

Application No: 20/01563/FUL

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☎: 0191 643 6314

Target decision date: 7 January 2021

Ward: Whitley Bay

Application type: full planning application

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

Proposal: 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

Applicant: Carlton Club Ltd, Mark And Lorraine Holmes 21 Farringdon Road Cullercoats NE30 3ER

Agent: Mario Minchella Architects, Mr Mario Minchella Unit 4 Witney Way Hi-Tech Village Boldon Business Park Boldon NE35 9PE

RECOMMENDATION:

The Committee is recommended to

- a) indicate that it is minded to grant the application; and**
- b) authorise the Head of Environment, Housing and Leisure to determine the application subject to securing a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 to obtain a contribution towards the Coastal Mitigation Scheme.**

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 construction of a two-storey extension with second floor external terrace and internal alterations to facilitate the change of use of the application site to the following:

- Function room/wedding suite.
- Cabaret/performance venue.
- Late night venue/cocktail bar.
- Restaurant.
- 2no. pop up bars.
- 2no. commercial units to new upper floors.

4.0 Relevant Planning History

12/00143/OUT - Full planning permission for refurbishment of The Spanish City Dome building and outline planning permission with all matters reserved except landscaping for new build mixed use development, site landscape works, public open space and promenade. Mixed uses include family activity centre, gymnasium, shops, restaurant, food outlets, managed workspaces, offices, hotel, carehome, townhouses/apartments and associated parking. (Amended Description 17.05.12). (Amended Noise Report 21.05.12) – Approved 21.08.2013

14/00686/LBC - Reinstatement of previously removed 1910 historic features, including new higher Tower Tops, Loggias to first floors of both wings, shopfronts, doors and windows to all elevations. Removal of 1924 ground floor extension to West elevation of West wing and removal of modern steel fire escape Staircase from first floor of Rotunda over the West wing- Approved 16.07.2014

14/00687/FUL - Change of use and refurbishment of the Dome. Promenade Level - four retail units (Use Class A1) and cafe/diner (Use Class A1 and/or A3). Ground Floor - Community and/or leisure (Use Class D1 and/or D2), 895 sq m. First Floor - Community and/or leisure (Use Class D1 and/or D2), 785 sq m and cafe/diner (Use Class A1 and/or A3), 155 sqm. Associated external alterations to restore and refurbish existing building – Approved 25.06.2014

15/00284/ADV - Proposed illuminated fascia signage for Carlton Clubs and Bingo – Approved 29.04.2015

15/00285/LBC - Proposed illuminated fascia signage for Carlton Clubs and Bingo – Approved 27.04.2015

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 - 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

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 improve the appearance of the façade – Approved 10.11.2017

17/01164/FUL - Demolition and reinstatement of the existing piers, frieze and fascia above the three shop fronts to the East Wing on the north elevation at Spanish City, Whitley Bay due to structural health and safety concerns – Approved 21.09.2017

17/01165/LBC - Demolition and reinstatement of the existing piers, frieze and fascia above the three shop fronts to the East Wing on the North Elevation at Spanish City, Whitley Bay due to structural health and safety concerns – Approved 22.09.2017

18/00346/ADV - Externally illuminated individual letters above the south entrance stating "SPANISH CITY" - bronze effect. Large format graphic displays 2no to be located on west gable and 1no to east gable at ground floor level - contemporary "seaside railway" poster designs constructed in aluminium biscuit tin construction panels – Approved 04.05.2018

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 – Pending Decision

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (February 2019)

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

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

PLANNING OFFICERS REPORT

6.0 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 of the surrounding area; and
- 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 85 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 85 (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 The proposed development will result in a mix of leisure and food and drink uses at a currently vacant building. Such uses are in complete 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 uses are appropriate and will be supported where they make a positive contribution to the tourism offer for the coast.

7.11 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 bring the application site back into use and ensure its continued active use going forward, helping to secure 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 180 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.

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 The Council's Environmental Health Officer has noted that the nearest residential properties to the application site are located in Elmwood Grove

located approximately 13 metres west of the site. She has advised that there is potential for noise impacts on the residents of these dwellings as a result of the variety of activities proposed at the site (i.e. dance and entertainment functions, live and amplified music) and any external plant and equipment. There is also potential for odour disturbance from the restaurant. However, she has not objected to the proposed scheme and has recommended several conditions to address the above matters.

8.5 Such conditions will include the submission of noise schemes to address both noise from plant and equipment and activity at the site, restrictions on the hours during which the external terrace can be used, controls over odour extraction and suppression, the closure of all external windows and doors during performance of music and amplified speech within the rooms they serve, and control over the hours of deliveries and collections.

8.6 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 assets 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 11.5 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 the concept of the development proposals has been guided to maximise flexibility of uses across the site, extent of net commercial lettable space and to minimise the impact of any modern intervention on the historic building fabric. The proposed physical alterations to the building will include the following:

- A new two storey extension to the south east corner of the site to provide an entrance and circulation atrium and external terrace.
- A curved ramp to provide inclusive ground floor access and a lift and stairs to provide vertical access to all levels within the building.
- Installation of an acoustic partition to the vaulted space on the upper floor.
- Refurbishment and reinstatement of the glass dome and west window (to the proposed function room/wedding suite)
- Two new levels of commercial floor space to be created within the fly tower at high level above the stage and accessed via the new south east entrance atrium.
- Installation of series of tall rectangular windows in southern elevation.
- New entrance and canopy to the ground floor cocktail bar.
- Reinstatement of the former windows along the western elevation
- New feature signage to the south west corner of the building.
- Installation of solar panels.

9.13 The Council's Design Officer has provided Heritage comments on the proposed works and these are generally supportive. It is considered that the new two storey extension will sit comfortably alongside the existing building. Conservation principles set out that there should be minimum intervention to historic buildings and it is noted that the proposed development includes the installation of new windows to the southern elevation. However, it is considered that these are acceptable due to the fact that they will enhance the elevation and improve the internal space. Detailed design of the windows will be conditioned. The remainder of the proposed external works are also considered to be acceptable, subject to conditions to ensure their final detailed design.

9.14 Several changes proposed including the reconfiguration of spaces. Whilst it is acknowledged that the proposed new use may benefit from these changes, they must not be to the detriment of the building's significance. The overriding feature of significance is its intact appearance as a theatre and all aspects relating to this use, for example, its arched ceiling, gallery and proscenium arch must continue to be visible and able to be appreciated throughout the building, as existing. The main concern relates to the amount of glazing to be provided within the acoustic dividing wall as it is important that a view of the historic ceiling is maintained. The acoustic wall will separate a function room and an upper cabaret seating area, and as such, the applicant has advised that it is important that this wall prevents noise breakout. A condition is suggested to ensure that the final technical design of the wall is fully controlled to ensure that it does not result in harm to the significance of the listed building.

9.15 Overall, it is considered that the proposed works are appropriate for the application site and will not result in any significant harm to the character and appearance of host building, wider Spanish City complex or the significance of the listed building itself.

9.16 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 proposal will not cause any harm or detriment to the character and appearance of the surrounding area or the significance of the listed building, subject to the suggested conditions, 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 109 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 LDD12 Transport and Highways SPD set out the parking standards for new development.

10.5 The Council's Highways Network Manager has recommended conditional approval of the application noting that access to the site remains unchanged and that it benefits from shared off-street parking. Furthermore, the site has good links to public transport and is within a reasonable walking distance of the main town centre area.

10.6 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 175 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 Policy DM5.9 supports the protection and management of existing woodland trees, hedgerow and landscape features. It seeks to secure new tree planting and landscaping scheme for new development, and where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

11.5 The application site is within 6km of the Northumbria Coast Special Protection Area and Ramsar Site, the Northumberland Shore Site of Special Scientific Interest (SSSI) and Tynemouth to Seaton Sluice SSSI. The Council's Coastal Mitigation Supplementary Planning Document requires that a financial contribution be paid in order to mitigate for the potential of the proposed development to impact coastal designated sites (SPA and SSSI) as the result of an increase in recreational activity at the coast. For schemes such as that proposed, the financial contribution will be calculated based on the forecast footfall/visitor numbers as a direct result of the proposed development.

11.6 The applicant has submitted a 'Report to Inform a Habitat Regulations Assessment and Designated Sites Assessment'. The Council's Biodiversity Officer and Natural England and have each commented on the proposal. Both consider that without appropriate mitigation, the proposed scheme would have an adverse effect on the Northumbria Coast SPA and Ramsar site and would impact the interest features for which the Northumberland Shore SSSI has been notified.

11.7 Both consultees have recommended that an appropriate financial contribution is secured towards the delivery of a Coastal Mitigation Service in accordance with the Council's Coastal Mitigation SPD, to mitigate these recreational impacts. The financial contribution is currently being calculated and the final agreed sum will be reported to Planning Committee. The applicant will be required to enter into a legal agreement with the Council to provide the required mitigation for the additional recreational impact on the SPA and SSSI, in accordance with the requirements of the Coastal Mitigation SPD, and therefore it is not considered that the proposed development will result in harm to the ecology or the designated sites and it does not conflict with policies S5.4, DM5.5, and DM5.6 and is acceptable in this regard.

11.8 Further conditions are recommended to ensure that there are no residual impacts on the SSSI during the construction phase, and to ensure that the development itself does not result in any harm to wildlife, i.e. the provision of bat roost and house martin boxes, control of external lighting and a bat method statement.

11.9 The Council's Landscape Architect has noted that there are reasonably new landscape assets contained within island areas in and around the car-parking areas and along the adjacent Park Avenue carriageway and cycleway. The planting is predominantly ornamental and consists of tree planting and associated shrub areas. She has advised that these areas will require protection during the construction phase and a condition is suggested to ensure that this is the case.

11.10 It is officer advice that subject to conditions that the proposal would avoid having an adverse impact in terms of landscaping and ecology, 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 applicant has submitted a Phase 1 Geo-Environmental Desk Study (Land Contamination Risk Assessment). The Council's Contaminated Land Officer has reviewed the submitted report and raises no objection. No conditions are required.

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.

12.6 Proposed Link to Spanish City Dome

12.1 The operators of the adjoining Spanish City Dome (Kymel Trading) have advised that they have no objections to the redevelopment of the former Carlton Club site and would welcome further investment in the area. However, they have raised strong objections to the proposed reinstatement of the link between the application site and Spanish City as they consider that these works themselves would require planning and listed building consent and the location of such a link would disrupt in the internal operation of Spanish City. This concern is noted and applicant is aware of it. However, they have advised that they would like to retain the details of the proposed link on the plans which have been submitted as part of the application in case there is a possibility of this being undertaken in the future.

12.2 In planning terms there would be no objection to the re-instatement of the original opening between the two sites. However, as the applicant has been advised by the Case Officer, they would need the agreement of Kymel Trading before undertaking these works as they involve land that is outside of their control. As such, this is a civil matter between the two parties which cannot be addressed by way of this planning application.

12.3 A condition will be attached to the planning permission to ensure that, in the event of agreement being reached between the two parties to carry out this element of the works, full details are first submitted to and approved by the Local Planning Authority.

13.0 Local Financial Considerations

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

13.2 There would be benefits in terms of the provision of a significant number of new jobs via the employment of staff at the site and during the conversion phase.

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 bring an existing vacant building back into active 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 a legal agreement to secure a contribution towards the Coastal Mitigation Scheme and the conditions as set out.

RECOMMENDATION: Minded to grant legal agreement req.

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 07.10.2020
 - Location Plan, A100, Rev.B, 21.01.21
 - Proposed Zoning Plans, A105, Rev.C, 07.12.20
 - Proposed Ground Floor Plan, A106, Rev.F, 18.01.21
 - Proposed Upper Floor Plan, A107, Rev.E, 18.01.21
 - Proposed New Upper Floors, A108, Rev.D, 18.01.21
 - Proposed Elevations, A109, Rev.C, 07.12.20

- Proposed Siteplan, A110, Rev.D, 07.12.20
 - Existing + Proposed 3D View 01, Rev.C, 07.12.20
 - Existing + Proposed Long Section, A112, Rev.B, 07.12.20
 - Existing + Proposed Short Section, A113, Rev.C, 07.12.20
 - Existing + Proposed Roof Plan, A114, Rev.B, 07.12.20
 - Proposed Heritage Plans, A115, 28.09.20
 - Design and Access Statement, 3310/ACW, September 2020
 - Heritage and Conservation Statement, v.3, 06.10.2020
 - Heritage Record and Schedule of Works - 3310 Empress
 - Main Heritage Interventions - 3310 Empress
 - Phase 1 Geo-Environmental Desk Study (Land Contamination Risk Assessment) and Coal Mining Risk Assessment, 29.01.21
 - Report to Inform an Habitat Regulations Assessment, 21015, V1, February 2021
- Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 *

3. Prior to commencement of the approved development above damp course level the following information shall be submitted to and agreed in writing by the Local Planning Authority:

- Samples of the materials and finishes for the extension.

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

Reason: To ensure that the materials are acceptable, and 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.

4. Prior to commencement of any demolition/development in respect of the following matters, the information set out below shall be submitted to and agreed in writing by the Local Planning Authority:

- Details of fixings and materials for the acoustic wall between function room and cabaret gallery.
- Detailed design of glass lantern in the proposed wedding room.
- Details of wall to be removed in the proposed raised ceremony zone - this should include a drawing to show the area of wall that is proposed to be removed.
- Details of the paint colour and finish type for the theatre space.
- Design of new openings on the south elevation which must include concealed frames.
- Details of the reinstatement of windows on the west elevations.
- Details of automatic roof light above the fire exit stair serving the commercial units (which must be as flush fitting and recessed as possible)
- Details of signage including size, materials illumination and fixings.

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

Reason: To ensure that the materials are acceptable and 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.

5. Prior to the commencement of use of any part of the approved development, full details of the boundary treatment to be installed to the refuse and external plant area must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the boundary treatment shall be installed in complete accordance with the approved details.

Reason: To ensure that the materials and appearance are acceptable and 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.

6. Prior to their installation, full details of the solar panels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the solar panels shall be installed in complete accordance with the approved details.

Reason: To ensure that the materials and appearance are acceptable and 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.

7. No demolition/development shall take place until a programme of archaeological building recording has been completed in relation to the historic back-stage theatre equipment. This programme shall include a written and photographic record using high resolution JPEG format photographs in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

8. Prior to any re-instatement of the opening between the application site and the adjoining Spanish City Dome, full details of the how the opening will be undertaken (sections, elevations, floor plans, materials, finishes etc.) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works must be carried out in complete accordance with the approved details.

Reason: To ensure that the materials and appearance are acceptable and 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.

9. Prior to commencement of the approved development a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works must be carried out in complete 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 Policy DM5.5 of the North Tyneside Local Plan.

17. Prior to the operation of the approved use, facilities for the storage of refuse at the site shall be installed within the refuse area shown on approved plan 'Proposed Siteplan, A110, Rev.D, 07.12.20'. The facilities, which shall not be used/accessed for the purposes of depositing/emptying glass items (i.e. bottles/broken glass) between the hours of 22:00 to 08:00 on any day, shall thereafter be permanently retained and used for this purpose.

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

18. No part of the development shall be occupied until a service management plan for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter this service management plan shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety in accordance with DM7.4 of the North Tyneside Local Plan (2017).

19. No part of the development shall be occupied until a scheme for covered, secure cycle parking has been submitted to and agreed in writing by the Local planning Authority. Thereafter this scheme shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety in accordance with DM7.4 of the North Tyneside Local Plan (2017).

20. No part of the development shall be occupied until a scheme to stop up the redundant adopted highway within the site has been approved by in writing the Local Planning Authority.

Reason: In the interests of highway safety in accordance with DM7.4 of the North Tyneside Local Plan (2017).

21. No part of the development shall be occupied until a Framework Travel Plan has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether the Travel Plan targets are being met.

Reason: In the interests of sustainable transport in accordance with DM7.4 of the North Tyneside Local Plan (2017) and the NPPF.

22. Prior to commencement of the use of any part of the approved development a noise scheme must first be submitted to and approved in writing by the Local Planning Authority. The scheme must provide details of all mitigation measures necessary to prevent noise breakout from within the application site, with particular regard to amplified or live music from the approved development. The scheme must also include details of an air conditioning system which will be installed to ensure that it is not necessary to open windows during live, amplified music activities and all other leisure activities which may give rise to impact noise. The development must be carried out in accordance with the approved details prior to first operation of the approved use and in accordance with the approved details thereafter.

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

23. All external windows and doors to any room where live music or amplified music/speech is occurring must be kept closed except for access and egress and in case of emergency.

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

24. Noise No Tannoys Externally Audible NOI002 *

25. Prior to the installation of any new external plant/equipment/extraction/air ventilation system at the application site in connection with the approved uses a noise scheme must first be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142 and must determine the current background noise levels at the boundary of the nearest residential property for the representative time when the plant is operational and identify appropriate mitigation measures, where necessary, to ensure the combined rating level of external plant and equipment does not exceed the current background noise levels by more than 5 decibels. Thereafter the plant must be installed and maintained in accordance with the approved details.

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

26. Within one month following installation of any plant and equipment, acoustic testing must be undertaken to verify compliance with condition 25 of this approval. The results of the acoustic testing shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the plant and equipment shall be maintained and operated in accordance with the approved details at all future times.

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

27. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level. Thereafter, the plant and machinery shall not be used until the approved soundproofing has been implemented.

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

28. The external terrace area and any other external seating area shall not be used as an external amenity space/seating/drinking/eating area in connection with any part of the approved development outside of the hours of 22:00 to 08:00 Monday to Sunday.

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

29. There shall be no deliveries to or collections from the loading bays outside of the hours of 07:00 to 23:00 hours Monday to Saturday.

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

30. Notwithstanding the approved plans, each separate/individual approved use within the application site shall not commence until details of the height, position, design and materials of any new extraction flue to be provided in connection with specific associated use have been submitted to and approved in writing by the Local Planning Authority. Any flue for kitchen extraction must expel at least 1m above the eaves height of the building or at roof ridge and it shall be acoustically mounted to the wall to prevent vibration noise. Thereafter, the flue must be installed in accordance with the approved details prior to first operation of the associated use.

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

31. Prior to the installation of any air ventilation system to be installed in connection each separate/individual approved use within the application site full details must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details, prior to the first operation of the particular use which the air ventilation system is associated with, and permanently retained.

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

32. Prior to the installation of any refrigeration plant to be installed in connection with any part of the approved use full details must be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter be installed in accordance with the approved details prior to the use commencing and permanently retained as such.

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

33. No cooking shall take place within any part of the application site in connection with any of the approved uses until details of an odour suppression system for the arrestment of cooking odours from the respective use have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the associated kitchen is brought into use, permanently retained and maintained in accordance with the details provided by the manufacturer.

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

34. The premises shall not be open for business outside of 07:00 hours - 02:00 hours Monday to Sunday.

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

35. Restrict Hours No Construction Sun BH HOU00 *
4

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

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

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

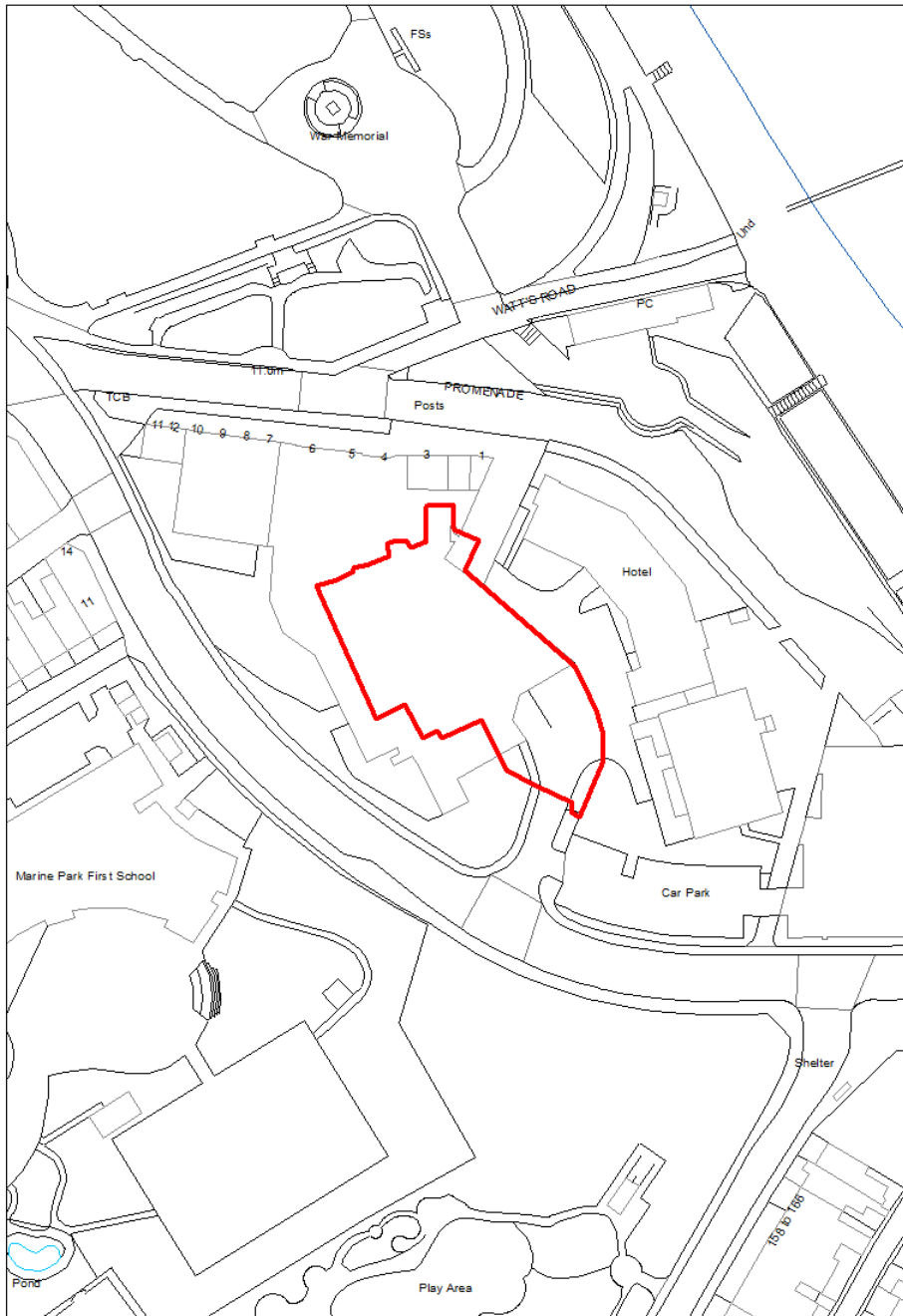
Contact ERH Construct Highway Access (I05)

No Doors Gates to Project Over Highways (I10)

Highway Inspection before dvlpt (I46)

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

Consent to Display Advertisement Reqd (I04)



Application reference: 20/01563/FUL

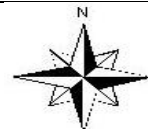
Location: 11 Spanish City Plaza, Whitley Bay, Tyne And Wear, NE26 1BG

Proposal: 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

Not to scale

Date: 04.03.2021

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**Appendix 1 – 20/01563/FUL
Item 3**

Consultations/representations

1.0 Representations

1.1 Two representations and Ward Councillor comments have been received; these are summarised below:

1.2 Kymel Trading (operators of Spanish City):

No objections to the redevelopment of the former Carlton Club site and welcome further investment in the area. Strongly object to the proposed reinstatement of the link between the application site and Spanish City. These works themselves would require planning and listed building consent and the location of such link suggested would disrupt in the internal operation of Spanish City.

1.3 North Tyneside Hackney Carriage Association (Bob Sneddon):

Fully support proposal.

1.4 Councillor O'Shea (Whitley Bay):

I very much support the above planning applications. In the event that Planning Officers are minded not to grant planning permission for these applications I would request that I be able to make representations to the Planning Committee.

1.5 Internal Consultees

1.6 Biodiversity Officer

1.7 Additional information has been submitted to support the above application, by way of the following information: Report to Inform a Habitat Regulations Assessment and Designated Sites Assessment (OS Ecology Feb 2021)

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

1.9 As stated previously, the re-development of the venue is likely to increase recreational disturbance at the coast due to the nature of the hospitality on offer, such as restaurant, performance venue, evening venue and functions for weddings. It is, therefore, recommended that an appropriate financial contribution is secured towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD, to mitigate these recreational impacts.

1.10 In addition to the above, the scheme also has the potential to impact the adjacent Northumberland Shore SSSI, which is located less than 100m away from the site, through construction impacts. This could include impacts from activities such as lighting, noise and pollution. As a result, all construction works should be undertaken in accordance with a Construction Environmental Management Plan (CEMP) to ensure there are no residual impacts on the SSSI during the construction phase.

1.11 Bat Survey

1.12 A bat risk assessment was undertaken on September 2020 and assessed the site as low suitability. A dusk survey was therefore undertaken on the same date and this recorded no bat activity on site which correlated with previous surveys that have been undertaken on the site and wider Spanish City surveys. The Report recommends that works are undertaken in accordance with a Bat Method Statement to minimise any residual impact to bats. In addition, it recommends that external lighting and high intensity security lighting is avoided.

1.13 The following conditions should be attached to the application:

- A Construction Environmental Management Plan (CEMP) will be submitted to the LPA for approval prior to works commencing on site. Thereafter, all construction works will be undertaken in accordance with the approved Plan.
- In order to address the recreational impacts of the scheme on the Northumbria Coast SPA, an appropriate financial contribution will be required towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD
- A Bat Method Statement will be submitted to the LPA for approval prior to works commencing on site and all building works will be undertaken in accordance with the approved Plan.
- 1 no. Schwegler wall-mounted bat roosting box or similar roosting feature will be incorporated into the building in a suitable location. Details of the roost box specification and location will be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans
- Prior to the installation of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. External lighting will be low level and low lumen, avoiding use of high intensity security lighting and will be designed in accordance with the BCT & Institute of Lighting Professionals (ILP) Guidance Note 08/18 "Bats & Artificial Lighting in the UK"
- 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.
- 3 no. House Martin nest boxes will be installed onto the building in suitable locations. Details of nest box specification and locations will be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans

1.14 Landscape Architect

1.15 The application property is the Carlton Club (Bingo Club) and is situated centrally and adjacent to the associated parking areas, within the Spanish City Dome complex, with retail, residential and hospitality facilities also bordering the area. There are reasonably new landscape assets contained within island areas in and around the car-parking areas and along the adjacent Park Avenue carriageway and cycleway. The planting is predominantly ornamental and consist of tree planting and associated shrub areas. The site entertains a very prominent and important location adjacent to the Spanish City Dome, Plaza and Promenade developments and enjoys commanding open views of the Whitley bay Park to the

southwest and the resort coastline to the southeast. Within the wider context the site is also a valuable component of the Whitley Bay Seaside Regeneration Plan, with respect to the local town and seafront/promenade areas.

1.16 The proposed redevelopment works will be principally internal however, storage areas and plant access will be required within the adjacent car-parking areas and their associated access points. As a consequence, the planting islands bordering and located within the car-parking areas of the wider development will require protection during the construction phase.

1.17 The design and access statement states that due to the nature of the site there is very little landscaping involved as part of the proposals with the only minor amendment being where the client hopes to introduce a new pick-up/drop off zone for patrons of the venue. This is on an area of existing hardstanding and does not involve the loss of any landscaping.

1.18 Should approval for the scheme be considered, the following condition is to be applied:

- Prior to commencement of works starting on site, all existing landscaped areas within or adjacent to the site that are to be retained are to be protected by fencing unless otherwise agreed in writing by the Local Planning Authority. Details and location of protective fencing is to be submitted for approval and in line with contractor site set up requirements. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

1.19 Heritage

1.20 A contemporary glazed extension is proposed to the east of the building. The extension is suitably set back from the building line and is subservient to the main building. There are some concerns about the visibility of the lift shaft although it is set back to the rear of the roof. Any further visuals that the applicant could provide to show this element of work would be welcomed. The extension is made up of two glazed blocks. The internal uses and arrangement of space will be completely visible through the glass wall and therefore needs to be sensitively designed along with lighting. An external terrace is proposed on the extension and the elevations show that this is enclosed with a glass balustrade. Overall, the extension will sit comfortably alongside the listed building.

1.21 The application proposals include the insertion of five tall vertical windows on the upper floors of the south elevation. In line with conservation principles there should be minimum intervention to historic buildings. On this basis new openings would not usually be supported; however, I appreciate that the windows could potentially enhance the elevation and would improve the internal space. The design of the openings has been discussed with the applicant to ensure that they would be clearly read as modern additions. The windows will be designed with concealed internal window frames and the detailed design of this should be conditioned.

1.22 On the west elevation it is proposed to reinstate the former windows which have been blocked in. This is supported and appropriate materials are proposed for the windows; dark brown powder coated aluminium frames reflecting those used in the adjacent Spanish City Dome complex. It is proposed to reinstate a feature glass dome which is supported. A new roof light is also proposed; this should be a conservation rooflight with a flush recessed fitting/flashing. Solar panels are proposed but no further detail has been provided. The principle of solar panels is acceptable although the detailed design should be conditioned.

1.23 A detailed schedule of works has been submitted which is a thorough account of the proposed works, however the area numbers need to be shown on a layout plan and included in the document. This will make it easier to identify where the works are being proposed.

1.24 Internally there are several changes proposed including the reconfiguration of spaces. Whilst it is acknowledged that the proposed new use may benefit from these changes, they must not be to the detriment of the building's significance. Much of the space in the auditorium has been subject to several changes in the past. Therefore, some further amendment is acceptable, subject to full consideration given to the impacts of any harm being weighed against the resultant benefits. The overriding feature of significance is its intact appearance as a theatre. All aspects relating to this use, for example, its arched ceiling, gallery and proscenium arch must continue to be visible and able to be appreciated throughout the building, as existing. An acoustic dividing wall is proposed on the upper floor to form a function room and upper cabaret seating area. A glazed window is proposed in the wall so that a view of the historic ceiling is maintained. The principle of this was supported during pre-application discussions, however during the detailed design the size of the glazing has been substantially reduced. The applicant has sited that this is due to the acoustic requirements to reduce noise transfer between the two venues. There are concerns about the reduced size of the glazing and the impact that it has on the significance of the building. It is requested that the acoustic measures are reviewed to see if any further glazing can be incorporated. If not, then the acoustic performance calculations should be submitted to justify the proposed approach.

1.25 The stage area is proposed to be extended to make the performance area more functional. This is designed to have limited impact on historic fabric. The new window openings on the south elevation in combination with the addition of two new floors will result in the loss of historic stage equipment which will cause harm to the significance of the building. As mitigation, this equipment should be recorded with a written and photographic record. In other areas, partitions are designed to have no abutments with historic feature plasterwork or columns and works are reversible. Other works outside of the main theatre will have little or no harm to the historic fabric.

1.26 Items to condition:

- Samples of the materials and finishes for the extension.
- Details of fixings and materials for the acoustic wall between function room and cabaret gallery.

- Building recording of historic stage equipment. This should include a written and photographic record using high resolution JPEG format photographs.
- Detailed design of boundary treatments for refuse area and external plant area.
- Detailed design of glass lantern in the proposed wedding room.
- Details of wall to be removed in the proposed raised ceremony zone – this should include a drawing to show the area of wall that is proposed to be removed.
- Details of the paint colour and finish type for the theatre space.
- Design of new openings on the south elevation which must include concealed frames.
- Details of the reinstatement of windows on the west elevations.
- Details of roof light which should be conservation style with a flush recessed fitting/flashing.
- Details of signage including size, materials illumination and fixings.
- Details of solar panels.

1.27 Tyne and Wear Archaeology Officer

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

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 199 of the NPPF, Local Plan S6.5 and policies DM6.6 and DM6.7.

1.29 Environmental Health (Pollution)

1.30 The Spanish City Dome is located on the Whitley Bay seafront, with the nearest residential properties located in Elmwood Grove located approximately 13 metres west of the site. No noise assessment has been provided to determine potential noise impacts arising from the redevelopment of the site to include for function rooms/wedding suite, cabaret and performance venue, 2 pop up bars and 2 no. commercial units to new upper floors including a new two storey extension with external terrace. It will be necessary to control noise arising from any external plant and equipment.

1.31 The layout plans show that a restaurant will be included within the designs and therefore odour control from any kitchen ventilation system will be required. As the proposed uses can include for a variety of activities including dance and entertainment functions, such uses may give rise to amplified and live music as well as impact noises affecting the nearby residents in Elmwood Grove. An adequate ventilation system needs to be provided to prevent the need for windows to be open during music or dance to prevent noise breakout, especially given that the applicant is requesting operating hours until 02:00 hours. This ventilation system and noise mitigation scheme will need to be conditioned as part of any planning consent.

1.32 I also have concerns with regard to odour arising from the restaurant, it will be necessary for odour abatement to be installed within the kitchen extraction system to address cooking odours. The extent of odour abatement necessary for

the kitchen extraction system will be dependent on the type of cooking taking place, the number of meals prepared and the location of the flue extraction. The kitchen extraction system should be based upon the former DEFRA report "Guidance and Control of Odour and Noise from Commercial Kitchen Exhaust Systems". A layout plan for the kitchen area will be required with the location and plant and equipment including the flue that must be detailed on the plan as part of the odour abatement scheme.

1.33 I would require conditions to mitigate external noise from deliveries by placing a restriction on times of loading and unloading. I note that an external terrace area is to be provided as part of this development and I would have concerns about potential noise breakout from this area and for this reason it will be necessary to restrict the hours of use to minimise noise from customers late at night.

1.34 I would therefore recommend the following conditions:

- A noise scheme must be submitted providing details of the mitigation measures to be carried out to prevent noise breakout particularly with regard to amplified or live music from the proposed commercial development. The scheme must include details of an appropriate air conditioning system to protect against windows being opened during live, amplified music activities and other leisure activities giving rise to impact noise.

- No windows should be open within any room of the development where live music or amplified music/ speech is occurring except in case of emergency. If ventilation is inadequate due to the windows being closed a ventilation or air conditioning system will be necessary.

- NOI02

- Prior to the installation of external plant, ventilation and extraction systems to the development, a noise scheme must be submitted to the planning authority agreed in writing giving mitigation measures and thereafter implemented and maintained. The noise scheme must provide details of all noisy external plant and any tonal or impulsivity characteristics to the plant and the assessment must be carried out in accordance to BS4142 to ensure that the rating level at the boundary of the nearest residential premises does not exceed the background noise level by more than 5 dB for the representative operating times of the plant and equipment.

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

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

- The external terrace area and any other external seating area shall not permitted to be used between the hours 22:00 and 08:00 hours Monday to Sunday.
- Deliveries and collections from the loading bays shall be restricted to 07:00 hours and 23:00 hours.
- EPL01(Flue for kitchen extraction to 1 m above eaves or at roof ridge, flue to be acoustically mounted to the wall to prevent vibration noise.)
- EPL02 and EPL03
- EPL04 The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04.
- HOU03 to those on application.
- HOU04; SIT03; and LIG01 New external artificial lighting

1.35 Highway Network Manager

1.36 The building forms part of the wider Spanish City, which has benefitted from significant investment in recent years and the proposed use compliments this development. Access remains unchanged and the site benefits from shared off-street parking. Furthermore, the site has good links to public transport and is within a reasonable walking distance of the town centre. Conditional approval is recommended.

1.37 The applicant will be required to stop up the highway within the site that is no longer required under Section 247/257 of the Town & Country Planning Act 1990.

1.38 Conditions:

- REF01 Refuse Storage: Detail, Provide Before Occ
- SIT05 Construction Management
- No part of the development shall be occupied until a service management plan for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter this service management plan shall be carried out in accordance with the agreed details.
Reason: In the interests of highway safety.

- No part of the development shall be occupied until a scheme for covered, secure cycle parking has been submitted to and agreed in writing by the Local planning Authority. Thereafter this scheme shall be carried out in accordance with the agreed details.
Reason: In the interests of highway safety.

- No part of the development shall be occupied until a scheme to stop up the redundant adopted highway within the site has been approved by in writing the Local Planning Authority.

Reason: In the interests of highway safety.

- No part of the development shall be occupied until a Framework Travel Plan has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether the Travel Plan targets are being met.

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

1.39 Local Lead Flood Authority

1.40 I have carried out a review of the proposals identified in planning application 20/01563/FUL, I can confirm as there are only minor alterations to the building footprint I have no objections to the proposals as this will not lead to an increased flood risk in the area.

1.41 Contaminated Land Officer

1.42 I have read the Phase 1 report submitted in support of this application. I accept the report findings that:

"No further site investigation is required to investigate the potential for contamination or a potential gas regime."

No conditions are required.

1.43 External Consultees

1.44 Natural England

1.45 No objection, subject to appropriate mitigation being secured.

1.46 We consider that without appropriate mitigation the application would:

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

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

- A financial contribution to the North Tyneside Coastal Mitigation Service to mitigate impacts of increased recreational disturbance.
- A Construction Environmental Management Plan, agreed between your authority and the applicant, to mitigate construction phase impacts on notified features.

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