

Item No: 6
Application No: 19/00674/FUL
Date valid: 20 May 2019
Target decision date: 15 July 2019
Author: Rebecca Andison
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Ward: Tynemouth

Application type: full planning application

Location: Cosalt Building, Bell Street, North Shields, Tyne And Wear

Proposal: Change of use of the first floor to a pop-up events space to be used for monthly markets, wedding receptions, conferences and other special events. Installation of new staircase and three new entrances from Liddel Street. Construction of food stations and a bar on the first floor as well as installation of a new ventilation system with 1no discharge cowl. Construction of new toilets to accommodate the uplift in the capacity to 450 people. New windows installed at the rear of the building, overlooking the River Tyne. (NOISE REPORT)

Applicant: Blue Pigeon Ltd, Cosalt Building Bell Street North Shields NE30 1HE

Agent: Blake Hopkinson Architecture, Miss Malgorzata Szarnecka 11 New Quay North Shields NE29 6LQ

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers;
- the impact on the conservation area; and
- whether sufficient parking and access would be provided.

1.2 Planning law requires that application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other materials considerations in reaching their decision.

2.0 Description of the Site

2.1 The application relates to the Cosalt Building which is located between Bell Street and the River Tyne, within the Fish Quay conservation area. The ground floor of the building is used for car sales and the first floor is currently vacant.

2.2 To the east of the site are offices, an oil depot for fuelling boats, the disused ice factory and the Western Quay. To the west is the Prince of Wales public house with Dolphin Quay apartments beyond. The quay area between the Cosalt building and the river is owned and used for parking by the Port of Tyne.

3.0 Description of the Proposed Development

3.1 Planning permission is sought to change the use of the first floor of the building to a pop-up events space to be used for monthly markets, wedding receptions, conferences and other special events.

3.2 The applicant has advised that the business would be developed in a phased approach over an initial 2-year period. Phase one would be run as a monthly street food and craft beer market. Phase 2 would allow increased use and capacity following building alterations that will allow Christmas Markets, pop up restaurant events, launch parties, wedding receptions and use by coastal festival organisers.

3.3 A series of food stations and a bar are proposed on the first floor, and a food truck area is proposed on the ground floor. The venue would have a capacity of 450no people.

3.4 External alterations are also proposed. A new entrance to the first floor, two sets of sliding doors and bin store gates are proposed in the front elevation, and 3no new windows are proposed in the rear elevation. An extract flue is also proposed, projecting from the west elevation of the building.

4.0 Relevant Planning History

19/00675/ADV - Non-illuminated signs either side of the proposed entrance to the Salt Market. Installation of a Salt Market sign on the rear of the building at first floor level – Permitted 15.07.2019

17/00921/FUL - Change of use of ground floor of former Cosalt Factory (Use Class B2 with ancillary offices) to car showroom (sui generis) with car preparation area for valeting, cleaning, minor cosmetic enhancements to stock vehicles; ancillary offices; customer car parking; and replacement of cladding with two display windows to site frontage – Permitted 31.08.2017

14/00905/FUL - Alterations and change of use of existing building to provide 22 apartments with associated parking facilities. Demolition to include removal of external cladding and all windows and doors (Amendments submitted 25.07.14) (Amended Flood Risk Assessment August 2014) – Permitted 31.03.2015

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 Planning Practice Guidance (As amended)

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

PLANNING OFFICERS REPORT

7.0 Main Issues

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

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers; and
- Impact on the conservation area
- Impact on highway safety

8.0 Principle of the Development

8.1 The NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth and enable the delivery of sustainable developments. It states that achieving sustainable development means that the planning system has three overarching objectives, namely an economic objective, a social objective and an environmental objective. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.2 The NPPF, states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan.

8.3 Planning Practice Guidance advises that the application of the test should be proportionate and appropriate for the given proposal. It states that use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements, which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case, and land ownership does not provide such a justification.

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

8.5 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant

policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

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

8.7 Policy DM3.4 of the Local Plan states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;
- b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;
- c. There is flexibility in the business model and operational requirements in terms of format; and
- d. The potential sites are easily accessible and well connected to town centres. Proposals for retail development outside a town centre will require an impact assessment where they would provide either:
 - e. 500ml gross of comparison retail floorspace, or more; or
 - f. 1,000ml gross of retail floorspace for supermarkets/superstores, or more.

The proposal would be supported when the necessary Impact Assessment has shown that:

- g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

8.8 Policy AS8.12 states that the Council will support the continuation and further development of the Fish Quay and New Quay as a characterful, vibrant mixed use area by:

- a. Supporting suitable residential developments in those areas shown on the Policies Map;
- b. Giving priority to fishing industry related employment uses in those areas shown on the Policies Map, unless alternative proposals can demonstrate that they would not:

- i. Result in the unacceptable loss of operating fishing industry related businesses and jobs
- ii. Result in an excessive reduction in the supply of land for development of fishing industry related employment uses; and,
- iii. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses;
- c. Protecting those areas of green space within the area, as shown on the Policies Map;
- d. Encouraging suitable recreation and tourism uses, especially around the Clifford's Fort area;
- e. Supporting a mix of other uses, such as appropriate small retail premises and small to medium sized businesses;
- f. Seeking improvements to access and linkages to the area, especially from North Shields town centre; and
- g. Ensuring all new development is built to the highest quality design that respects the area's special character.

8.9 The Fish Quay Neighbourhood Plan 2013 (FQNP) states that the area is considered to be suitable for a mix of development that includes existing businesses, along with small new business (e.g. independent shops and professional services, cafes, restaurants, offices and tourism related business) and residential developments. It recognises the importance of the retail and restaurant/public house segment of the FQNP economy, but also the importance of preventing additional disturbance that may arise from late night pub and club uses.

8.10 It is proposed to convert the vacant first floor of the building into a pop-up events space to be used for markets, wedding receptions, conferences and other events.

8.11 The site is located within an area of the Fish Quay identified as suitable for mixed use development within the Local Plan. The development will regenerate a vacant part of the building and secure economic growth in accordance with the NPPF.

8.12 The proposal is a town centre use as defined by the NPPF, and the application site is not located within the borough's designated town centres.

8.13 A sequential test has not been carried out but in officer opinion regard must be had to the nature of the use and its role in supporting the economy of the Fish Quay. The proposal is in accordance with Policy AS8.12 and the Fish Quay Neighbourhood Plan in terms of supporting a mix of recreation and business uses on the Fish Quay. In addition it is unlikely that a building large enough to accommodate the proposed use would be found within North Shields town centre.

8.14 In officer opinion the principle of the proposal is acceptable subject to consideration of the issues set out below.

9.0 Impact on Residential Amenity

9.1 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.

9.2 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.

9.3 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.

9.4 Policy DM6.1 of the Local Plan states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; a safe environment that reduces opportunities for crime and antisocial behaviour; and a good standard of amenity for existing and future residents and users of buildings and spaces.

9.5 The site is located within a mixed use area of the Fish Quay. Immediately to the west is a public house and managers flat, and Dolphin Quay apartments, and to the east are offices, an oil depot and the ice factory. There are further residential properties within Riverside Quays and Quayside Court to the north east.

9.6 Objections received from local residents raise a variety of concerns including the impact of noise from events within the venue and from customers as they exit the building late in the evening.

9.7 The proposed use includes food stations, a bar, live bands and amplified music. The food stations would be used for warming and cooking prepared food with electrical appliances. The proposed hours of use are from 17:00 to 23:00 on Monday to Friday, and 12:00 to 23:00 on Saturdays and Sundays. The venue has a capacity of 450no people.

9.8 The applicant has submitted a Noise Impact Assessment and Noise Impact Management Plan. The report assesses existing background noise levels in the area, determines the noise levels likely to be generated by music within the venue, sets out the attenuation performance required and what improvements could be made to the building in order to achieve this. The report also considers

noise from patrons outside the premises and plant. The report sets out a series of mitigation measures. These include:

- Fitting a noise limiting device to the sound system.
- Defining access routes and fitting door alarms to prevent noise breakout.
- Using signs and door supervisors to advise customers to leave the building quickly and quietly.
- The smoking area would be located at the rear of the building away from residential properties.
- After 22:00 the exit would be via the door at the rear of the building which would be staffed by security.
- No drinks would be allowed outside the premises.
- CCTV would be fitted to monitor the exits and outside smoking area.
- No deliveries would be made before 07:30 or after 21:30.
- Any noise complaints would be logged and investigated.

9.9 A summary of the type of events proposed has also been provided by the applicant:

- Salt market Social: Monthly weekend event offering street food and craft beer. Music will be background, and any live music will take place during the afternoon and early evening. The event is aimed at families and people looking for an alternative to town and city centre bars. It is unlikely that the amount of people in the building would exceed 350 patrons. Peak hours are expected to be 16:00 to 20:00. The bar will close at 22:30. Numbers will lessen throughout the evening resulting in a maximum of 33-50% of capacity remaining in the premises until closing.

- Other events - the aim is to ensure that any events in the venue have a cultural offering. Whether it is a cinematic experience, craft fair, annual gala evening or other, we want the space to be used by people with culture lead intentions and ambitions. Events such as seasonal craft fair and similar offerings will predominantly take place during the day and be finished by 18:00. Pop-up restaurants will have smaller capacities with a maximum of 120 people. Other events such as award ceremonies, films, performance etc. would include a clause within the hire agreement stating that the event must be concluded by 22:00, after which people will disperse gradually over the next hour. We would limit the capacity of other events and private parties to 250 people to help minimise impact.

- Events that will not be held - we have no intention for the venue to be nightclub or to be used to stage live music events where tickets or a charge is made for an audience to see a headline artist / band / DJ whose performance finishes at a given time at the end of the evening which results in patrons all leaving at once.

9.10 The Manager of Environmental Health has viewed the information submitted and provided comments. She raises concern regarding the potential impact of noise and cooking odours on the amenity of nearby residents.

9.11 The Manager of Environmental Health states that the noise report identifies background noise levels in the region of 43-46 dB pre 22:00 hours and 38.5-43.5 dB LA90 after 22:00 hours, but bases the proposed insulation strategy on

background noise levels of 49.5 dB. To ensure that the mitigation is satisfactory she advises that the attenuation scheme should use a representative background noise level and recommends a condition to control the sound attenuation scheme. Conditions are also recommended in respect of a volume control system to ensure that live and amplified music is not audible at the surrounding residential properties, and requiring that doors and windows are kept shut whenever music is played.

9.12 The noise assessment states that noise arising from customers leaving the premises will not result in potential noise nuisance. The Manager of Environmental Health disagrees with this. The venue would be utilised by up to 450no customers and opening is requested until 23:00. The noise management plan suggests that the occupancy within the venue towards closing time will be between 33-50% of its capacity. This would result in excess of 200 customers leaving the venue late at night with associated noise from loud voices, car radios and slamming of car doors.

9.13 Notwithstanding the mitigation measures proposed by the applicant, the Manager of Environmental Health considers that this number of customers leaving the venue late at night would result in potential noise nuisance. She recommends that amplified entertainment at the premises should be restricted to no later than 22:00 which would encourage customers to disperse from the premises over the next hour and reduce the likelihood of a large number of customers leaving at the same time.

9.14 The applicant has requested that consideration is given to allowing live/amplified music to be played until 22:30 followed by low level background music until 23:00 with last food orders at 22:00 and the bar closing at 22:30. This request is being considered by officers. An update will be reported to Committee.

9.15 A smoking area is proposed at the rear of the building. Its location will help to reduce the impact of customer noise. The Manager of Environment Health recommends conditions requiring that area is enclosed by acoustic fencing and to prevent drinks being taken into the area.

9.16 Further conditions are recommended in respect of: plant noise, odour abatement, ventilation, refrigeration, delivery hours, a noise management scheme, external lighting and refuse storage/emptying.

9.17 Members need to consider whether the development is compatible with surrounding land uses and whether there would be any adverse impact on the amenity of residential occupiers. It is officer advice that the impact could be reduced to an acceptable level by imposing the conditions recommended by the Manager of Environmental Health.

10.0 Impact on the Conservation Area

10.1 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.

10.2 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.

10.3 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. 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.

10.4 At paragraph 200 of the NPPF it states:

"Local planning authorities should look for opportunities for new development within conservation area....and within the setting of heritage assets to enhance or better reveal their significance."

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

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

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

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;

- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

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

10.8 The Design Quality SPD applies to all planning applications that involve building works. It states that all extensions must offer a high quality of accommodation and design that will sustain, enhance and preserve the quality of the built and natural environment. The SPD encourages innovation in the design and layout and contemporary and bespoke architecture. The chosen design approach should respect and enhance the quality and character of the area and contribute towards creating local distinctiveness. Applicants should also consider how the design reinforces the character or distinctiveness of an area. Positive features within the local area should be used as design cues that can then be interpreted in a traditional or contemporary manner.

10.9 The Fish Quay Neighbourhood Plan 2013 sets out a series of objectives for the area. These include providing an environmentally, socially and economically sustainable future for the area for residents, business and visitors; protecting and enhancing the conservation area and historic environment; and adding vitality to the area by encouraging the development of appropriate retail and small to medium sized businesses.

10.10 The New Quay and the Fish Quay Conservation Areas Character Statement demonstrates a commitment to positive action for safeguarding and enhancing the character of the conservation area.

10.11 The site is located within the Fish Quay Conservation Area adjacent to a locally listed building – the Prince of Wales Public House. Minor external alterations to the building are proposed, including new entrance doors to the front elevation and additional windows facing the river. It is not considered that these changes would have any significant impact on the appearance of the building or the character of the conservation area.

10.12 An extract flue is also proposed. This would project from the south west gable elevation of the building. Given the industrial appearance of the building and the relatively unobtrusive position of the flue, the impact of the streetscene and character of the area is considered to be acceptable.

10.13 It is therefore officer opinion that the proposal is acceptable in terms of the impact on the character of the conservation area and the streetscene.

11.0 Highway Impact

11.1 NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals. It states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

11.2 All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

11.3 Paragraph 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.

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

11.5 The applicant has submitted a Transport Statement. The statement notes that there are two public car parks within the vicinity of the site, a Metro station within 500m and a regular bus service to North Shields town centre. The site can also be accessed by ferry from South Shields. Cycle storage for staff will be available on the ground floor of the building.

11.6 The applicant has advised that loading would take place on the morning of an event between 08:00 and 11:00, with allocated delivery slots given to staff holders. Stall holders will be allowed to park one vehicle at the rear of the building.

11.7 The Highway Network Manager has been consulted and provided comments. He states that the site is located in the Fish Quay area where there is a mixture of commercial, retail and leisure uses. He also notes that the site has reasonable links to public transport and that there are parking restrictions in place in the vicinity of the site. For these reasons he recommends conditional approval of the application.

11.8 It is therefore officer opinion that the impact on the highway network is acceptable.

12.0 Other Issues

12.1 Flood Risk

12.2 Paragraph 157 of the NPPF advises that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

12.3 Policy DM5.14 'Surface Water Run off' of the Local Plan states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable.

12.4 Policy DM5.15 'Sustainable Drainage' states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

12.5 The site is located on the bank of the River Tyne and lies within Flood Zone 2.

12.6 The Local Lead Flood Officer has been consulted and provided comments. He notes that the development relates mainly to the first floor of the building but includes improvements to the ground floor access. He therefore recommends that an emergency flood escape plan should be provided. It is officer advice that this can be secured by a planning condition.

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 Economically there would be benefits in terms of the provision of jobs within the events space.

14.0 Conclusion

14.1 The proposal would bring a vacant part of the buildings back into use and secure economic development in accordance with the NPPF.

14.2 It is officer advice that the proposed development is acceptable in terms of principle, the impact on nearby residents and businesses, the character of the conservation area and in respect of highway safety.

14.3 The development is considered to comply with relevant National and Local Plan policy and is therefore recommended for conditional approval.

RECOMMENDATION: Application Permitted

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

7. Prior to the use commencing details of the air ventilation systems must be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details 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.

8. Prior to the installation of any refrigeration plant full details of the plant must be submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details 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.

9. No cooking shall take place within the premises until details of an odour suppression system for the arrestment of cooking odours has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed details prior to any cooking taking place, and maintained in accordance with the details provided by the manufacturer, which must be submitted for the purposes of demonstrating compliance with this condition.

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.

10. Noise No Tannoys Externally Audible NOI002 *

11. Flood Lighting Scheme Details LIG001 *

12. Prior to the installation of any external plant a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme must include appropriate mitigation measures to ensure that the rating level for all plant does not exceed the current background noise levels, as provided in the Noise Impact Assessment and Noise Impact Management Plan, of 47.8 dB LA90 1 hr daytime when assessed in accordance to BS4142 at the facade of residential properties on Dolphin Quay and Bell Street. Thereafter the plant/equipment and any necessary sound insulation shall be installed in accordance with the agreed details and permanently maintained in working order.

Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

13. Within one month of the installation of any plant or equipment acoustic testing shall be undertaken to verify compliance with condition no.12 of this approval and the results submitted in writing for the approval of the Local

Planning Authority. Thereafter, the plant and equipment shall be operated in complete accordance with the approved details and maintained in working order.

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.

14. There shall be no deliveries/collections outside the hours of 07:30 and 21:00 hours on any day.

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

15. Doors and any windows in the venue must be kept closed whenever live or amplified music, in the form of Discos, live bands and DJ's, is played at the premises, except for access and egress.

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

16. Live/amplified music shall not take place outside the hours of 08:00 to 22:00 hours.

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.

17. Notwithstanding condition 1, prior to the use commencing a noise management scheme must be submitted to and approved in writing by the Local Planning Authority. The management scheme must detail measures to minimise the noise impact of events to ensure all activities and use of the premises is suitably mitigated via the sound control measures detailed in the Noise Impact Assessment and Noise Impact Management Plan dated 18th August 2019. The scheme shall thereafter be implemented in accordance with the agreed 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.

18. Prior to any amplified music being played a volume control system must be fitted to the music system and set to ensure that music is not audible at the nearest residential properties. Within 28 days of the receipt of any complaints regarding noise levels the volume control system must be reassessed and the level set in agreement with the Local Authority. The volume control system must be locked within a tamper proof unit.

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.

19. Emptying of glass into the waste bins shall not take place outside the hours of 07:30 hours to 21:00.

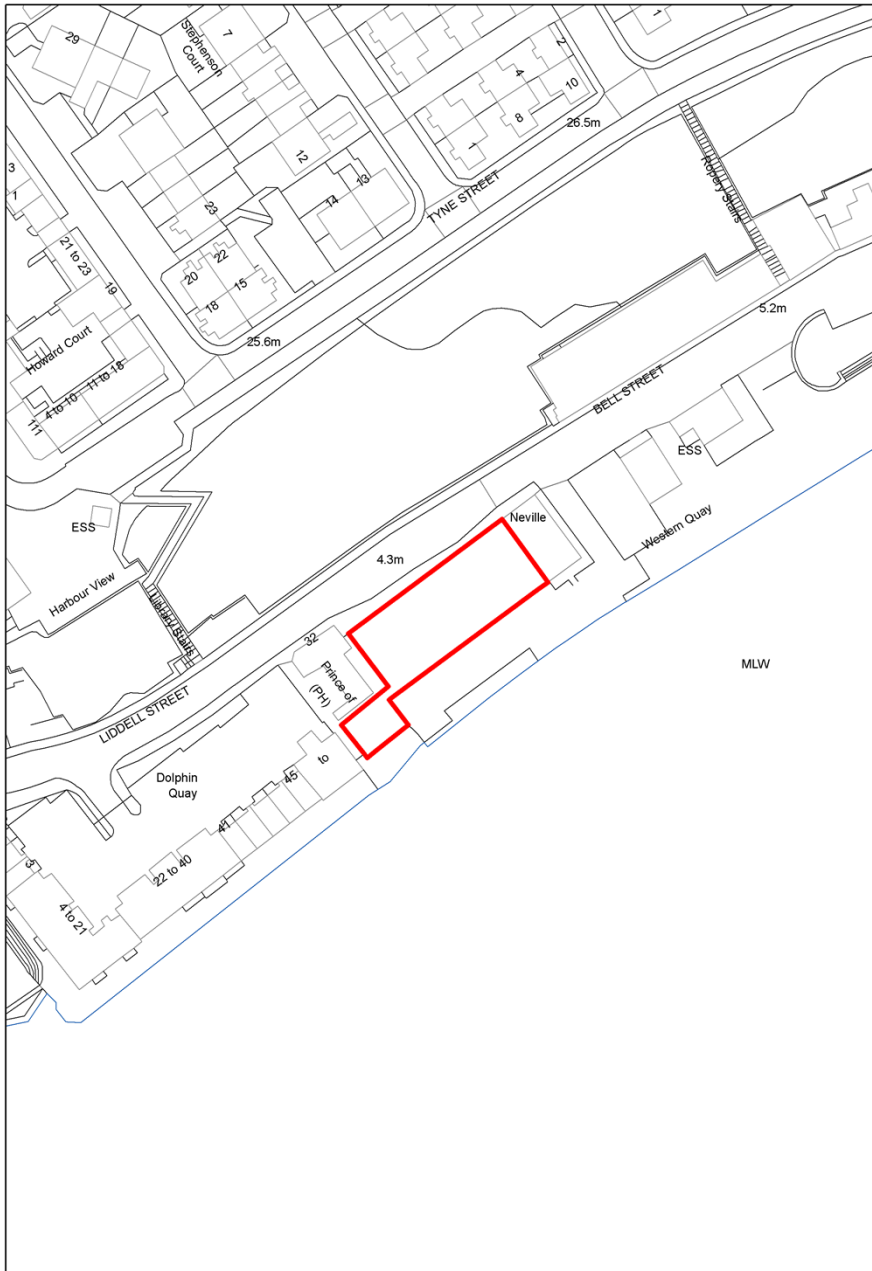
Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

20. No drinking glasses or bottles shall be taken outside the premises by customers.

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.

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.



Application reference: 19/00674/FUL

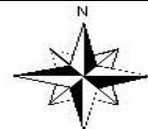
Location: Cosalt Building, Bell Street, North Shields, Tyne And Wear

Proposal: Change of use of the first floor to a pop-up events space to be used for monthly markets, wedding receptions, conferences and other special events. Installation of new staircase and three new entrances from Liddell Street. Construction of food stations and a bar on the first floor as well as installation of a new ventilation system with 1no discharge cowl. Construction of new toilets to accommodate the uplift in the capacity to 450 people. New windows installed at the rear of the building, overlooking the River Tyne. (NOISE REPORT)

Not to scale

Date: 19.09.2019

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Appendix 1 – 19/00674/FUL

Item 1

Consultations/representations

1.0 Internal Consultees

1.1 Highway Network Manager

1.2 This application is for a change of use of the first floor to a pop-up events space to be used for monthly markets, wedding receptions, conferences and other special events, installation of new staircase and three new entrances from Liddell Street, construction of food stations and a bar on the first floor as well as installation of a new ventilation system with 1no discharge cowl, construction of new toilets to accommodate the uplift in the capacity to 450 people and new windows installed at the rear of the building, overlooking the River Tyne.

1.3 The site is located in the Fish Quay area with a mixture of commercial, retail and leisure uses. There are reasonable links with public transport and North Shields town centre and there are parking restrictions in place in the vicinity of the site. The applicant has produced a Transport Statement, Travel Plan and service management plan in order to encourage the use of sustainable transport measures and minimise the impact on the adjacent highway. Conditional approval is recommended.

1.4 Recommendation - Conditional approval

1.5 Condition:

REF01 - Refuse Storage: Detail, Provide Before Occ

1.6 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

1.7 Local Lead Flood Authority

1.8 As the application is mainly for improvements to the first floor I don't have any major concerns over the proposals. However part of the proposals are to improve the accesses to the ground floor so I would recommend the applicant looks at having equipment available on site (flood barriers / sandbags) in order to prevent water entering the building via these entry points during a flood event.

1.9 The applicant will also need to supply an emergency flood escape plan detailing a designated safe route for egress from the building and I would also recommend the occupiers of the business should be set up on the Environment Agency's emergency flood warning service which will provide them with the latest flood warnings for the River Tyne.

1.10 Manager of Environmental Health (Contaminated Land)

1.11 No objection.

1.12 Regeneration and Economic Development Team

1.13 The Regeneration and Economic Development Team has no objections to this application in principle as the proposal accords with the Council's broad objectives regarding the on-going regeneration of the Fish Quay area.

1.14 The change of use of the long term vacant upper floor of the Cosalt Building on North Shields Fish Quay into a mixed use events and conferencing space, as well as minor alterations to the external fabric of the building, will complement the growth of the leisure offer on the Quay and wider North Shields.

1.15 The ground floor of the building already has permission and is operating as a car show room, and the location and large open space of the remaining vacant upper floors lends itself to a mixed use events space, which could build on the areas growing popularity as a place to live, work and visit.

1.16 Subject to the proposal meeting the Council's standards around parking, residential amenity and other technical requirements, we have no objections.

1.17 Manager of Environmental Health (Pollution)

1.18 The premises are located within a mixed use area consisting of both commercial and residential properties. Residential flats at Dolphin Quay are located immediately adjacent to the site, and flats at Riverside Quay are approximately 85 metres from the building. I would be concerned about potential noise and odours from the development affecting the nearby residential properties.

1.19 I have reviewed the updated noise report that includes for additional background noise monitoring for the area. Background noise levels are in the region of 43-46 dB pre 22:00 hours and 38.5-43.5 dB LA90 after 22:00 hours. I would have concerns that the proposed insulation strategy from the initial interim noise report used a background noise level of 49.5 dB and it will be necessary for the attenuation scheme to use a representative background noise level to ensure the mitigation is satisfactory. The applicant has put forward a noise mitigation scheme to attenuate amplified and live music played in the building. A planning condition will be required to ensure the sound attenuation scheme is implemented to address internal noise arising from amplified music.

1.20 A noise assessment of plant and equipment has been provided that has determined that plant noise will be mitigated and that noise levels after 22:00 hours will be less than 5 dB above background and therefore will not give rise to significant adverse impacts. I would recommend a condition to require a detailed noise assessment in accordance to BS4142 to ensure representative background noise levels are utilised.

1.21 The noise assessment has recommended a noise management scheme to mitigate customer noise. A smoking area is to be provided to the rear of the building that will help to mitigate some of the customer noise, but an acoustic fence around the area is recommended. A condition can be provided to ensure customers do not take drinks out to the smoking area and minimise the residence time for customers using the smoking area.

1.22 I disagree that the noise from customers when leaving the premises and utilising the Quayside will not give rise to potential noise nuisance for neighbouring residents. The applicant is requesting opening hours to 23:00 hours Monday to Sunday, including Bank Holidays. The proposal is for approximately 450 customers to utilise the venue within the requested operating hours. The noise management plan suggests that the occupancy within the venue towards closing time will be between 33-50 % of its capacity. This will still result in approximately 200+ customers in the venue towards closing time.

1.23 The applicant advises that announcements will be made towards closing time asking customers to leave quietly and that Security and CCTV will be utilised to monitor customers leaving the premises. A large number of customers leaving the venue late at night will give rise to associated noise from loud voices, car radios and slamming of car doors. It is not anonymous noise like passing traffic which is considered less intrusive than unfamiliar distinct noise. The noise report for the patron noise has also not considered the maximum noise levels at neighbouring residential properties which may give rise to sleep disturbance, especially if residents have open windows.

1.24 The NPPF guidance on noise when considered in relation to Section 180 of the NPPF states that impacts from new developments 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". The noise assessment has not adequately assessed the associated noise impacts from customers attending the venue to verify that there will be no significant adverse impacts for neighbouring sensitive receptors and confirm that the requested operating hours are acceptable. For this reason I would recommend that entertainment at the property is restricted to no later than 22:00 hours which will encourage customers to drink up at the end of the event and disperse from the premises over the next hour, and not result in a large number of customers leaving at the same time.

1.25 The ventilation strategy is not considered to be acceptable and has no odour abatement control included within the design. It is noted that no deep fat frying will be permitted and there will be no burgers fried, but there will be a variety of different types of foods cooked on the premises and this may include spicy foods. Although the risk score is low, the design of the system must be in accordance with former Defra guidance, which specifies low to medium odour control may include fine filtration or ESP followed by carbon filtration with a 0.1 second residence time or fine filtration followed by counteractant/neutralising system. If planning consent is to be given then this can be conditioned.

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

EPL01

EPL02

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

NOI02

A noise scheme must be submitted for all plant or equipment installed at the site. The rating level for all plant must not exceed the current background noise levels as provided in noise assessment report reference Noise Impact Assessment and noise Impact Management Plan of 47.8 dB LA90 1 hr daytime when assessed in accordance to BS4142 at the façade of residential properties on of Dolphin Quay and Bell Street.

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

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

Deliveries and collections to be restricted to between 07:30 hours and 21:00 hours.

Reason to protect the amenity of nearby residential premises.

Doors and any windows in the venue must be kept closed whenever live or amplified music, in the form of Discos, live bands and DJ's, is played at the premises, except for access and egress. Amplified music from entertainment to be restricted to 08:00 - 22:00 hours.

A noise management scheme must be provided in writing to the Local Planning Authority that details the measures to be implemented and thereafter retained to minimise noise impacts of events held within the venue to ensure all activities and use of the premises is suitably mitigated via sound control measures detailed in the Noise Impact Assessment and Noise Impact Management Plan dated 18th August 2019.

Prior to occupation a volume control system must be fitted and must be set and maintained in working order to ensure the amplified and live music is not audible to the nearest sensitive receptor in Bell Street and Dolphin Quay. If complaints are received, within 28 days of written notification, the volume control system must be reassessed and the level set in agreement with the Local Authority. The system must be locked within a tamper proof unit.

Reason to protect the amenity of nearby residential premises.

Emptying of glass into the waste bins is to be restricted to 07:30 hours and 21:00 hours.

Prior to operation, submit in writing to the Local Planning Authority for approval details of the acoustic screening to be provided around the smoking area. The acoustic screening must then be installed in accordance to the agreed and thereafter retained.

No drinking glasses or bottles shall be permitted to be taken outside by customers.

HOU03 As requested on application.

LIG01 for any new external lighting to be provided

REF01

REF02

2.0 Representations

2.1 8no objections have been received.

2.2 These comments are summarised below.

- Affect character of conservation area.
- Inadequate parking provision.
- Inappropriate design.
- Loss of privacy.
- Loss of residential amenity.
- Not in accordance with development plan.
- Nuisance – disturbance, noise.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Traffic congestion.
- The Cosalt building is removed from the Commercial side of the quay and set amongst a residential area.
- Not in keeping with the proposed long term plan for the area.
- Does not fit with the principles of the established conservation agreement which sets out clear boundaries between the fishing, residential and entertainment areas.
- Major traffic congestion especially at weekends.
- Inadequate parking.
- Buses stop running at 18:00, the Ferry at 21:45 hrs on weekends and there are no taxi ranks.
- Parking is at a premium and a big influx of people will have a major impact on the infrastructure.
- Noise pollution.
- The building will not meet current noise guidelines unless it is fully soundproofed.
- Detrimental to the "Feel" on the Quay.
- Commercial development ought to be kept separate from residential development.
- Will exacerbate existing noise and anti-social behaviour.
- Large numbers of people will leave at the same time.
- Enough drinking establishments on the Fish Quay.
- Noise from music.
- Noise report fails to consider the residential properties at the Prince of Wales public House and Riverside Quays.
- The Transport Statement fails to assess the impact on car parking.
- Litter.
- Lack of consultation with local residents.
- I object to this proposal of health, safety and environmental grounds.

2.3 17no letters of support have been received

2.4 These comments are summarised below.

- Will be an asset to the Fish Quay.
- Regeneration benefits.
- Good to see the whole of the North Shields quayside being renovated.
- Will not be a daily operation.
- A short terms permission could be reviewed after events have taken place.
- Family friendly venue.
- Bring the building back into use.
- Will help existing businesses.
- Enhance the reputation of the Fish Quay.
- Attract more visitors/tourism to the area.
- Not opening beyond 11.00pm will keep disruption to a minimum.
- Succorfish Ltd have advised that the venue would accommodate their business conferences and training events including their Satellite and Sub Sea Communication Summit and Marine Fisheries networking and training.
- Will bring financial investment and cultural uplift.
- The events would appeal to a wide range of people.
- Well suited to its location and surroundings.
- Minimal impact on existing businesses and structures.

2.5 General comments

2.6 The managing Agent for Dolphin Quays states that the proposed external bin store is on land belonging to Dolphin Quays.

2.7 Officer comment – The plans have been amended and the bin stored moved to an alternative location.

3.0 Councillor Comments

3.1 Cllr Frank Lott has requested that the application is determined by Planning Committee.

4.0 External Consultees

4.1 Tyne and Wear County Archaeologist

4.2 No comments to make.