

Item No: 2
Application No: 23/00704/FUL
Date valid: 30 May 2023
Target decision date: 25 July 2023
Author: Julia Dawson
☎: 0191 643 6314
Ward: Whitley Bay

Application type: full planning application

Location: 11 Spanish City Plaza, Whitley Bay, Tyne And Wear, NE26 1BG

Proposal: Construction of an external roof terrace and associated structures to the western elevation of the former Carlton Club

Applicant: Mark And Lorraine Holmes

Agent: Miss Amelia Robson

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues for Members to consider are:

- Principle of the proposed development;
- Impact on neighbouring amenity;
- Impact of the proposal upon character and appearance;
- Impact on biodiversity; and
- Impact on the highway network.

1.1 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 Carlton Bingo Hall (originally Empress Ballroom) which is part of the Spanish City Complex and adjoins the Spanish City Dome. It is a Grade II listed building.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for the construction of an external roof terrace and associated structures to the western elevation of the former Carlton Club. The works will include the installation of two stair enclosures, a glazed acoustic screen, decorative handrails and balustrade; and internal alterations to allow for the stairwells.

4.0 Relevant Planning History

16/00149/FUL - Change of use and refurbishment of the dome, including two extensions to the east and west elevations to include a new visitors entrance. First floor extension to the ground floor roof. Reinstatement of previously removed 1910 historic features, including new cupolas to the existing towers, loggias to both terraces at first floor level. Reinstatement of shopfronts, doors and windows – Approved 20.04.2016

16/00150/LBC - Listed building consent for the refurbishment of the dome, including two extensions to the east and west elevations to include a new visitors entrance, an accessible lift and feature stair. First floor extension to the ground floor roof. Reinstatement of previously removed 1910 historic features, including new cupolas to the existing towers, loggias to both terraces at first floor level. Reinstatement of shopfronts, doors and windows and the removal of the central floor area within the dome at first floor level – Approved 12.05.2016

17/00993/FUL and 17/00994/LBC - Making good of the South West and South East elevation of Carlton Bingo Empress Ballroom, following the demolition of the adjacent building as part of a separate planning permission. The works materially affect the external appearance of the Grade II Listed property, to make external walls water tight and a new render to improve the appearance of the façade – Approved 10.11.2017

20/01563/FUL and 20/01564/LBC - Redevelopment of former Carlton Club (Bingo Hall) into various commercial uses to include function room/wedding suite, cabaret/performance venue, late night venue/cocktail bar, restaurant, circulation/including 2no pop up bars, 2no commercial units to new upper floors, including the construction of new two storey extension with second floor external terrace and internal alterations – Approved 16.03.2021

23/00404/AMEND - Non Material Amendment to planning approval 20/01563/FUL in order to revise the wording of condition 28 of the permission and amend the description of the development as follows: Redevelopment of the former Carlton Club (Bingo Hall) into a mixed-use establishment to include food and drink (excluding Sui Generis - Hot Food Takeaway), leisure, live music performances and events uses with associated facilities including the construction of new two storey extension for offices – Approved 27.04.2023

23/00657/LBC - External alterations to the north, east, south and west elevations, revisions to the internal layout and the replacement of the pyramidal rooflight to the north side of the auditorium with a historically accurate domed rooflight. – Pending consideration (DELEGATED)

23/00659/FUL - Variation of conditions 1 (approved details), 6 (solar panels) and 17 (refuse storage area) of planning approval 20/01563/FUL – Pending consideration (DELEGATED)

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

5.2 Government Policy

5.2 National Planning Policy Framework (NPPF) (September 2023)

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

5.4 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 The main issues for Members to consider are:

- Principle of the proposed development;
- Impact on neighbouring amenity;
- Impact of the proposal upon the character and appearance/listed building;
- Impact on biodiversity; and
- Impact on the highway network.

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

7.0 Material Planning Considerations

7.1 Principle of the Proposed Development

7.1 The NPPF sets out the core planning principles which should underpin decisions and that planning should amongst other matters proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. 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.

7.2 Paragraph 86 of the NPPF states that planning 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. Paragraph 86 (b) states that local authorities should define the extent of town centres and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre.

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 S2.1 Economic Growth Strategy states that proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged. This includes supporting economic growth as follows:

a. Town Centres and Tourism

i. Attract a range of innovative and creative businesses to retail, leisure and office development within the Borough's town centres.

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 S3.2 'Hierarchy of Centres' sets out that the town centre of Whitley Bay provides one of the key locations that can be resilient to future economic changes and which should be considered as part of a sequential test for proposed main town centre uses.

7.7 Policy AS8.15 'The Coastal Sub Area' states that within the Coastal Priority Investment and Regeneration Area, as shown on the Policies Map:

- a. Create a vibrant Whitley Bay town centre - with an appropriate mix of shopping and other town centre uses to support local businesses
- b. Proposals which extend the range and provision of tourist and visitor attractions and accommodation, including leisure, entertainment and cultural facilities and activities including water based recreation will be promoted.
- 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.
- d. Proposals will promote the revitalisation of the adjoining Spanish City and seafront area, providing a high-quality public realm.

7.8 Policy AS8.17 Visitor Attractions and Activities at the Coast states that the restoration and re-use of The Spanish City dome and surrounding development site, including provision of improved parking, shops, a hotel and housing, has been noted as one of a number of particular opportunities at the coast that could enhance its role for tourism over the life of the plan.

7.9 Policy AS8.18 'The Spanish City' states that the Council will support, through the retention and improvement of the grade II listed Spanish City site, the development of a mix of uses that make a positive contribution to the tourism offer for the coast and support Whitley Bay as a fun and family friendly destination.

7.10 Planning permission was granted in March 2021, via planning application 20/01563/FUL, for "*the change of use of the site from the former Carlton Bingo to various commercial uses to include function room/wedding suite, cabaret/performance venue, late night venue/cocktail bar, restaurant, circulation/including 2no pop up bars, 2no commercial units to new upper floors, including the construction of new two storey extension with second floor external terrace and internal alterations.*" This permission remains extant and can be implemented.

7.11 Since 20/01563/FUL was approved, the Danieli Group, who operate Stack venues, have joined forces with the original applicant to ensure that the development can be delivered. As a result, a number of applications have been submitted in order to make some revisions to the plans which were originally approved. These include a non-material amendment application 23/00404/AMEND, via which the description of the approved development was revised in order to enable Stack to run the premises in line with its general operations. This application did not seek any additional built development to the originally approved scheme and it sought only to ensure that the description of development reflected the social, leisure and community uses that will be delivered by the Stack operation. It was considered that the revision to the description of the development was non-material as it would ensure that the overall use of the building as one for food and drink, leisure and events purposes remained consistent with the objectives of the original approval.

7.12 In addition to the above, applications 23/00567/LBC and 23/00659/FUL are currently pending consideration and will be determined under delegated powers. These applications seek listed building consent and planning permission for revisions to the external elevations and internal floor layout.

7.13 The proposal which is subject of the current application relates solely to the construction of an external roof terrace to the western elevation. This application does not seek to establish the principle of the change of use of the application site as this has already been accepted and approved by the planning committee via application 20/01563/FUL. Therefore, Members are advised that principle of the use of the wider application site as a food/drink/live entertainment venue is not for consideration as part of the current application.

7.13 Several objections have been received to the current application, which relate to the operator, Stack. This is not a material planning consideration. The Local Planning Authority has no control over who the applicant/operator is and must assess planning applications based on their individual planning merits. The applicant has also responded to this point stating that the applications do not apply for a personal permission for Stack and that this is not a material consideration which can be considered in the planning balance.

7.14 The proposed external roof terrace and associated structures to the western elevation of the application site will be linked to the approved use of the application site and will be used by its patrons, enhancing the approved use by providing outdoor space for the enjoyment of customers of the venue. This will contribute towards both the daytime and evening economy of the Spanish City complex.

7.15 Therefore, it is considered that the principle of the proposed external terrace is in accordance with the aforementioned policies, which make clear that the application site is part of the designated town centre and the Spanish City site where such development is appropriate and will be supported where it makes a positive contribution to the tourism offer for the coast.

7.16 Members need to determine whether the principle of the proposed development is acceptable. It is Officer advice that, in planning policy terms, the principle of the proposal is in accordance with the provisions of the NPPF and Local Plan policies, with particular reference to policies S1.4, S2.1, S3.1, S3.2, AS8.15, AS8.17 and AS8.18. It will enhance the offer approved via 20/01563/FUL, helping to bring the application site back into use and ensuring its continued active use going forward, assisting in securing economic growth and contributing towards the ongoing regeneration of Spanish City and the vitality and vibrancy of the town centre and the local economy.

8.0 Impact on Surrounding Amenity

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

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

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

8.4 Several objections have been submitted which specifically raise concerns regarding activity in relation to the operation of the site by Stack, including anti-social behaviour, late opening hours, the introduction of a vertical drinking

establishment, and the potential negative impact of the dispersal of customers through a residential area. These points are noted. However they relate to the specific operator and the approved use of the venue, rather than the proposed external terrace which is subject of this planning application.

8.5 A number of objections specific to the proposed external terrace have also been submitted, with particular reference to an obstruction of the view from nearby residential properties, increase in noise particularly in the evening, lack of privacy to properties on Elmwood Grove due to direct sightline from the proposed terrace, concerns relating to the description of the terrace as an 'animated advertisement', concerns relating to speakers and audio visual equipment located on the terrace, and preventative measures for noise mitigation for the roof terrace.

8.6 The above concerns are noted. However, the proposed terrace is to be located a considerable distance from the nearest residential dwellings (at least 60m from the nearest dwelling on Elmwood Grove). This is a significant distance and it is therefore not considered that it would result in any harm to the existing outlook or privacy for the occupants of nearby dwellings. Whilst the terrace will be visible within the street scene, it will not result in any obstruction of view from residential dwellings. The applicant has also commented on these concerns pointing out that the site is within a town centre location and the proposal would not create an unacceptable impact in terms of overlooking or privacy.

8.7 The applicant has also confirmed that the reference to 'animated advertising' relates to the roof terrace being animated with people using the space which demonstrates that there is a social venue for customers to enjoy (seeing people use the space makes the scheme attractive to other customers passing by). This does not relate to animated advertising that could be associated with a digital screen. There is no digital screen planned on the terrace.

8.8 With regard to speakers and audio-visual equipment, the applicant has confirmed that there will be no audio-visual equipment, and that speakers will provide background music for customers. Noise levels have been considered within the submitted Noise Impact Assessment and will be controlled by a planning condition to ensure that they do not adversely impact on surrounding occupiers.

8.6 An objection has also been submitted by Marine Park First School who have raised concerns that the proposed terrace will overlook classrooms as well as outdoor learning and play areas during the operational hours of a school and that any activity on the terrace will be visible from several classrooms. In response the applicant has advised that the nature of the proposal is that it has opposing peak opening times to that of the School e.g. the School is open through the weekdays whereas the peak timings for Stack will be evenings and weekends. Therefore, the number of people who be using the roof terrace during the school opening times will be limited and any impact will not be material.

8.7 The applicant refers to the School's concerns regarding the normalisation of drinking culture and the risk of witnessing anti-social behaviour. However, they point out that the roof terrace would be open during school hours mostly for those

wishing to visit the café or food kiosks within the main venue. The proposed roof terrace is located approximately 45m from the school at its closest point and the main area of the playground would be screened by the existing school building. Therefore, there would be extremely limited impacts from overlooking from the roof terrace to the school.

8.8 Whilst the concerns of the School are noted. It is considered that the use of the roof terrace during the school hours will be limited and is unlikely to result in any significant overlooking to the school or any detrimental impact on the school children, particularly given the existing separation distance and the location of the school within the town centre adjacent to a busy main road with significant pedestrian footfall and vehicular traffic passing on a regular basis during school hours. As such, it is not considered reasonable to restrict the hours of use of the terrace or insist upon an obscure screen as suggested by the School.

8.9 The operators of the Spanish City Dome have submitted a detailed objection, which is noted. Specifically, with reference to the external roof terrace the concerns relate to noise, disturbance and littering. These are noted.

8.10 The Council's Environmental Health Officer has reviewed the submitted Noise Impact Assessment and the additional responses provided by the both applicant and the objector (Spanish City Dome) in response to her original comments and suggested conditions. The applicant wishes to operate the external terrace until 22:00 hours. The Environmental Health Officer originally raised concerns regarding potential noise from the construction of an external roof terrace, and from raised voices and amplified music if played on the terrace. She initially suggested a condition to ensure that the terrace is not used beyond 21:00 hours in order to protect residential amenity. The additional information submitted by the applicant has not changed the Environmental Health Officer's position with regard to this matter and she continues to suggest that the use of the external terrace is limited to between the hours of 10:00 – 21:00.

8.11 Whilst the concerns regarding the impact on the Spanish City Dome are noted. The Environmental Health Officer has pointed out that the focus of the applicant's noise assessment was to ensure that noise arising from the new external terrace did not give rise to potential statutory nuisance in accordance with Environmental Protection Act 1990 and the requirements of NPPF paragraph 185 by ensuring the noise does not impact on health and quality of life. This was the reason why the nearest sensitive receptors were identified as the hotel, school and residential properties.

8.12 The Environmental Health Officer has raised no objections to the proposed development submit to planning conditions to control hours of use, noise levels, any new lighting, construction hours and dust suppression.

8.13 Concerns relating to the potential for anti-social behaviour are noted. However, there is no evidence to suggest that this will be the case. The applicant has advised that they are a responsible operator who have several internal policies relating to customer management and dispersal policies. The management of the customers is of a key concern to them and they operate within these parameters to ensure that they not only provide a safe environment

for their customers but for any neighbours as well. As a local operator, it prides itself on its input into the community through social responsibility and economic and well-being opportunities. At all its venues, the applicant ensures appropriate patron behaviour that is well-managed on site. Further, the site already benefits from permission to be used as an entertainment venue such as that which is proposed.

8.14 It is also noted that matters relating to anti-social behaviour have been considered via the Licensing application process and that the premises licence was granted on 7 September 2023.

8.15 Members must determine whether the proposed development is acceptable in terms of its impact on the residential impact on surrounding occupiers. The proposal is considered to accord with the NPPF and Local Plan policies, subject to the suggested conditions.

9.0 Impact on Character and Appearance/Listed Building

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

9.1 In respect of designated heritage assets the NPPF states that in determining planning when determining the impact on the significance of a heritage asset great weight should be given to the asset's conservation. 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.

9.2 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.

9.3 Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. 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. 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.

9.4 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.

9.5 Policy S6.5 seeks to pro-actively preserve, promote and enhance its heritage assets by amongst other matters respecting the significance of assets.

9.6 Policy DM6.6 states that proposal that affect heritage assets or their settings, will be permitted where they sustain, conserve and where appropriate enhance the significance, character and setting of heritage assets in an appropriate manner.

9.7 Policy AS8.15 seeks to integrate growth and development at the Coast with the protection and enhancement of the built and natural environment, in particular the heritage assets at Whitley Bay.

9.8 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.

9.9 The applicant has submitted a Heritage and Conservation Statement in support of the applications for planning permission and listed building consent. This sets out the history of the site (and wider Spanish City complex), designations and an examination and assessment of the architectural significance of the areas within the host building – auditorium, gallery, crush space, stage, ground and first floor extensions, and the impact of the proposed development on the significance of the listed building.

9.10 The application site is Grade II Listed. The Statement describes The Spanish City as an Edwardian seaside pleasure complex located on the seafront at Whitley Bay, Tyne and Wear. It was built in 1910 and originally consisted of four separate design elements: rotunda, north range, theatre and pleasure grounds. Its layout has an angled linear nature where the rotunda acts as the rotation point. Off the rotunda to the north is the North Range and the former Theatre to the south. The Theatre sits at a large single storey with surrounding two storey extensions and back of house accommodation. Although the complex is constructed predominantly in reinforced concrete the Theatre has load-bearing brickwork walls and a welsh slate roof covering over. The complex fronts onto a plaza and promenade to the north. The Spanish City site has undergone considerable change over the years with the Spanish City Dome being restored and reopened as part of a major regeneration project.

9.11 Specifically, the application site (former Carlton Bingo) was originally constructed in 1910 as a theatre. It was then converted to the Empress Ballroom room in 1920, and later converted into a bingo hall in 1961. Ground and first floor extensions were added to the building over the years, and various internal alterations were undertaken.

9.12 The Statement sets out how it is the intention for the building to be repurposed into a vibrant social hub containing bars and street food outlets. To achieve this aim, the development proposals include the reinstatement of an external terrace and associated structures on the western elevation of the building. The proposed roof terrace measures 186m² in area including two stair enclosures situated at north and south ends, creating direct access from the

interior of the former Theatre. The stair enclosures are rectangular in plan and proposed to be constructed from frameless glass. Each enclosure accommodates a new staircase interfacing with existing 1920 staircases within the first-floor extension. A new platform lift is incorporated into the southernmost enclosure. The terrace is enclosed by balustrading which matches the design used as part of the rotunda redevelopment works and echoes the design of the balustrading existing in 1910. A glazed acoustic screen at 1.8m high is incorporated behind the balustrading that provides reduction in noise levels for nearby residential properties.

9.13 The development proposal will require removal of the 1920's and 1961 roof, to be replaced with a new structure to take the self and imposed loadings of the new roof terrace. The Statement advises that, externally, there will be negligible impact visually at the existing roof line level is proposed to be the new terrace level. There will be a degree of disturbance internally, to mitigate this impact it is proposed to repair and/or replace existing ceiling plasterwork within 2no. 1920's staircases on a traditional basis replicating coving profile detail.

9.14 The Statement sets out that the introduction of two access staircases to the proposed roof terrace is key to the operation of the proposed activity at the site, without it the proposal would not be feasible. It is also important in providing means of safe egress in the event of emergency. New elements of the development proposals are to be designed in a contemporary manner that supports the setting and appearance of historic detailing. The new stair enclosures have been designed so that the massing, location, and therefore visual impact is reduced in the setting and context of the Theatre and Rotunda elements of the Spanish City Complex.

9.15 The Statement also examines the setting and visual impact of the design proposals on the heritage asset from short-range and long-range views and set out the heritage benefits as follows:

- Reintroduction of a roof terrace to the west elevation first incorporated in 1910 developing understanding of historic and architectural significance of the Spanish City Complex.
- Retention of art deco scheme within key spaces of first floor of west elevation.
- Regeneration of last vacant element of the Spanish City Complex site.
- New work designed in a contemporary manner that supports the setting and appearance of heritage asset.
- Improved understanding of the site development history through investigation and sampling integrated with development proposals.
- Installation of decorative balustrading echoes 1910 detailing and reinforces link with recent rotunda redevelopment.
- Visual impact of development proposals kept to a minimum through appropriate use of materials and sensitive design.

9.13 The Council's Design Officer has provided Heritage comments on the proposed works. He has noted that some elements of the works would result in some loss of historic fabric which would result in harm, i.e. the replacement of the roof will result in the loss of ceiling roses, coving and ornamental wall moulding (although some fabric could be re-used or replications), and the proposed

columns which will need to penetrate the existing floor. Furthermore, whilst the submitted Roof Terrace Design Statement demonstrates that there would be no impact on long range views, there will be an impact from one close-range view, which would result in harm.

9.14 The Design Officer has noted that the staircase enclosures are proposed to be frameless glass to maximise transparency, which will help to reduce some of the harm. He has also noted that the 1.8m high glazed acoustic screen and advised that this should be frameless, with minimal fixings, and have a low level of reflection to ensure that it is not a dominant feature of the design.

9.15 Overall, it is noted that the proposed development would cause some internal harm with the loss of historic fabric. The external terrace and associated features would be a distracting modern element in some viewpoints of Spanish City Dome and result in some external harm. However, although at the higher end, the harm identified would be less than substantial and 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.

9.16 Any harm to the significance of a designated heritage asset requires clear and convincing justification. This harm should be weighed against the public benefits of the proposal. This refers to anything which delivers the economic, social or environmental objectives of sustainable development.

9.17 The building has been vacant since 2019. The proposals would facilitate the re-use of the building which would be accessible to the public. Having a viable future use will ensure that the building fabric is maintained in a good condition. This would also secure the last remaining undeveloped part of the Spanish City complex. The harm identified is highly regrettable, however on balance, the public benefits are considered to outweigh the harm.

9.18 Members need to determine whether the proposal is acceptable in terms of its impact on the character and appearance and significance of the listed building and the surrounding area. Officer advice is that the public benefits of the proposed development, in terms of facilitating the re-use of the building, outweigh the less than substantial harm, subject to the suggested conditions. Therefore, the proposed development is in accordance with the NPPF and Local Plan policies.

10.0 Car Parking and Access

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

10.3 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.

10.4 The Council's Transport and Highways SPD set out the parking standards for new development.

10.5 A number of objections have been submitted on highways grounds and these are noted. Largely, these relate to the operation of the wider application site as a food/drink/leisure venue operated by Stack.

10.6 In relation to the proposed external roof terrace, the Council's Highways Network Manager has recommended approval of the application.

10.7 Members must determine whether the proposal is acceptable on highways grounds. It is officer advice that it is.

11.0 Biodiversity and Landscaping

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 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.

11.3 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.

11.4 The applicant has submitted an Ecological Appraisal and a 'Report to Inform a Habitat Regulations Assessment'. The Council's Biodiversity Officer has reviewed these and has raised no objection to the proposed development subject to a number of planning conditions to ensure that mitigation measures are included to avoid any detrimental impacts.

11.5 Members must determine whether the ecological impact of the proposed development is acceptable. Officer advice is that, subject to the suggested conditions, the proposal would avoid having an adverse ecological impact and therefore would accord with the advice in NPPF, Policy DM5.5 and policy DM5.6 of the Local Plan.

12.0 Other Matters

12.1 Contamination & Land Stability

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

12.3 Policy DM5.18 states that where a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment proposals must be accompanied by a report which amongst other matters sets out measures to allow the development to go ahead safely without adversely affect, which will be secured via a condition of any planning permission.

12.4 The application site lies within the Coal Authority Referral Area. The Coal Authority have raised no objection on the basis that the development proposed within the red line boundary will not require substantial foundations or earthworks.

12.5 Members need to consider whether the site could be development safely without adverse effect in accordance with policy DM5.18. It is officer advice that it could.

13.0 Local Financial Considerations

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

13.2 Whether or not 'a local financial consideration' is material to a particular decision will depend on whether it could help make the development acceptable in planning terms. It is not considered that New Homes Bonus or CIL contributions are material in terms of making this development acceptable in planning terms.

14.0 Conclusion

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

14.2 At the heart of the NPPF is a presumption in favour of sustainable development, which for decision making means approving development proposals that are in accordance with an up-to date development plan without delay.

14.3 The application site occupies part of the Spanish City Site within the designated town centre and in close proximity to existing local services. The proposal would assist in bringing an existing vacant building back into active food/drink/leisure use in a sustainable location in accordance with the NPPF and Local Plan, and in officer opinion is acceptable in principle.

14.4 Members also need to consider whether the proposal will impact on the residential amenity of nearby residents, whether the development would have an acceptable impact on the character of the area and the significance of the listed

building, ecology and the highway network. It is officer advice that the proposed development is acceptable in these terms.

14.5 The application is therefore recommended for approval subject to the conditions as set out.

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 1159-EX-P0-90-008-P03, 24.05.23
 - Proposed Elevations 1159-EL-20-201-P05 , 24.05.23
 - Proposed Elevations 1159-EL-20-202-P05, 24.05.23
 - Proposed Roof Plan 1159-RF-27-100-P06, 24.05.23
 - Proposed Sections 1159-SE-21-300-P04, 24.05.23
 - Proposed Sections 1159-SE-21-301-P03, 24.05.23
 - Proposed Site Plan 1159-SI-90-105-P01, 24.05.23
 - Proposed Staire Enclosure Elevations EL-[20]-204 P01, 23.08.23
 - Proposed Ground Floor Plan P0-[20]-100 P09, 23.08.23
 - Proposed First Floor Plan P1-[20]-102 P09, 23.08.23
 - Proposed Upper Ground Floor 1159-P0-20-101-P05, 24.05.23
 - Proposed Roof Terrace Second Floor Plan 1159-P2-20-103-P08, 24.05.23
 - Roof Terrace Design Statement, 1159-RE-[00]-500-P02, 26.05.23
 - Method Statement for Proposed Columns, Rev.P01, 25.08.23
 - Terrace Acoustic Assessment Report, NT16226, Report 002, Final, 04.08.23
 - Report to Inform a Habitat Regulations Assessment, 21015, V2, February 2023
 - Ecological Appraisal, 21015, V4, May 2023
 - Heritage & Conservation Statement, V2, 26.05.23
- 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. Restrict Hours No Construction Sun BH HOU00 *
4

4. At all times whilst demolition/conversion/constructions works are being undertaken at the application site in connection with the approved development, appropriate measures must be put in place to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities. These measures may include a) mechanical street cleaning brushes

and b) the provision of water bowsers to be made available to spray working areas due to dry conditions. Construction works shall not be carried out other than when these appropriate measures are on available on site.

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

5. Notwithstanding the submitted details and prior to the installation of any external lighting in connection with the approved development, full details of its location and design must be submitted to and approved in writing by the Local Planning Authority. Such details must provide clarification of the lighting levels all neighbouring sensitive receptors. External lighting that may affect the sites suitability for bats will be avoided. If required this will be limited to low level, avoiding use of high intensity security lighting. All external lighting must be installed in accordance with the approved details and retained thereafter.

Reason: In order to protect the residential amenity of the nearby residents, the character and appearance of the host site and surrounding area and to ensure that local wildlife populations are protected in the interests of ecology having regard to policies DM6.1, DM6.2, DM5.7 and DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

6. The external terrace hereby approved shall not be used outside of the hours 10:00 and 21:00 on any day.

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

7. Noise No Tannoys Externally Audible NOI002 *

8. 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.

9. Prior to commencement of the approved development a Bat Working Method Statement will be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works will be undertaken in accordance with the method statement.

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.

10. Within four weeks of the development commencing on site, details of 2no. bird boxes (House Martins) and 2no. bat boxes must be submitted to and approved in writing by the Local Planning Authority. The details must include the bird and bat box specifications and suitable locations within the development site.

Thereafter, the boxes must be installed in accordance with the approved details on completion of works 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.

11. In the event that building works do not commence within 12 months of the date of approval, an updated dusk bat emergence survey should be undertaken and then submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved development must be carried out 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.

12. Materials Building Schedule Before Devel MAT03 *S6.5 and DM6.6

13. Materials Surfaces Schedule Before Devel MAT04 *S6.5 and DM6.6

14. Heritage new plasterwork DES05 *

15. Heritage new brickwork DES06 *

16. Heritage new rainwater goods DES10 *

17. Heritage matching arch joinery DES12 *

18. Heritage making good DES13 *

19. Prior to commencement of any works in connection with this approved development, a level 3 building recording and analysis must be submitted to and approved in writing by Local Planning Authority for inclusion in the Historic Environment Records (HER). This must be undertaken in accordance with Historic England's 'Understanding historic buildings: a guide to good recording practice' and include high resolution digital copies of any photographs.

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.

20. Notwithstanding the approved details and prior to the commencement of any works in relation to the removal of the existing roof, a method statement for the removal of the roof shall be submitted to and approved in writing by the Local

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

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

21. Notwithstanding the approved details and prior to commencement of any works in connection with the approved development, a schedule for the removal, replacement, and reinstallation of architectural features should be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

a) Where features are proposed to be stored and re-used, an appropriate location should be identified.

b) Where features are proposed to be replicated and replaced, details are required of replacement mouldings, materials, and fixings.

c) Locations for the reinstallation of features.

The works must be carried out in complete accordance with the approved details and retained thereafter.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

22. Prior to the commencement of the approved works, details of measures required to protect the interior features from damage during the construction period shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall only be carried out when the approved protective measures are in place.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

23. Prior to the commencement of any works associated with the new roof structure, a temporary scaffold metal roof must be erected. This must be retained in situ until such time that the new roof structure is watertight.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

24. Prior to its installation, full details of the design of the metal balustrade shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the balustrade shall be installed in complete accordance with the approved details, maintained in good order and shall at no time be allowed to fall into disrepair.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6

25. Prior to their installation, a fully detailed design of the frameless glass staircase enclosures, which must have no visible framing or fixings, shall be submitted to and approved in writing by the Local Planning Authority. The detailed design must include the following:

- a) Glazing specification
- b) Glazing thickness
- c) Glazing reflection
- d) Joining method between glazing
- e) Details of opening methods

Thereafter, the frameless glass staircase enclosures shall be installed in complete accordance with the approved details, maintained in good order and shall at no time be allowed to fall into disrepair.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

26. Prior to its installation, a fully detailed design of the glass screen, which must have no visible framing or fixings, shall be submitted to and approved in writing by the Local Planning Authority. The detailed design must include the following:

- a) Glazing specification
- b) Glazing thickness
- c) Glazing reflection
- d) Joining method

Thereafter, the glass screen shall be installed in complete accordance with the approved details, maintained in good order and shall at no time be allowed to fall into disrepair.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

27. Prior to their installation, full details of the design and installation method of the internal columns, must be submitted to and approved in writing by the Local Planning Authority. The details must include the impact on the historic fabric and a scheme of mitigation. Thereafter, the internal columns must be installed in complete accordance with the approved details.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

28. Prior to its installation, full details of any fixed utility infrastructure associated with the approved development, such as (but not exclusive to) new plumbing, drainage, vents and ductwork must be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works must be carried out in complete accordance with the approved details.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

29. Notwithstanding the approved plans, there shall be no other fixed external items (such as furniture) installed at the application site in association with the approved development unless planning permission and/or listed building consent has first been obtained from the Local Planning Authority.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

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

Consent to Display Advertisement Reqd (I04)

Do Not Obstruct Highway Build Materials (I13)

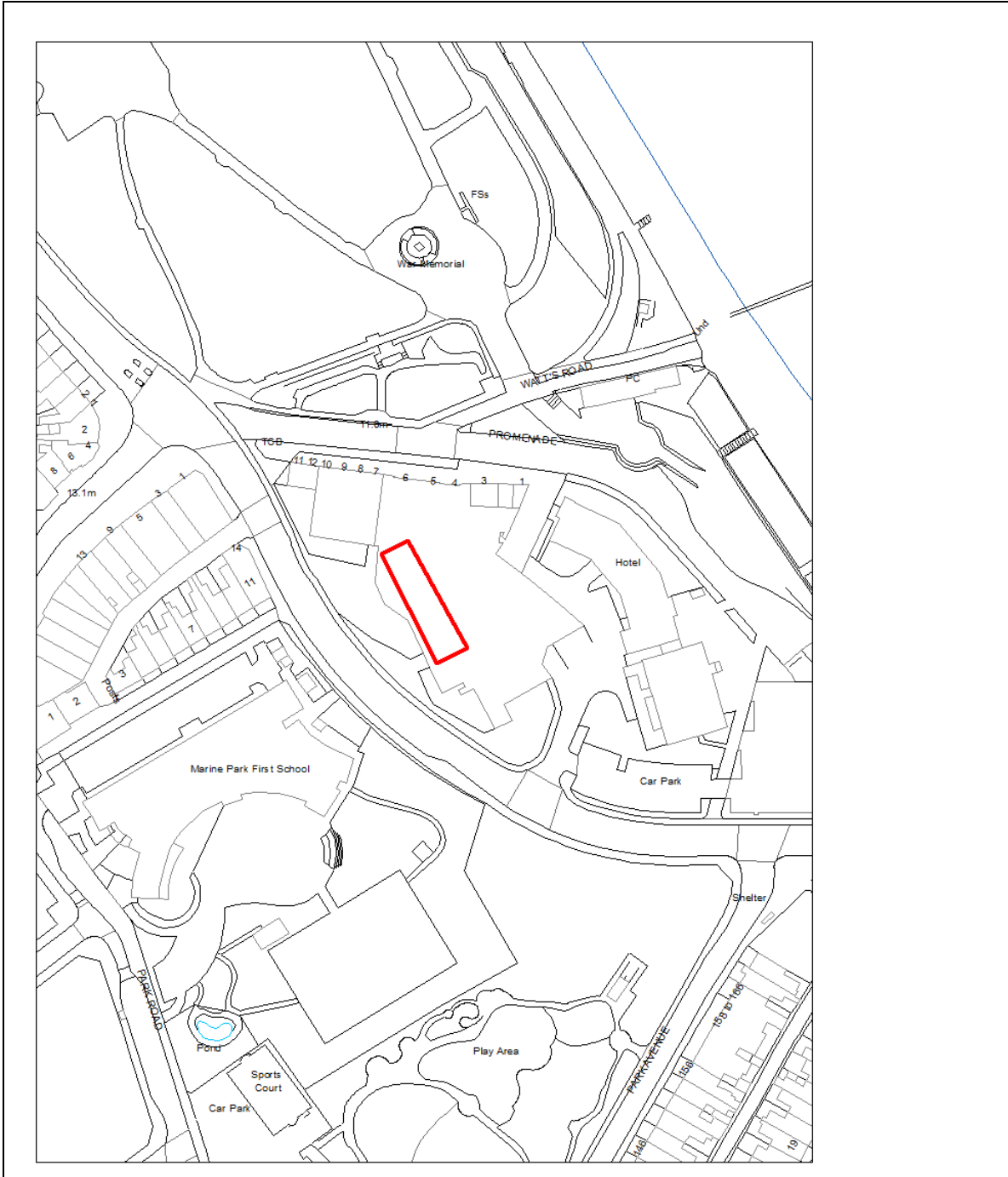
Contact ERH Erect Scaffolding on Rd (I12)

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

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

No Doors Gates to Project Over Highways (I10)

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



Application reference: 23/00704/FUL
Location: 11 Spanish City Plaza, Whitley Bay, Tyne And Wear, NE26 1BG
Proposal: Construction of an external roof terrace and associated structures to the western elevation of the former Carlton Club

Not to scale
 Date: 14.09.2023

© Crown Copyright and database right
 Ordnance Survey Licence Number
 AC0000820329



**Appendix 1 – 23/00704/FUL
Item 2**

Consultations/representations

1.0 Representations

8no. objections, including an objection from Marine Park First School and an objection on behalf of the operators and tenants of the Spanish City Dome complex; these are summarised below:

1.1 Objections:

- This is an historic building of great local significance with a superb sprung dance floor.
- Stack attracts drunken loutish behaviour which creates demand for extra policing.
- Stack as a brand has a reputation as a party venue. The Spanish City area is currently an incredibly family friendly area from early till late. The creation of such a venue with such late opening hours greatly threatens the current atmosphere which has helped to make Whitley Bay such a desirable place to live.
- We do not want a down-marketing effect that attracts "trouble".
- Insufficient parking.
- We do not want a repeat of problems of the past (associated with Whitley Bay drinking establishments).
- The application is lacking in the detail the real operating activities there is frequent use of "maybe and possible". It is worrying how vague the application and inevitably residents fear the worse.
- 1.00 am closing suggests a particular use of the venue and residents fear that the potential for it to be a final destination action and vertical drinking establishment are real. The dispersal of potential customers of the venue will be directly through a residential neighbourhood.
- Lack of engagement with very active residents group.
- Such a venue in a built up residential area would inevitably create tensions between residents and the business, we great an increase in anti-social behaviour and negative impact on long term residents.
- No built-in design out crime work.
- I am concerned that there will be an obstruction of the view from my 1st floor property and that I and other residents in our residences for people over 70 years of age will be disturbed by noise every evening.
- The Stack development in Newcastle is, I am reliably informed, always noisy and that in fact some businesses moved out because of this.
- Please do not spoil all the work done on Spanish City and the new ambience it has brought along with families to live and holiday here.
- Sightline from terrace will have visibility into my third-floor bedroom (Elmwood Grove). Lack of privacy.
- The D&A Statement states "the location of the roof terrace will act as an animated advertisement of the proposed leisure venue". Can you provide clarification on what the animated advertisement actually is?
- How many speakers will be located on the terrace?
- Would you be able to clarify if any AV streaming of any content (sports, music etc.) is proposed?

- Whilst there have been noise level surveys undertaken, I would like to understand what preventative measures for noise mitigation for the roof terrace and when the business closes are to be? The residents of Elmwood Grove currently experience noise levels over and above weekday evening noise levels particularly in the spring / summer months.
- Exacerbation of existing parking issues. Clarification on what provisions is being made for Taxis and zones to drop off customers would be appreciated.
- Littering – currently there is only one waste bin located opposite the building and I would like to understand what mitigation is proposed to alleviate any potential increase in littering in the area especially in the summer months when that one bin does become full regularly.
- The proposed balcony area will cause a nuisance through noise and a disturbance to nearby residents due to late night noise from the venue playing music which will escape through there as well as those visiting the venue and accessing the balcony
- Inappropriate location so close to Marine Park First School. Young children will be exposed to drinking culture, and also a risk of them being exposed to swearing, nudity and violence.
- Arrangements to deal with anti-social behaviour (ASB), which are set out in the Licensing application, do not extend beyond the premises and will have little impact on any ASB occurring in the surrounding area by those leaving/moving on from the venue.

1.2 Spanish City Dome (current operators and tenants):

1.3 A detailed objection has been submitted; this concludes with the following: We strongly object due to the noise, disturbance and general erosion of local amenity that will be generated by this use being allowed. No conditions around time and usage will be acceptable or indeed enforceable.

1.4 A further detailed objection has been submitted (following submission of additional info by the applicant in response to EH comments). This notes that the noise assessment does not include an analysis of the noise transmission to the adjoining business at Spanish City and advises that they would welcome a noise scheme being required to address potential sound attenuation issues of the party wall between both premises (this would be dealt with separately via application 23/00659/FUL).

1.5 Importance of the noise management plan is stressed as no window or door is blocking noise when they are left open - this is a concern especially during the evenings.

1.6 It is noted that EH has raised concerns at raised voices and amplified music late at night when background noise levels are reduced and therefore it is noted that an earlier closing of the outdoor terrace is recommended at 9pm rather than the proposed 10pm.

1.7 Marine Park First School (Headteacher):

1.8 We are very concerned that the roof terrace will overlook classrooms as well as outdoor learning and play areas during the operational hours of a school. We are equally concerned that activity on the terrace will be visible to children in 6 classrooms (in the ground and first floor) as well as outdoor learning and play

areas. There are 30 children that learn in each classroom for 6.5 hours per day (120 children in total). The playground is used by up to 520 children each day. The view of the terrace risks normalising a drinking culture from a young age as well as the risks of witnessing anti-social behaviour.

1.9 Our preference would be to limit operation of the terrace to outside of school hours. Alternatively, we request the inclusion of a condition to fully obscure the western elevation to eliminate overlooking from the terrace and the visibility of drinking and associated anti-social activity that could be witnessed by children that attend Marine Park First School.

2.0 Ward Councillors

2.1 Councillor John O'Shea (Whitley Bay)

2.2 If planners are unable to approve the application, I would request that the application be considered by the Planning Committee.

3.0 Internal Consultees

3.1 Design (Conservation)

3.2 Following comments dated 3rd July which raised concerns, further information has been submitted. Updated comments are set out below.

3.3 A new roof terrace is proposed on the second floor of a 1920s extension to the west of the original building. The 2015 Conservation Plan identifies that the two staircases in this area have considerable significance. The walls around the southern staircase are identified as having exceptional significance.

3.4 The existing roof is proposed to be removed and replaced with a new roof structure for use as a roof terrace. It is proposed to retain the existing eaves height and use the space within the building for the new roof structure. This will reduce the external impact of the roof terrace, however this will result in the loss of internal fabric which is identified as high significance. This includes ceiling roses, coving and ornamental wall mouldings. Some fabric could be re-used or replicated but some would be lost. This would result in harm.

3.5 To support the new roof structure, nine new internal columns are proposed which would need to penetrate below the existing floor. Some columns would be visible, and they would result in the loss of historic fabric. This would result in harm.

3.6 Two large glass staircase enclosures are proposed. Within the submitted Roof Terrace Design Statement, an assessment of key views has been undertaken as part of the application. These show that there would not be an impact on long range views but there would be an impact from one close-range view. Much of Spanish City's townscape merit is embodied in the Dome which is a significant focal point in the town. Viewpoint 4342 shows that the view of Spanish City Dome would be obscured. This would result in harm.

3.7 The staircase enclosures are proposed to be frameless glass to maximise transparency. This will help to reduce some of the harm. There are concerns about whether an acceptable detailed design that reflects the minimalist concept is feasible. The applicant has been unable to provide a detailed design at this

stage and has requested for this to be conditioned. A detailed condition for the design is required which sets out specific design criteria.

3.8 The design of the metal balustrades would match those on the front of Spanish City. Behind the balustrades, a 1.8 metre glazed acoustic screen is proposed. The glass should have a low level of reflection to ensure that it is not a dominant feature of the design. The glass screen should be frameless with minimal fixings. This should be conditioned.

3.9 There is no information provided about lighting. This can be conditioned. No information has been provided about the design of outdoor furniture. Any fixed outdoor items should be conditioned.

3.10 Overall, the proposal would cause some internal harm with the loss of historic fabric. The external terrace and associated features would be a distracting modern element in some viewpoints of Spanish City Dome and result in some external harm.

3.11 The harm identified would be less than substantial although this is at the higher end. 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. Any harm to the significance of a designated heritage asset requires clear and convincing justification. This harm should be weighed against the public benefits of the proposal. This refers to anything which delivers the economic, social or environmental objectives of sustainable development.

3.12 The building has been vacant since 2019. The proposals would facilitate the re-use of the building which would be accessible to the public. Having a viable future use will ensure that the building fabric is maintained in a good condition. This would also secure the last remaining undeveloped part of the Spanish City complex. The harm identified is highly regrettable, however on balance, the public benefits are considered to outweigh the harm.

3.13 Suggested Conditions:

3.14 MAT03 Materials Building Schedule; MAT04 Materials Surfaces Schedule; DES05: New Plasterwork; DES10: New Rainwater Goods; DES12: Matching Architectural Joinery; DES13: Making Good.

3.15 Prior to commencement of any works in connection with the approved development, a level 3 building recording and analysis must be submitted to and approved in writing by Local Planning Authority for inclusion in the Historic Environment Records (HER). This must be undertaken in accordance with Historic England's 'Understanding historic buildings: a guide to good recording practice' and include high resolution digital copies of any photographs. 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.

3.16 Notwithstanding the approved details and prior to the commencement of any works in relation to the removal of the existing roof, a method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in complete accordance with the approved details. Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

3.17 Notwithstanding the approved details and prior to commencement of any works in connection with the approved development, a schedule for the removal, replacement, and reinstallation of architectural features should be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:

a) Where features are proposed to be stored and re-used, an appropriate location should be identified.

b) Where features are proposed to be replicated and replaced, details are required of replacement mouldings, materials, and fixings.

c) Locations for the reinstallation of features.

The works must be carried out in complete accordance with the approved details and retained thereafter.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

3.18 Prior to the commencement of the approved works, details of measures required to protect the interior features from damage during the construction period shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall only be carried out when the approved protective measures are in place.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

3.19 Prior to the commencement of any works associated with the new roof structure, a temporary scaffold metal roof must be erected. This must be retained in situ until such time that the new roof structure is watertight.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

3.20 Prior to its installation, full details of the design of the metal balustrade shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the balustrade shall be installed in complete accordance with the approved details, maintained in good order and shall at no time be allowed to fall into disrepair.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

3.21 Prior to their installation, a fully detailed design of the frameless glass staircase enclosures, which must have no visible framing or fixings, shall be

submitted to and approved in writing by the Local Planning Authority. The detailed design must include the following:

- a) Glazing specification
- b) Glazing thickness
- c) Glazing reflection
- d) Joining method between glazing
- e) Details of opening methods

Thereafter, the frameless glass staircase enclosures shall be installed in complete accordance with the approved details, maintained in good order and shall at no time be allowed to fall into disrepair.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

3.22 Prior to its installation, a fully detailed design of the glass screen, which must have no visible framing or fixings, shall be submitted to and approved in writing by the Local Planning Authority. The detailed design must include the following:

- a) Glazing specification
- b) Glazing thickness
- c) Glazing reflection
- d) Joining method

Thereafter, the glass screen shall be installed in complete accordance with the approved details, maintained in good order and shall at no time be allowed to fall into disrepair.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

3.23 Prior to their installation, full details of the design and installation method of the internal columns, must be submitted to and approved in writing by the Local Planning Authority. The details must include the impact on the historic fabric and a scheme of mitigation. Thereafter, the internal columns must be installed in complete accordance with the approved details.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

3.24 Prior to its installation, full details of any fixed utility infrastructure associated with the approved development, such as (but not exclusive to) new plumbing, drainage, vents and ductwork must be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works must be carried out in complete accordance with the approved details.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

3.25 Prior to the installation of any new external lighting in connection with the approved development full details, to include detailed design and exact location, must be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the lighting must only be installed in complete accordance with the approved details.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

3.26 Notwithstanding the approved plans, there shall be no other fixed external items (such as furniture) installed at the application site in association with the approved development unless planning permission and/or listed building consent has first been obtained from the Local Planning Authority.

Reason: To ensure that the works are carried out in a manner appropriate to the listed building in accordance with the advice in National Planning Policy Framework and Local Plan Policies S6.5 and DM6.6.

Informative – Any new signage would require listed building consent.

3.27 Environmental Health (Pollution)

3.28 I have reviewed the applicants' comments dated 25 August and the objector (Spanish City) comments dated 6 September.

3.29 The principles of the assessment methodology were agreed, and it was considered acceptable for the baseline noise monitoring to be carried out during the winter months. The noise report suggests that during busier summer months the background noise levels will be higher. I would disagree that the noise levels during the later evening period during the summer will be higher to mitigate noise from the use of the external terrace, as I consider that the dominant noise is road traffic. Noise of raised voices from patrons on the external terrace is not anonymous in nature and therefore will be evident during any lulls in the traffic.

3.30 I have reviewed the noise assessment report and I acknowledge an error in my previous comments dated 16th August 2023 and would agree that the operational noise levels above the background at Elmwood Grove are those as outlined in paragraph 3.3 of the applicants' comments. However, between 2100 to 2200 hours, the assessed operational noise level would be +8 dB Sunday to Thursday and +6 dB for Friday and Saturday. This increase above background would be considered adverse impact. The proposed 1.8m high barrier will screen noise from patrons seated but will be less effective for mitigating raised voices from patrons that are standing on the terrace for the nearest sensitive receptor Elmwood Grove. Noise from customer voices is more distinctive in nature and likely to result in more disturbance than general road traffic noise.

3.31 Paragraph 185 of the NPPF states that development any "...new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life". I would continue to disagree with permitting the terrace to be used after 9pm and would recommend a condition that restricts the hours of use to this time.

3.32 The objector comments reference to the noise assessment not considering potential noise transmission to the adjoining business. Internal noise transmission has been considered via the recommendation of a condition to address the potential sound attenuation of the party wall between both premises via planning application 23/00659/FUL. The focus of the noise assessment was to ensure that noise arising from the new external terrace did not give rise to potential statutory nuisance in accordance with Environmental Protection Act 1990 and the requirements of NPPF paragraph 185 by ensuring the noise does not impact on health and quality of life. This was the reason why the nearest sensitive receptors were identified as the hotel, school and residential properties.

3.33 I would therefore recommend the following if planning consent is to be given:
HOU03 Monday to Sunday 1000 - 2100 hours; NOI02; LIG01; HOU04; SIT03

3.34 Original Comments

3.35 Thank you for consulting Pollution with regard to this application for the construction of an external roof terrace and associated structures to the western elevation of the former Carlton Club. The site is located within an area that is mixed use with other commercial units, hotel and restaurant surrounding the site. The site is located adjacent to Marine Park First School and within close proximity to residential properties of Elmwood Grove and Park Avenue. I would have concerns regarding potential noise from the construction of an external roof terrace, from raised voices and amplified music if played on the terrace.

3.36 I have reviewed the noise assessment report. Background noise monitoring was carried out during February 2023. Noise from the use of the roof terrace has been modelled using noise monitoring data obtained from a representative site. The noise modelling has considered the time periods 0700-1900 hours for daytime, evening between 1900-2100 hours and 2100 - 2200 hours for later evening. The noise modelling has shown that for residents located in Elmwood Grove, if the development was permitted then the noise monitoring results show levels of +2 dB above background during the daytime period, +9 dB between 7-9pm and +13 dB above background between 9-10pm. With the barrier noise levels would be +7 dB and +11 dB above background. Although the existing outdoor areas are restricted to 10pm those areas are located to the front of the building, on the screened side further away from existing residential properties. I consider that the dominant noise in the area is road traffic which is considered anonymous in nature.

3.37 The noise report suggests that the area during then summer period will be busier, but I would disagree with this as the road noise is considered the dominant noise in this area. Raised voice and amplified music is not considered anonymous noise and therefore I would disagree permitting the use of the terrace until 22:00 hours, given that the background noise levels drop by 4 dB for residents closest to the terrace. The terrace is raised above ground level and therefore raised voices and amplified music will be evident over the existing background noise levels. I would therefore recommend the following if planning consent is to be given

3.38 HOU03 Operating hours Monday to Sunday 1000 - 2100 hours

3.39 NOI02 (No external Tannoys)

3.40 Biodiversity Officer

3.41 An Ecological Appraisal (EA) has been submitted to support the above application. The EA concludes that as a result of the assessment completed and the nature of the proposed works, the likely impacts, without appropriate avoidance measures, mitigation and/or compensation scheme, are anticipated to be:-

- Loss of a small number of potential bat roost features through building works
- Low risk of works causing harm or disturbance to bat species
- Harm or disturbance to nesting birds should works be undertaken during the nesting birds season (March to August inclusive)

3.42 A number of mitigation measures have therefore been recommended to avoid these impacts and these should be conditioned (as set out below) as part of the application.

3.43 In addition, a 'Report to Inform a habitat regulations Assessment' has been undertaken (OS Ecology Feb 23). This concludes that although the site is found within close proximity to the SPA, potential impacts as a result of the development are anticipated to be minimal. It also considers that due to the nature of the works, predominantly internal, with a small extension proposed, and the location of the site, being within an already busy area and separated from the coast by the adjacent Spanish City development, likely significant effects on the qualifying features of the Northumbria Shore SPA can be "screened out. The Report concludes that due to the nature of the proposals and the nature of the surrounding area, impacts are not predicted.

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

- External lighting that may affect the site's suitability for bats will be avoided. If required this will be limited to low level, avoiding use of high intensity security lighting.
- 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.
- A Bat Working Method Statement will be submitted to the LPA for approval prior to works commencing on site. All works will be undertaken in accordance with the approved Plan.
- 2no. bird boxes (House Martins) and 2no. bat boxes will be provided on buildings in suitable locations within the development site. Details of bird and bat box specification and locations must 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 on completion of works and permanently retained.

- Should building works not commence within 12 months, an updating dusk bat emergence survey should be undertaken

3.45 Highway Network Manager

3.46 This application for the construction of an external roof terrace and associated structures to the western elevation of the former Carlton Club and internal alterations.

3.47 Recommendation - Approval

3.48 Informatives:

3.49 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.

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

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

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

3.53 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.

4.0 External Consultees

4.1 The Northumberland and Newcastle Society

4.2 The Northumberland and Newcastle Society (N&N) recommends grant of planning approval for this scheme is deferred subject to clarification of the matters referred to below.

4.2 The Society is an enthusiastic supporter of the outstanding restoration work that has been undertaken on this truly iconic building. We welcome the commitment to respectful and sustainable reuse of all elements of the historic Spanish City site.

4.3 We acknowledge there is balance to be found in minimising interventions that impact on the historic fabric of the building whilst simultaneously facilitating its viable long term use. We note this scheme has attracted controversy with a range of opinions both in favour and opposed to it proceeding.

4.4 In our assessment there are 2 elements to the scheme, i.e. those affecting the external features of the building and those affecting the interior.

4.5 In dealing with the external features, the Society commends the aim to bring the roof terrace back into use, we believe the proposed external elevations are both respectful of historic fabric and add visual value. We would seek clarity on whether the terrace overlooks nearby properties and if so what mitigation measures would be required. We also note the commitment to there being no music on the terrace and would expect this to be subject to an explicit planning condition.

4.6 The scheme makes reference to interior alterations that would appear to facilitate food outlets, however we found the proposal unclear on the detail of what interventions are required around services and design. In addition there are references included that make provision for new floors and staircases with statements to the effect that these 'respect the building'. Given the care and attention to detail applied to the generic renovation of Spanish City such interventions require an explicit explanation to assess their impact on historic fabric.

4.7 We acknowledge the concerns of others in seeking to ensure the highest standards of quality and presentation are applied to the proposed bars, fast food and other outlets. We also note there may be some commercial conflict with the offering in the Rotunda next door and other nearby premises.

4.8 In summary the Society believes it is of great importance that the outstanding efforts applied so far to the regeneration of Spanish City as a whole are maintained with appropriate, sympathetic and sensitive additions that truly add to the appeal of this amazing heritage asset.

4.9 The Coal Authority

4.10 When considering the nature of this particular development proposal, it does not appear that the development proposed within the red line boundary will require substantial foundations or earthworks. On this basis we do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the nature of the development proposed in this particular case and do not object to this planning application.

