations where other policies of the Plan can be satisfied. Developments of this type should be supported by a comprehensive assessment of their impact. When considering applications, regard will be given to the wider benefits of providing the energy from renewable sources as well as the potential effects at the local scale.

8.12 The application site is allocated for employment use by the Local Plan and lies within the A19 economic corridor. The proposed use is not an employment use as defined by Policy DM2.3.

8.13 Policy DM2.3 seeks to enable flexibility in the use and development of employment land whilst ensuring that developments support the overall growth and prosperity of North Tyneside. To achieve this flexibility Policy DM2.3 seeks to ensure that applications for development on employment land are considered

on the basis of their impact on the economic prosperity of North Tyneside, rather than whether the use proposed falls within use classes B1, B2 and B8. This is to ensure sufficient flexible opportunities for business that are in use classes B1, B2 and B8 are retained, but also that full use can be made of the economic potential of land in highly sustainable and accessible locations across North Tyneside (LP para.5.52-5.53).

8.14 Policy DM2.3 allows for the development of non-employment uses when a variety of criteria have been considered. These include the impact of the development on existing businesses and jobs, the potential impact on neighbouring businesses and whether it would cause an excessive reduction in the supply of employment land.

8.15 The proposal complies with part (a) of Policy DM2.3 given that the site currently vacant and no existing jobs or businesses would be lost.

8.16 The Employment Land Review (ELR) (2015) included an assessment of 1,591 hectares (ha) of land for employment potential, including 955ha of currently allocated or existing land. The unit to which this application relates has an area of 1.38ha and therefore represents just 0.09% of the total available supply of land for employment uses in the borough. The ELR concludes that within the administrative area of North Tyneside there is sufficient identified employment land to meet forecast demands. When assessing the scale of the proposed development and the total available employment floor space across the borough, it is not considered that the proposal would result in an excessive reduction in the supply of employment land. It is therefore considered that the proposal complies with part (b) of DM2.3.

8.17 The impact on existing occupiers (part c) is discussed below.

8.18 The proposal complies with the aims of the NPPF and LP Policy DM7.6 to encourage renewable and low carbon energy. Battery storage facilities allow energy from renewable sources to be captured at times of high supply and low demand, to be stored and released to customers when demand is high. The facility would allow up to 50MW of energy to be stored for up to 2 hours to assist in stabilising the local energy network.

8.19 Having regard to the above, it is officer advice that the principle of the proposal is acceptable.

9.0 Impact on surrounding occupiers

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

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

9.3 Policy DM6.1 (b and f) states that proposals should 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.

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

9.5 The site is located within an established industrial area. The closest residential properties are located approximately 80m to the west on the opposite side of the A19.

9.6 The Manager of Environmental Health has been consulted and provided comments. She states that as a noise assessment has not been submitted she has concerns regarding the potential impact of noise from the associated electrical infrastructure on the amenity of existing residential properties. She recommends that conditions are imposed to ensure that the impact is assessed and mitigation incorporated within the design.

9.7 Members need to consider whether the impact on existing occupiers would be acceptable. It is officer advice that the impact would be acceptable and in accordance with Policies DM6.1 (b and f) and DM5.19 subject to the conditions recommended by the Manager of Environmental Health.

10.0 Character and appearance

10.1 NPPF states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.2 NPPF (para. 130) states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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; and

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.3 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into

account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.4 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.

10.5 The Design Quality SPD applies to all planning applications that involve building works.

10.6 The application site is located within an established industrial area. It is currently vacant.

10.7 The proposed development includes metal container units, a brick substation, switch room and site office. These buildings are 3.5m - 4m high. The plans also show an indicative 15m high radio mast which is located adjacent to the site office within the eastern part of the site. This structure would be higher than the surrounding buildings but when taking into account the industrial character of the surroundings it is not considered that it would appear out of keeping or result in any significant harm to the streetscene. A condition is recommended to control its final appearance.

10.8 It is proposed to enclose the site using 2.2m V-mesh fencing with 2.2m high palisade fencing around the sub-station. This type of fencing is in keeping with other boundary enclosures in the area and therefore considered to be acceptable.

10.9 Members need to determine whether the proposed development would be acceptable in terms of its impact on the character and appearance of the site and surrounding area. It is officer opinion that the impact would be acceptable and in accordance with Policy DM6.1.

11.0 Whether there is sufficient car parking and access provided

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

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

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

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

11.6 Vehicle access would be from Narvick Way where a new access is proposed leading to gates which are set back from the highway. The applicant has stated that vehicle trips related to the operational phase will be minimal and linked to routine weekly / monthly management and yearly maintenance. During the construction phase HGV movements will be required to deliver materials and equipment to the site.

11.7 The Highway Network Manager has been consulted and raises no objections to the proposal.

11.8 Having regard to the above, and subject to the conditions requested by the Highways Network Manager, it is officer advice that the proposal complies with the advice in NPPF, Policy DM7.4 and the Transport and Highways SPD.

12.0 Landscaping and ecology

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 Local Plan Policy S5.4 states that the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

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

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

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

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

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

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 Policy DM5.9 supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

12.8 The application is supported by an Ecological Assessment Report, Biodiversity Net Gain (BNG) Assessment and Tree Constraints Assessment.

12.9 The Ecological Assessment states that the site is dominated by managed poor semi-improved neutral grassland with an area of scattered scrub in the southwest corner. There are no ponds located within 500m of the site and the site is assessed as being unsuitable for amphibians. No records of bats were identified within or immediately adjacent to the site, and the site has limited suitability for foraging and commuting bats, and no roosting potential. The site also has limited value for breeding birds due to the intensive management of the grassland. Trees and shrubs in the wider landscape offer nesting opportunities. There was no evidence of badger or other protected species within the site.

12.10 There is 1no. Elder tree and 1no. tree group within the southwest corner of the site. These lie outside the area to be developed and would be retained.

12.11 The proposal would result in the loss of semi-improved neutral grassland and to mitigate this a landscaping strategy has been submitted. Areas of neutral grassland and wildflower planting are proposed around the site boundaries and within the area to be used as a site compound within the centre of the site. Scrub planting is also proposed adjacent to the site access and in the southwest corner, and a native hedge would be planted along the southern boundary. The BNG Assessment demonstrates that the proposed landscaping would result in a BNG of 1.24 habitat units (8.64%) and a gain of 0.86 hedgerow units (100%).

12.12 The Biodiversity Officer and Landscape Architect have been consulted and their comments will be reported to Members prior to the committee meeting.

12.13 Members need to consider whether the impact on trees and ecology would be acceptable and whether the proposal accords with the NPPF and LP policies S5.4, DM5.5, DM5.6 and DM5.9.

13.0 Other issues

13.1 Contaminated Land

13.2 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.

13.3 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.

13.4 The site lies within the Contaminated Land Buffer Zone and partially within a Coal Mining High Risk Area.

13.5 The application is supported by Preliminary Risk Assessment which indicates that the site is at a high risk as a result of the two recorded mine entries. It recommends that further intrusive ground investigation works are required in order to confirm the exact location and condition of the mine entries and that a nominal 20m stand-off should be implemented for future structures. The recommended stand-off is reflected in the proposed site layout.

13.6 The Coal Authority have been consulted and raise no objections. They recommend that conditions are imposed requiring that a scheme of intrusive site investigation must be carried out prior to development commencing and confirmation that the site has been made safe provided prior to the development being brought into use.

13.7 The Contaminated Land Officer has also provided comments. She recommends conditions to address contamination and gas risk.

13.8 Subject to these conditions, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

13.9 Flooding

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

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

13.12 Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to the development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity or the greenfield prior to development incorporating an allowance for climate change.

13.13 The application site is located within Flood Zone 1 and is at low risk of surface water flooding. A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application.

13.14 The Local Lead Flood Officer has provided comments and raises no objections. The site would be partially surfaced with pervious hardstanding areas which would allow for some surface water infiltration with the remainder to be captured within the developments drainage system. The surface water within the site would be stored within geocellular storage crates to provide attenuation for up to a 1in100 year rainfall event plus a 45% climate change allowance. The discharge rate from the development would be restricted to 5l/s using a hydrobrake or similar flow control device before discharging to the adjacent Northumbrian Water surface water sewer.

13.15 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers, that subject to a condition to control the surface water drainage details, the proposed development accords with the relevant national and local planning policies.

13.16 S106 Contributions

13.17 Paragraph 54 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.

13.18 Paragraph 56 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.

13.19 Policy S7.1 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.

13.20 Policy DM7.2 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.

13.21 Policy DM7.5 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. Applicants are encouraged to agree measures with the Council to achieve this, which could include:

- a. The development or expansion of education facilities to meet any identified shortfall in capacity arising as a result of the development; and/or,
- b. Provision of specific training and/or apprenticeships that:
 - i. Are related to the proposed development; or,
 - ii. Support priorities for improving skills in the advanced engineering, manufacturing and the off-shore, marine and renewables sector where relevant to the development.

13.22 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.

13.23 Following consultation with service providers a scheme towards employment and training initiatives within the borough has been requested. The applicant has agreed to a condition requiring that apprenticeship opportunities are provided during the construction phase.

13.24 A CIL payment will not be required for this development.

13.25 Local Financial Considerations

13.26 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the 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 the Community Infrastructure Levy (CIL).

13.27 The proposal would result in the creation of jobs during the construction phase.

13.28 Archaeology

13.29 A desk based archaeological assessment has been submitted. The Tyne and Wear County Archaeologist has provided comments. She notes that previous archaeological evaluation consisting of trial trenching has been undertaken and that this identified evidence for medieval or post-medieval cultivation and post-medieval coal mining remains of the early 19th century Percy Pit. She considers that the remains identified are of regional significance and merit further investigation. Conditions are therefore recommended requiring that an archaeologist is appointed to undertake a programme of observations of groundworks and a report of the finding submitted.

14.0 Conclusions

14.1 The proposal would utilise a vacant site within an established industrial area and help to support the use of energy from renewable sources. In officer opinion that the principle of development is acceptable.

14.2 It is officer advice that the proposed development is acceptable in terms of its impact on nearby residents and businesses, on visual amenity and the impact on the highway network.

14.3 An update on the ecological impacts will be reported to committee once comments have been received from the Landscape Architect and Biodiversity Officer.

14.4 Subject to the comments of the Landscape Architect and Biodiversity Officer confirming that they have no objections, the development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval.

14.4 The development is considered to comply with relevant national and Local Plan policies and is therefore recommended for conditional approval.

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
- Location plan 2874-SGA-BV-00-DR-A-0100-PL Rev. R03
- Venus Park Landscape strategy 1385_VP_100
- Proposed site plan 2874-SGA-BV-00-DR-A-0102-PL Rev. R06
- Proposed elevations 2874-SGA-BV-ZZ-DR-A-0100-PL Rev. R04
- Vehicle swept path and junction visibility splay 2874-SGC-ZZ-00-DR-C-

0521 Rev.P01

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

3. Restrict Hours No Construction Sun BH HOU004 *

4. The scheme for parking and turning of associated service vehicles shall be laid out in accordance with the approved plans prior to development being brought into use and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

5. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway 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.

6. Prior to the development being brought into use a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be assessed in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The noise rating level at the closest residential receptor locations (to be agreed with the Local Planning Authority) shall not exceed the measured background noise levels. The scheme shall specify the acoustic noise rating of the plant and machinery modelled within the study. Any measures beyond standard equipment required to achieve the noise rating limits shall be listed in the scheme. The plant and machinery shall not be used until these additional measures have been implemented. Thereafter the plant must be installed and maintained 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

7. Within one month of the plant and equipment being installed acoustic testing must be undertaken to verify compliance with condition 6 and a report of the findings submitted to and approved in writing by the Local Planning Authority.

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

8. Noise No Tannoys Externally Audible NOI002 *

9. No development shall commence until the detailed drainage design has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: This information is required from the outset to provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

10. Prior to the development being brought into use details of the appointed private management company for the drainage system must be submitted to and approved by in writing the Local Planning Authority.

Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

11. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: This information is required from the outset to ensure that any archaeological remains on the site can be preserved wherever possible and

recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

12. The development shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition 12 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

13. 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, 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; and

c) a report to demonstrate compliance with parts a and b of this condition has been submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority.

The report should include the submission of the approved layout plan to illustrate the exact location (and grid co-ordinates) of the two mine entries and their calculated no build exclusion zone (stand-off zone). The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: 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.

14. 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.

Reason: To ensure that appropriate remedial and mitigatory measures have been undertaken to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

15. Notwithstanding Condition 1, prior to the installation of the satellite/radio mast details of its location, height and appearance shall be submitted to and

approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

16. Notwithstanding Condition 1, details of the location, height and appearance of the CCTV shall be submitted to and approved in writing by the Local Planning Authority prior to installation. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory appearance having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

17. Site Investigation	CON004	*
18. Remediation Method Statement	CON005	*
19. Validation Report	CON006	*
20. Unexpected Hotspots	CON007	*
21. Gas Investigate no Development	GAS006	*

22. Prior to commencement of development, a scheme specifying how and the number of employment opportunities will be offered to local unemployed people during construction shall be submitted to and agreed in writing by the local planning authority. Thereafter, the scheme shall be implemented in accordance with the agreed details.

Reason: To enable the Council to be put forward local eligible unemployed people with a view to securing work and training opportunities encourage employment in accordance with policy S2.1 of the North Tyneside Local Plan 2017.

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

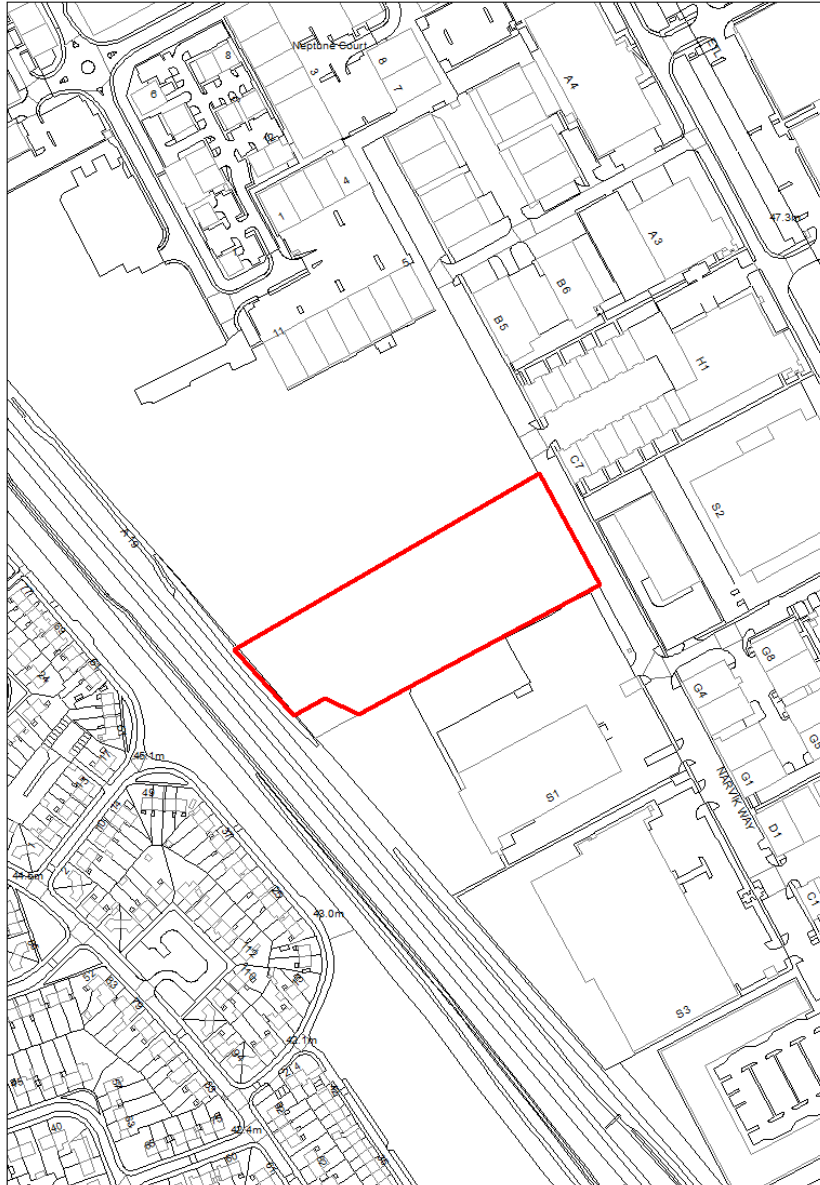
The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

The applicant is advised to share their Operational Requirement and general site security plan with Northumbria Police and to contact their Crime Prevention Department at crime.prevention@northumbria.police.uk



Application reference: 22/01328/FUL

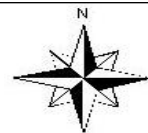
Location: Land Adjacent To, Third Avenue, Tyne Tunnel Trading Estate, North Shields

Proposal: Construction of battery energy storage containers and substation buildings, together with associated electrical infrastructure, small operational buildings, security fencing, CCTV, improved access tracks and structural landscaping

Not to scale

Date: 15.09.2022

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Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for the construction of battery energy storage containers and substation buildings, together with associated electrical infrastructure, small operational buildings, security fencing, CCTV, improved access tracks and structural landscaping

1.3 Vehicle trips associated with the site post-construction will be minimal and limited to routine maintenance and parking and turning areas have been provided to accommodate associated service vehicles. Conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

Notwithstanding the details submitted, the scheme for parking and turning of associated service vehicles shall be laid out in accordance with the approved plans. This scheme shall not be used for any other purpose 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).

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.

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.

1.6 Manager of Environmental Health (Pollution)

1.7 The site is located in an existing industrial estate with nearest residential properties located some 80m from the development.

1.8 No noise assessment has been provided to assess the impact of the proposed development on existing residential and I would be concerned about noise from the associated electrical infrastructure. I would recommend conditions are attached to ensure any new external plant and equipment is assessed and mitigation incorporated within the design.

1.9 If planning consent is to be given, I would recommend the following:

External plant and equipment:

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all plant must not exceed the current background noise levels.

It will be necessary following installation of the plant and equipment that acoustic testing is undertaken to verify compliance with this condition within one month of its installation and submitted for written approval prior to the operation of the plant.

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

NOI02

HOU04

1.10 Local Lead Flood Authority

1.11 I have carried out a review of the flood risk and surface water drainage proposals detailed in planning application 22/01328/FUL. I can confirm in principle I have no objections to the proposed development. The site will be partially compromised of impervious and pervious hardstanding areas which will allow for some surface water infiltration with the remainder to be captured within

the developments drainage system. The surface water within the site will be stored within geocellular storage crates which will provide attenuation for up to a 1in100year rainfall event plus a 45% climate change allowance. The discharge rate from the development will be restricted to 5l/s using a hydrobrake or similar flow control device before discharging to the adjacent Northumbrian Water surface water sewer at MH7901. The developments drainage features will be maintained by a private management company.

1.12 I will require the following conditions to be placed on the application.

- Detailed Drainage Design to be approved by LLFA before commencement of development
- Contact Details of appointed private management company to be supplied to LLFA following completion of the development.

1.13 Sustainable Transport

1.14 A Travel Plan will not be required for this development.

1.15 Recommendation - Approval

1.16 Manager of Environmental Health (Contaminated land)

1.17 This application is for the construction of battery energy storage containers and substation buildings, together with associated electrical infrastructure, small operational buildings, security fencing, CCTV, improved access tracks and structural landscaping

1.18 The Preliminary Risk Assessment Report states:

It is recommended that intrusive ground investigations are undertaken at the site, comprising a suitable number of exploratory holes to target the superficial strata and mine shaft entries with bedrock, with a supporting chemical and geotechnical analysis and the installation of gas and groundwater monitoring points.

1.19 Based on the above the following conditions should be applied:

Con 004
Con 005
Con 006
Con 007
Gas 006

1.20 Biodiversity Officer and Landscape Architect

1.21 Final comments awaited.

2.0 External Consultees

2.1 Tyne and Wear County Archaeologist

2.2 The applicant has provided an archaeological desk based assessment by Archaeological Services Durham University (HER event 5311 report 2022/26). Previous archaeological evaluation consisting of trial trenching has also been undertaken at the site (HER event 4466 report 2016/118). This identified evidence for medieval or post-medieval cultivation, and post-medieval coal mining remains of the early 19th century Percy Pit. This work meets the

requirements of the NPPF for an applicant to describe the significance of any heritage assets affected by the proposed development (para 194).

2.3 I consider the mining remains identified to be of regional significance, and meriting further investigation. The archaeological desk based assessment recommends that archaeological monitoring is conducted during groundworks to record any mining remains which may be impacted upon by the development. This approach is consistent with the NPPF requirement for developers to record and advance understanding of the significance of any heritage assets to be lost (para 205).

2.4 I can provide a specification for the work when required. The following conditions should be used to secure the archaeological works;

Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

Archaeological Watching Brief Report Condition

The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition () has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

2.5 Coal Authority

2.6 The Coal Authority Response: Material Consideration

2.7 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

2.8 The Coal Authority records indicate that two mine entries are recorded as being present within the application site (CA shaft ref: 432567-001 and 432567-002). Our records state that:

- Shaft ref:432567-001- “This balancing/staple shaft was capped to an unknown specification in 2007 at the request of Gladedale, the housing developer's consultant”; and
- Shaft ref: 432567-002 “This shaft was grouted from the base at 275m deep and topped with a 18m by 18m by 0.45m thick reinforced concrete cap (40mm diameter reinforcement bars in two layers) founded at circa 6m depth within natural stiff glacial type clays. Strong rock-head horizon was proven to sit at 45m below the surface. Total grout take under pressure within the filled shaft column was approximately 100 tonnes to the base of the glacial deposits”.

2.9 Notwithstanding the above, due to the historic source plans used to plot their current position, this could vary by several meters. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

2.10 In addition, to the above, the Coal Authority has in the past been called upon to deal with three surface hazard at this site.

2.11 The planning application is accompanied by a Preliminary Risk Assessment, 20 March 2022 Issue V1 prepared for the proposed development by The Shadbolt Group. One of the objectives of the Assessment is to assess the risks to the site from former coal mining activity (Section 8.2).

2.12 Having carried out a review of the available historical, geological and coal mining information the report author concur with our records and considers that currently the site is at a high risk as a result of the two recorded mine entries.

2.13 Therefore, in order to fully understand the implications that these mining features will have on the proposed development, recommendations have been made that further intrusive ground investigation works are required in order to confirm the exact location and condition of the mine entries; and have these been treated to current UK authoritative guidance (CIRIA C758D – Abandoned mine workings manual). Recommendations have been made that a nominal 20m stand-off should be implemented for future structures.

2.14 Section 10 concludes that the investigation works will “provide confirmation of the Preliminary Risk Assessment and allow the project to proceed on a more assured basis with regards earthworks, foundations and any risks to the proposed development and future site users arising from the materials present on and beneath the site”.

2.15 We are pleased to note that the applicant has afforded due consideration to the professional opinion provided by The Shadbolt Group and both existing and proposed plans clearly illustrate how the 20m stand-off relates to the layout being considered as part of this proposal. We note that the Proposed Layout Plan (Drawing No. 0102 Revision R06) illustrates that as part of the construction works, this specific area (20m stand-off zone) will be used as the construction compound area. Vigilance should remain by all site operators.

2.16 Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

2.17 Sustainable Drainage

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

2.18 The Coal Authority Recommendation to the LPA

In light of the above, the 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, 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. This should include the submission of the approved layout plan to illustrate the exact location (and grid co-ordinates) of the two mine entries and their calculated no build exclusion zone (stand-off zone).

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.

2.19 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.

2.20 The Coal Authority has no objection to the proposed development subject to planning permission being granted in accordance with Drawing No. 0102 Revision R06 – Proposed Site Layout and the imposition of the conditions to secure the above.

2.21 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

2.22 Northumbria Police

2.23 We have no objections or comments, however we would encourage the applicant to consider security measures for the proposal. I have noted the inclusion of CCTV, however it would be beneficial for the applicant to share their Operational Requirement and general site security plan, I would therefore recommend contact to be made with our Crime Prevention Department at crime.prevention@northumbria.police.uk

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