

Application No: 22/00292/FUL Author: Rebecca Andison
Date valid: 13 June 2022 ☎: 0191 643 6321
Target decision date: 12 September 2022 Ward: Wallsend

Application type: full planning application

Location: 116 Station Road, Wallsend, Tyne And Wear, NE28 8QS,

Proposal: Change of use from gym to 12 self contained apartments with new front and rear dormer windows, to upper first and second floors

Applicant: Whitley Properties Ltd, Moscovitch 359 Alexandra Road Gateshead NE8 4HY

Agent: Cummings Architects Ltd, Mr Graeme Cummings 17 Killingworth Drive Sunderland SR4 8QQ

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.
- b) to 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:
 - Affordable housing:25% (3 units)
 - Ecology: £2,340
 - Parks and green space: £6,390
 - Equipped play: £8,400
 - Primary education: £37,500
 - Employment and training: a financial contribution towards employment and training opportunities or apprenticeships
 - Coastal mitigation: £1,812

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:

- 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 on the streetscene;
- Impact the Northumbria Coast SPA and Ramsar Site; and
- Whether there is sufficient car parking and access provided.

2.0 Description of the Site

2.1 The application relates to a 2-storey property located on Station Road, Wallsend. The ground floor contains 5no. commercial units and the upper floors are currently vacant having previously been used as a gym. At the rear of the building are two small external yards, a store and an under-croft yard. The rear elevation of the building features a large flat roofed 2-storey extension.

2.2 The site adjoins a retail unit and 4no. residential flats at No.106 Station Road and a retail unit and 2no. flats at No.118 Station Road. At the rear of the site is an access lane with residential properties on Woodbine Avenue beyond. On the western side of Station Road is The Anson public house and The Forum shopping centre.

2.3 The site lies within Primary Shopping Frontage and the Primary Shopping Area of Wallsend town centre as defined by the Local Plan.

Description of the Proposed Development

3.1 Planning permission is sought to convert the first floor and roof space into 12no. 1 and 2 bedroom residential flats. The commercial units on the ground floor would be retained.

3.2 Flat roofed front and rear dormer windows and roof lights are proposed.

4.0 Relevant Planning History

4.1 There is no relevant planning history.

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 on the streetscene;
- Impact on the Northumbria Coast SPA and Ramsar Site; 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 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.

8.5 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.

8.6 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.

8.7 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.

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

8.9 Policy DM3.5 states that within the Primary Shopping Areas, proposals for development will be permitted in the Primary Shopping Frontages, as shown on the Policies Map, where they would:

- a. Enhance or complement the principal role of the location as an area of retail activity.
- b. Promote the vitality and viability of the centre, including proposals for residential development and conversion of upper floors.
- c. Avoid a cumulation of uses that can undermine the centre's overall retail function and character.
- d. Deliver high quality active ground floor frontages.
- e. Not result in more than three adjacent units being in the same non A1, A2 and A3 use.
- f. In the Primary Shopping Frontage not result in less than 80% of frontages being in A1, A2 and A3 use and the following factors will be taken into account in assessing the impact of a proposal:

- i. the nature of the use proposed, in particular the extent to which it would be attractive to shoppers and contribute genuinely to diversity;
- ii. the size (frontage width) and prominence of the property;
- iii. if vacant, the prospects of the property finding another A1, A2 and A3 use in the foreseeable future;
- iv. recent trends in the balance of shop and non-shop uses in the frontage, whether stable or changing, and at what pace;
- v. which would result in an A1, A2 and A3 frontage of between 75% and 80% will normally be more acceptable than those which result in a level below 75%.

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 The development would provide 12no.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, services and public transport. The principle of residential development on this site is therefore considered to be acceptable.

8.14 The ground floor commercial units would be retained, and the creation of additional residential properties would help to support existing businesses and promote the vitality and viability of the town centre in accordance with LP Policy DM3.5.

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

8.16 North Tyneside Council Housing Land Supply

8.17 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.

8.18 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 12no. proposed dwellings would make a small contribution towards the borough achieving a five year housing land supply.

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 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."

9.8 Impact on existing residents -

9.9 The application site currently contains ground floor commercial units and a vacant gym. It adjoins first floor residential flats and there are further residential properties at the rear of the site on Woodbine Avenue.

9.10 Taking into account the current lawful use as a gym and the town centre location it is not considered that the proposed development would result in any significant increase in noise that would be harmful to the amenity of existing occupiers.

9.11 It is proposed to construct front and rear dormer windows. The proposed front dormers would not impact on any existing residents given that they face The Forum shopping centre and The Anson public house.

9.12 The proposed rear dormers and the existing first floor windows face the rear elevations of properties on Woodbine Avenue. There would be a separation distance of approximately 23m between the proposed dormers and the main rear elevation of Woodbine Avenue. This is considered to be sufficient to protect the privacy of existing occupiers.

9.13 The existing rear windows within the application site are located approximately 14.5m (min) from the rear elevations of Nos 3-14 Woodbine Avenue and 4.7m from their rear boundaries. While there would be some overlooking between the rear windows, and views into the rear yards on Woodbine Avenue, it is officer opinion that this is acceptable when taking into account the established separation distances on the street and that there is already overlooking from the first-floor windows of the existing gym.

9.14 The rear offshoot of No.7-9 Woodbine Avenue has a window in the rear elevation. However, this is obscurely glazed and would not therefore suffer from any additional loss of privacy.

9.15 Impact on future occupiers –

9.16 The development includes 8no. 1-bedroom and 4no.2-bedroom flats. The floor areas of all the properties except one, which fails by only 1 sqm, meet the Government's Nationally Described Space Standard (NDSS). While there is no policy requirement to meet these standards, this is an indication that the proposed flats are of an acceptable size.

9.17 The majority of the habitable rooms are served by front or rear facing windows to provide acceptable levels of light and outlook. The exception to this is the living room/kitchen of Unit 11 which is provided with two large roof lights. A section drawing has been submitted to demonstrate that their angle and height would allow views out of the apartment. There are also two rooms in Units 5 and 6 with no windows or roof lights. Given that these rooms are studies rather than main living accommodation, it is officer opinion that the lack of windows is acceptable.

9.18 The development would be accessed via two existing entrances on Station Road which would lead to stairwells serving the two upper floors. It is proposed to use the undercroft yard at the rear of building for bin storage.

9.19 There is no external amenity space within the development. This is considered to be acceptable when taking into account the town centre location and that the site is within walking distance of Richardson Dees Park.

9.20 The Manager of Environmental Health has been consulted and provided comments. Concerns are raised regarding the impact of noise from the existing ground floor cafe, The Anson public house and traffic on Station Road. The Manager of Environmental Health recommends that a noise assessment should be carried out prior to determination and states that if planning permission is given it should be required by a condition. She also raises concern regarding the potential impact of odour from the ground floor commercial uses and recommends that a vapour barrier should be installed to protect future occupiers.

Further conditions are recommended in respect of the construction hours and dust suppression measures.

9.21 When taking into account that there are existing residential properties in the area and the potential to improve the sound insulation properties of the building through new glazing and insulation it is officer opinion that the impact of noise on future occupiers can be satisfactorily addressed through conditions. It is not considered that a condition in respect of dust suppression measures is necessary in this case given that the majority of the work would be internal and there is no demolition.

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 subject to conditions, 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 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 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.”

4.4 “Roof form is an important visual element of a building. The roof design can help to convey the overall design approach of a development or contribute to the continuity of a series of buildings.”

5.4 “Every conversion is unique and many buildings that may not immediately seem like the obvious building to convert can often create unique and exciting conversion possibilities. Converting buildings to new uses can also be the most environmentally sustainable option for development.”

“With any conversion there is a balance to be struck between incorporating the practical requirements of a new use and protecting the special character and significance of the building and its setting. These potential conflicts require careful and thoughtful design, and innovative solutions often need to be found.”

10.5 It is proposed to retain the existing building, including the flat roofed rear extension, and construct front and rear dormer windows to allow the roof space to be converted.

10.6 The Planning Policy Officer (Urban Design) and the Northumberland and Newcastle Society have provided comments. They both raise concerns regarding the design and materials of the proposed dormer windows. These comments were made in respect of the plans originally submitted. Updated comments from the Planning Policy Officer (Urban Design) will be reported to Members prior to the committee meeting.

10.7 It was originally proposed to construct 2no. large box dormers on the front roof slope. The plans have been amended in response to officer concerns. 5no. individual dormers and roof lights are now proposed. The proposed dormers are modest in size and would be set back from the front of the building to reduce their prominence. Their position reflects the layout of the windows below. The Northumberland and Newcastle Society have also raised concern regarding the removal of the decorative eaves course from below the dormers. The revised dormer design reduces the amount of fabric that would be lost, and the building is not listed or within a conservation area. It is officer opinion that the benefits of bringing the upper floors back into use outweigh the loss of the eaves course.

10.8 The rear elevation of the property features an existing flat roofed 2-storey extension and there are numerous other flat roofed extensions on the street. It is therefore officer opinion that design and size of the rear dormer windows is acceptable and would not result in any harm to the streetscene.

10.9 Subject to a condition to control the materials and finishes for all the dormer windows, it is officer opinion that the development complies with the NPPF, Policy DM6.1 and Design Quality SPD.

11.0 Impact on the Northumbria Coast SPA/Ramsar site

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 development has the potential to impact on the Northumbria Coast SPA/Ramsar site through additional visitor disturbance.

11.9 To mitigate this impact, in accordance with the Coastal Mitigation SPD, the developer has agreed to make a contribution of J1,812 (J151 per additional residential unit) towards coastal mitigation.

11.10 It is officer advice that the impact the Northumbria Coast SPA and Ramsar Site is acceptable subject to this contribution and 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 take into account and seek to promote sustainable travel to minimise environmental impacts and support residents and health and well-being.

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

12.6 The site has no existing off-street parking and none is proposed. Bin storage would be provided within an under-croft yard at the rear of the site.

12.7 The Highway Network Manager has been consulted and provided comments. He states that the site is located within Wallsend town centre with excellent links to public transport and there are parking controls in place in the vicinity of the site. For these reasons he raises no objections to the proposal. He recommends that conditions are imposed in respect of bin and cycle storage.

12.8 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.

12.9 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.

12.10 Having regard to the above, and subject to the conditions requested by the Highway Network Manager, 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 S106 Contributions

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

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

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

13.4 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.

13.5 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.

13.6 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.

13.7 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.

13.8 The following contributions have been requested by service areas and agreed by the applicant:

Affordable housing: 25% (3 units)

Ecology: J2,340

Parks and green space: J6,390

Equipped play: J8,400

Primary education: J37,500

Employment and training: a financial contribution towards employment and training opportunities or apprenticeships

Coastal mitigation: J1,812

13.9 These contributions are considered necessary, directly related to the development and fairly and reasonable relate in scale and kind to the development and therefore comply with the CIL Regulations.

13.10 A CIL payment will not be required.

13.11 Local Financial Considerations

13.12 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).

13.13 The proposal involves the creation of 12no. 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.

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

13.15 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 12no. homes would make a valuable contribution to the current shortfall. This is a significant benefit that weighs in favour of the 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 development is of an acceptable standard of design and would not result in any harm to the streetscene.

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 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 a S106 Legal Agreement and conditions.

RECOMMENDATION:

The Committee is recommended to:

c) 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.

d) to 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:

- **Affordable housing:25% (3 units)**
- **Ecology: £2,340**
- **Parks and green space: £6,390**
- **Equipped play: £8,400**
- **Primary education: £37,500**
- **Employment and training: a financial contribution towards employment and training opportunities or apprenticeships**
- **Coastal mitigation: £1,812**

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
- Existing ground floor and site plans Drawing No.01
- Proposed front elevation Drawing No.08
- Proposed rear elevation Drawing No.09
- Proposed side elevation Drawing No.10
- Proposed ground floor and site plans Drawing No.12
- Proposed first floor plan Drawing No.03
- Proposed second floor plan Drawing No.04
- Existing and proposed roof plans Drawing No.11
- Roof light section

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. The scheme for the provision of and storage of refuse and recycling waste bins shall be laid out in accordance with the approved plans and prior to the occupation of each dwelling. These storage areas 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).

4. No part of the development shall be occupied until details of undercover cycle storage have been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details 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. Restrict Hours No Construction Sun BH HOU004 *

6. Prior to occupation of the development a noise scheme to address road traffic noise arising from Station Road and associated noise arising from ground floor retail units including noise from any external plant and equipment shall be submitted to and approved in writing by the Local Planning Authority. Details of the sound attenuating scheme in accordance with BS8233 and the World Health Organisation community noise guidelines must be provided 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 noise scheme shall be implemented in accordance with the approved details prior to occupation of the development and thereafter retained.

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

7. Prior to occupation of the development, a ventilation scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme must ensure an appropriate standard of comfort is achieved to prevent overheating and ensure internal noise levels with windows closed comply with BS8233 and the WHO community noise standards at night, namely a minimum of night time equivalent noise level of 30 dB (23:00 hours to 07:00 hours) and Maximum noise level of 45dB and daytime equivalent noise level of 35dB (07:00 hours to 23:00 hours) in bedrooms and daytime equivalent noise level (23:00 hours to 07:00 hours) of 35 dB in living rooms. Where the internal noise levels are not achievable, with windows 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, unless an overheating assessment is provided to verify that there are no overheating risks. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Where an overheating assessment is provided this must be carried in accordance to the current CIBSE guidance. Where the property is subject to a risk of overheating an alternative ventilation or cooling system must be provided that is designed to achieve the levels in the current CIBSE guidance. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

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

8. A vapour barrier shall be installed throughout the ceiling between the ground floor commercial properties and the residential premises to prevent migration of odours and fumes into the upstairs apartments.

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

9. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the dormer windows shall be submitted to and approved in writing by the Local

Planning Authority prior to their installation. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan.

10. The design, materials and finish for any replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy DM6.1 of the North Tyneside Local Plan.

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)

Contact ERH Erect Scaffolding on Rd (I12)

Contact ERH Works to Footway (I08)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)

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 parking permits in this area and the onus is on the developer to convey this information to these users. Contact Parking.control@northtyneside.gov.uk for further information.

The applicant is encouraged to consider security measures around access control and door security measures. Advice can be located at Secured by Design Homes 2019 (www.securedbydesign.com) or by contacting our office.



Application reference: 22/00292/FUL

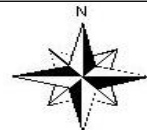
Location: 116 Station Road, Wallsend, Tyne And Wear, NE28 8QS

Proposal: Change of use from gym to 12 self contained apartments with new front and rear dormer windows, to upper first and second floors

Not to scale

Date: 12.10.2022

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



**Appendix 1 – 22/00292/FUL
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a change of use from gym to 12 self-contained apartments with new front and rear dormer windows, to the upper first and second floors. The site is in Wallsend town centre with excellent links to public transport and there are parking controls in place in the vicinity of the site.

1.3 The developer should be made aware that end users will not be entitled to parking permits and the onus will be on the developer to convey this information to these users. For these reasons and on balance, conditional approval is recommended.

1.4 Recommendation - Conditional Approval

1.5 Conditions:

Notwithstanding the details submitted, the scheme for the provision of and storage of refuse & recycling waste bins shall be laid out in accordance with the approved plans and prior to the occupation of each dwelling. These storage areas 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).

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

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

1.6 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 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 parking permits in this area and the onus is on the developer to convey this information to these users. Contact Parking.control@northtyneside.gov.uk for further information.

1.7 Manager of Environmental Health (Pollution)

1.8 I would be concerned about the potential noise upon this development from the existing cafe located on the ground floor at 116. There will be internal noise arising from the use of the commercial kitchen as well as plant noise. No assessment has been made with regard to the potential noise arising from the commercial premises on the ground floor or from road traffic noise from Station Road. I note that the site is located adjacent to a public house The Anson and there may be associated noise from customers to the front of this premises. I would request a noise assessment is made with regard to this prior to determination.

1.9 There will also be amenity impacts from potential odour from the ground floor café and fugitive odours if the premises has an external extraction system. I note a couple of the premises consist of shoe repairer, barbers and hair dressing salons. These uses may give rise to fumes and odours and I would recommend that I planning consent is to be given a vapour barrier must be provided to minimise risk of odours and fumes affecting the amenity of the residential apartments.

1.10 If minded to approved:

HOU04

Prior to occupation, submit and implement on approval of the local Planning Authority a noise scheme to address the road traffic noise arising from Station Road and associated noise arising from ground floor retail units including noise from any external plant and equipment. Details of the sound attenuating scheme in accordance with BS8233 and the World Health Organisation community noise guidelines must be provided 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.

A vapour barrier must be installed throughout the ceiling between the ground floor commercial properties and the residential premises to prevent migration of odours and fumes into upstairs apartments.

Reason: this is not controlled by Building Control and will prevent internal migration of odours via the ceiling/floor space.

HOU04

HOU05

SIT03

1.11 Planning Policy (Urban Design)

1.12 Recommendations: Objection

1.13 Comments:

The site is located on a key route in Wallsend town centre. There are a mix of uses in the area and therefore the principle of converting the upper floors of the building into residential accommodation is acceptable subject to an appropriately designed high quality development. However, there are substantial concerns about the proposed design and the quality of accommodation.

1.14 The first floor has a high ceiling, and it is proposed to add an additional floor to maximise the use of the space. Alongside this it is proposed to raise the eaves height and add several long dormer style windows. The extension of the building in this format does not compliment the buildings design and would negatively impact on its character and appearance and the street scene. The window size and shape in the dormers also sit uncomfortably with the rest of the building. Several vents are proposed to be added to the front of the roof which would be a highly visible unsympathetic feature.

1.15 The proposed quality of accommodation is poor in some units with certain rooms having no windows. The Design Quality SPD states that “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.” There is no information provided to set out if the proposed accommodation is in accordance with space standards. In the roof space, a cross section has been submitted which shows there is insufficient ceiling heights and useable floor space in some areas. No information has been submitted about bin and cycle storage. This is an important issue which should be addressed as part of the application.

1.16 Overall, the proposed external changes to the building would not be visually

attractive and would not add to the quality of the area, therefore contravening national planning policy which says, "development that is not well designed should be refused". The proposed accommodation would result in poor living conditions for some units. New development should be high-quality design with local planning authorities putting an emphasis on approving good design and refusing poor quality schemes. The design is unacceptable, and the application is recommended to be refused.

2.0 External Consultees

2.1 Newcastle Airport

2.2 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. NIA would not therefore offer any objection to this application.

2.3 Coal Authority

2.4 No requirement to consult.

2.5 Northumbria Police

2.6 We always welcome the re-development of vacant properties and have no objections to this change of use.

2.7 I would however, encourage the applicant to consider security measures around access control and door security measures. Advice can be located at Secured by Design Homes 2019 (www.securedbydesign.com) or by contacting our office.

2.8 Northumberland and Newcastle Society

2.9 The Northumberland and Newcastle Society (N&N) recommends deferral of grant of approval for this application subject of it being amended according to the comments below. We are particularly concerned with the design of the proposed dormer windows.

Entries in Ward's Directories show that this group of building was constructed in 1905 and named Central Buildings. Seven shops are named including the 1910 Central Billiard Hall apparently occupying the first floor. It is not known whether the corner block which climaxes the group was part of the original development, the style is similar though more elaborate architecturally. Overall the group has great visual impact in this part of Wallsend and is one of several run-down buildings of about 1900 nearby which, though not listed, should be valued for their architectural contribution to the town.

2.10 The materials are red brick with keystones and quoins picked out in buff bricks. The roofs are slate and there is a conspicuous sagging in the ridge above the right hand ventilator. Two particular features stand out in no.116, the curved change in the building line emphasised by the added parapet above it, which breaks the eaves line, and the strong continuous eaves detail consisting of two rows of projecting curved bricks and a band of buff bricks above. The metal guttering is square with an ogee face and sits on single buff bricks set at intervals above the eaves details.

2.11 The committee welcomed in principle the proposal to convert the building, which has a considerable presence and deserves to be retained.

2.12 Our concerns were with the details, particularly the design and effect of the added dormers. The distribution of single and double windows bears no relationship to the first floor windows and those shown on the front elevation do not match what is shown on the second floor plan. Most seriously they are cut into the front wall so as to require removal of large sections of the decorative eaves courses which are a main architectural feature of the building. This is also proposed at the rear, though the eaves here are simple coursed brickwork. No sections have been provided to show the position of these windows in relation to floor levels, so it is not clear why these damaging alterations are considered necessary.

2.13 Unspecified remedial treatment would be needed to make good and the work would also require reorganisation of the guttering system. For these reasons the proposals do not “minimise the alterations to the existing facade” as the D & A Statement claims.

2.14 We would strongly recommend that a sectional drawing of the upper floors at least should be required but in any case that the windows of such dormers are moved behind and above the gutters so that they do not sit on or interfere with the front wall at all.

2.15 We agree with the Design Officer’s comment that the proposed use of unspecified contemporary metal cladding to the unequal dormers is unsatisfactory, it will not compliment the building’s design and would negatively impact its character and appearance of the street scene.

2.16 The drawings indicate the proposed floor areas for each unit and some of them appear to be below those set out in the nationally described space standard issued by DCLG, e.g. unit 12 at 40m.sq. for two people.

2.17 In conclusion, while we welcome the aim of bringing this significant building back into use, there are many unsatisfactory design elements in the plans which we would expect to be resolved prior to grant of consent.