

Application No: 22/01512/FUL
Date valid: 17 August 2022
Target decision date: 12 October 2022

Author: Rebecca Christie
☎: Ward: Riverside

Application type: full planning application

Location: Flat 98, Dolphin Quay, Clive Street, North Shields, Tyne And Wear

Proposal: Works to Flat:- Replacement of 3 metal grilles with plexiglass, due to corrosion (Retrospective).

Applicant: Mr Francis Lott, Flat 98 Dolphin Quay Clive Street North Shields Tyne And Wear NE29 6HJ

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to approve the application subject to the expiry of the consultation period; and
- b) authorise the Director of Regeneration and Economic Development to determine the application providing no further matters arise which in the opinion of the Director of Regeneration and Economic Development, raise issues not previously considered which justify reconsideration by the Committee.

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 the applicant is a ward councillor.

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 conservation 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 flat within Dolphin Quays, a northwest facing apartment block. The flat is located at third floor level.

3.2 The flat has a southeast facing inset balcony.

3.3 The site is located within the Fish Quay Conservation Area.

4.0 Description of proposal

4.1 Planning permission is sought to replace three metal grilles with plexiglass. It is noted that this work has been completed and the proposal is retrospective.

5.0 Relevant planning history

None

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 conservation area.

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 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.

9.4 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).

9.5 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.

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

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

9.8 Local Plan (2017) - Policies

9.9 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.

9.9 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.

9.10 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.”

9.11 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.

9.12 Policy DM6.6 sets out guidance on the protection, preservation and enhancement of heritage assets. It 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.” It goes on to state 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.”

9.13 Policy DM6.6 states that, amongst other matters, when assessing applications for developments within heritage assets, the Council will consider:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset’s significance and character;
- 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;

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

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

9.16 North Tyneside Council designated the Fish Quay conservation area in 2003.

9.17 Supplementary Planning Documents (SPD's)

9.18 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.

9.19 The Fish Quay Neighbourhood plan SPD was adopted in 2013. The FQNP states that it aims to protect and enhance the conservation area and historic environment.

9.20 The New Quay and Fish Quay FISHcast Conservation Areas Character Statement refers to Dolphin Quays, stating Dolphin Quays has the appearance of a fortress, separating the public way from what is otherwise an open and communal area. It blocks the views to the river and restricts public access to the waterfront. Its height also goes against rather than with the contours of the ground, ironing out the difference between the upper and lower levels.

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

10.1 Given the nature of the works and their location, the proposed works to the balcony will have no significant impact on the light, outlook and privacy of surrounding residents. Thus, there will be no significant impact to residential amenity. As such the proposed development accords with policies DM6.1(a) and DM6.2(c).

11.0 The impact of the proposal upon the character and appearance of the Fish Quay Conservation area

11.1 The alterations to the balcony balustrade will not significantly impact the character and appearance of the property or the Fish Quay conservation area.

11.2 The appearance of the balcony has not been significantly impacted. Despite the removal of the metal grilles, the original metal framework has been retained. As the main balustrade design feature has not been impacted, the balcony does not significantly stand out from the surrounding balconies.

11.3 The use of a plexiglass panel does not detrimentally impact on the appearance of the balcony or conservation area as the panel is transparent and thus sympathetic to the surrounding conservation area. On balance, the proposed development accords with Policy DM6.1.

12.0 Local Financial Considerations

12.1 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.

13.0 Conclusion

13.1 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 conservation area.

13.2 It is officer advice that the proposal will have no significant impact on residential amenity or the character and appearance of the property and conservation area. The application is recommended for approval.

RECOMMENDATION:

The Committee is recommended to:

- a) indicate that it is minded to approve the application subject to the expiry of the consultation period; and**
- b) authorise the Director of Regeneration and Economic Development to determine the application providing no further matters arise which in the opinion of the Director of Regeneration and Economic Development, raise issues not previously considered which justify reconsideration by the Committee.**

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 1:1250
- Photos of development

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

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

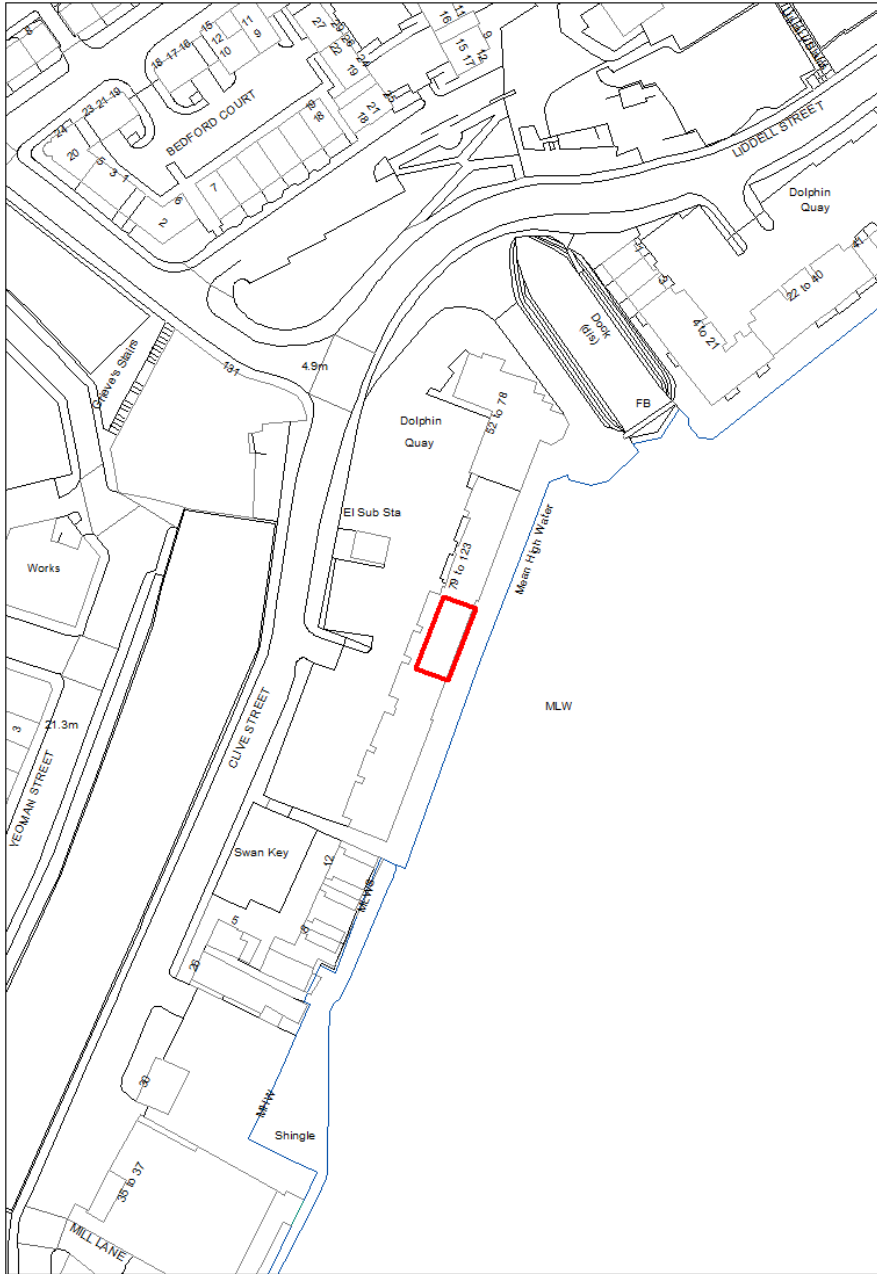
Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

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

Contamination may be on Site (I15)



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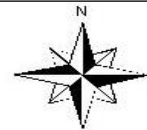
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Proposal: Works to Flat:- Replacement of 3 metal grilles with plexiglass, due to corrosion (Retrospective).

Not to scale

Date: 12.10.2022

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**Appendix 1 – 22/01512/FUL
Item**

Consultations/representations

1.0 Internal consultees

None

2.0 Representations

None

3.0 External consultees

None