



North Tyneside Council

# Planning Committee

13 April 2018

To be held on **Tuesday 24 April 2018** in room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for absence</b>	
To receive apologies for absence from the meeting.	
<b>2. Appointment of substitutes</b>	
To be informed of the appointment of any substitute members for the meeting.	
<b>3. To receive any declarations of interest</b>	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
<b>4. Minutes</b>	<b>3 - 11</b>
To confirm the minutes of the meeting held on 3 April 2018.	

Continued overleaf

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5.	<b>Planning officer reports</b>	12 - 16
	To give consideration to the planning applications contained in the above report relating to:	
5.1	18/00239/FUL Visitor Centre, St Mary's Island, St Mary's Island Access Road, Whitley Bay  <span style="display: block; text-align: right;">(St Mary's Ward)</span>	17- 54
5.2	18/00240/LBC Visitor Centre, St Mary's Island, St Mary's Island Access Road, Whitley Bay  <span style="display: block; text-align: right;">(St Mary's Ward)</span>	55 - 72

**Members of the Planning Committee:**

Councillor Anne Arkle	Councillor Frank Lott (Chair)
Councillor Brian Burdis	Councillor Wendy Lott
Councillor Sandra Graham	Councillor Gary Madden
Councillor Muriel Green	Councillor Paul Mason
Councillor Ed Hodson	Councillor David McMeekan (Deputy Chair)
Councillor John Hunter	

(Note: These minutes are subject to confirmation at the next meeting of the Committee scheduled to be held on 24 April 2018.)

## **Planning Committee**

**3 April 2018**

Present: Councillor F Lott (Chair)  
Councillors E Hodson, M A Green,  
S Graham, John Hunter, W Lott,  
D McMeekan, T Mulvenna  
and P Mason.

### **PQ53/04/18 Apologies**

Apologies for absence were received from Councillor B Burdis.

### **PQ54/04/18 Substitute Members**

Pursuant to the Council's Constitution the appointment of the following substitute member was reported:

Councillor T Mulvenna for Councillor B Burdis.

### **PQ55/04/18 Declarations of Interest and Dispensations**

Councillor P Mason stated that 51 Athol Gardens, Whitley Bay 17/01660/FUL was located near his home but he had no prior knowledge of the application and he had not pre-determined the application.

Councillor D McMeekan stated that he had pre-determined application 18/00123/FULH, 106 Wallington Avenue, Cullercoats and consequently he would take no part in the discussion or voting on the application.

Councillor D McMeekan stated that he had pre-determined application 18/00137/FULH, 47 Wallington Avenue, Cullercoats and consequently he would withdraw from the meeting and take no part in the discussion or voting on the matter once he had spoken to the Committee under the terms of the Committee's Speaking Rights Scheme.

### **PQ56/04/18 Minutes**

**Resolved** that the minutes of the meeting held on 13 March 2018 be confirmed as a correct record and signed by the Chair.

## PQ57/04/18 Planning Officer's Reports

**Resolved** that (1) permission to develop pursuant to the General Development Provisions of the Town and Country Planning Act 1990 and the Orders made thereunder, be granted for such class or classes of development or for such limited purpose or purposes as are specified, or not granted as the case may be, in accordance with the decisions indicated below; and

(2) any approval granted for a limited period be subject to the usual conditions relating to the restoration of land, removal of buildings and discontinuance of temporary use.

Application No:	17/01852/FUL	Ward:	Collingwood
Application Type:	Full planning application		
Location:	Car Park South of Units 13 and 14, Collingwood Centre, Preston North Road, North Shields		
Proposal:	Erection of a drive thru restaurant with associated access, disabled car parking, cycle stands, and hard and soft landscaping		
Applicant:	Erindale Ltd and Wm Morrison Supermarkets plc		

The Committee gave consideration to a report of the planning officers in relation to the application. A planning officer presented details of the application, together with details of application 17/01853/ADV, with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Mr Gordon Dennett of 22 Heybrook Avenue was permitted to speak to the Committee in relation to this application and application 17/01853/ADV. Mr Dennett endorsed the views of the Director of Public Health and Councillors Grayson and Rankin who had highlighted the incompatibility of the proposed drive thru restaurant with the Council's policy aimed at reducing childhood obesity. He also conveyed to the Committee the strength of feeling among residents of Heybrook Avenue about the further significant loss of residential amenity that the application would represent if approved. In his view the planning officer's report had paid scant attention to problems such as loss of visual amenity, poor waste management, light pollution, anti-social activity and security risks, particularly the loss of a 3m high security wall. Experience had shown these problems were not amenable to effective planning conditions or control measures. Mr Dennett urged the Committee to defend the Council's stated commitment to healthy eating and avoid a serious loss of amenity for residents.

Mr Craig Barnes, of Barton Willmore, was permitted to speak to the Committee on behalf of the applicants and respond to the points raised by Mr Dennett. Mr Barnes stated that the applicants had received pre-application advice from the Council which had indicated that the application was acceptable in principle. He stated that where it was not possible to establish a dominant use for a proposed development then its use class should be deemed to be Sui Generis, in other words without a defined use class. Whilst he accepted the principle of policies to prevent unhealthy eating near schools he explained that Kentucky Fried Chicken restaurants allowed customers to choose from a range of foods and where necessary it operated a policy not to serve children in school uniforms. Mr Barnes believed the concerns raised by the Environmental Health Officer could be satisfactorily addressed by way of conditions and he outlined the economic benefits of the proposed development. The development was appropriate for the location and there were no objections in relation to highway safety. Mr Barnes stated there was insufficient justification to refuse the application and he asked the Committee to consider its benefits.

Members of the Committee asked questions of Mr Dennett, Mr Barnes and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the definition of Use Class A3, Use Class A5 and developments deemed to be Sui Generis and how these classifications applied to the application. Officer advice was that the application represented a mix of A3 and A5 use;
- b) the advice of the Director of Public Health on the impact of hot food takeaways and drive thru restaurants on levels of obesity;
- c) the location of the proposed restaurant in relation to John Spence Community High School;
- d) the practice in some Kentucky Fried Chicken restaurants not to serve children during school hours regardless of what they were wearing;
- e) the restaurant's policies and practices in relation to groups of young people congregating in and around the area;
- f) the outcome of the noise assessment undertaken by the applicants and the extent to which existing noise levels and the opening times of neighbouring units had been taken into account; and
- g) pre-application advice having been provided to the applicants prior to the adoption of the Local Plan 2017.

### Decision

Application refused on the grounds that:

1. The proposed use does not meet the criteria of Policy DM3.7 of the Local Plan (2017). The site is located in a ward where more than 15% of year 6 pupils are classified as very overweight, and is within 400m of John Spence High School. As such the proposed use would cause significant harm to the health of residents in the area and is contrary to Policy DM3.7 of the Local Plan (2017) and NPPF.
2. Insufficient information has been submitted to assess the impact of cooking odours and noise from customer activity, including car doors, radio and raised voices, on the amenity of residential occupiers. The proposal therefore fails to comply with the NPPF and Policies S1.4 and DM5.19 of the North Tyneside Local Plan 2017.
3. No information has been submitted to assess the impact of coal mining legacy on the proposed development. The applicant has failed to demonstrate that the site is safe, stable and suitable for development, and that issues of land instability can be satisfactorily overcome. The development is contrary to the NPPF and Local Plan Policy DM5.18.

Application No:	17/01853/ADV	Ward: Collingwood
Application Type:	Full planning application	
Location:	Car Park South of Units 13 and 14, Collingwood Centre, Preston North Road, North Shields	
Proposal:	"KFC" Lettering Fascia sign to be attached to eastern and southern frontage. KFC logo Fascia sign to be attached to eastern frontage. 2no single wall mounted "Leader board" Fascia Signs to be attached to southern frontage. 4no wall mounted "Menu Board" Fascia Sign to be attached to southern frontage. "Menu Board" Fascia Sign will be orientated at an angle off the building towards vehicles using the drive through. 4no directional signs.	
Applicant:	Erindale Ltd and Wm Morrison Supermarkets plc	

The Committee gave consideration to a report of the planning officers in relation to the application. A planning officer presented details of the application, together with details of application 17/01852/FUL, with the aid of various maps, plans and photographs.

In considering the application the Committee took into account the points raised by Mr Dennett and Mr Barnes and during questioning as summarised above.

## Decision

Application refused on the grounds that:

1. The proposed advertisements will result in harm to the visual amenity of the area; contrary to the National Planning Policy Framework and Policy DM6.3 of the North Tyneside Council Local Plan.
2. The proposed advertisements will result in harm to highway safety due to their proximity to the highway and A1058/A192 roundabout; contrary to the National Planning Policy Framework.

Application No: 17/01660/FUL Ward: Monkseaton South  
Application Type: Full planning application  
Location: 51 Athol Gardens, Whitley Bay  
Proposal: Erection of new detached dwelling within garden of number 51 and single storey rear extension to number 51  
Applicant: Mr Alan Spence

The Committee gave consideration to a report of the planning officers in relation to the application, together with an addendum circulated to members of the Committee prior to the meeting and containing a revised officer recommendation. A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Mr George Partis of 49 Athol Gardens was permitted to speak to the Committee. Mr Partis outlined the difficulties caused by parked cars in Athol Gardens, Drumoyne Gardens and Newlands Avenue. For example coaches were often obstructed from turning the corner of Athol Gardens and Drumoyne Gardens. The problems had been made worse by the increased traffic flow from the 84 homes constructed at Briar Vale and traffic avoiding the congestion on Seatonville Road. Mr Partis objected to the construction of the detached dwelling on the grounds that additional housing in the area would generate increased levels of traffic. He acknowledged that the applicant had reduced the number of parking spaces within the proposed development from 4 to 3 but he felt that this reduction would make no difference to traffic safety in the area. He asked that the application be deferred to enable the applicant to carry out a traffic survey and allow the Committee to undertake a site visit.

The applicant, Mr Spence, was present at the meeting but he declined the opportunity to speak to the Committee in response to Mr Partis' comments.

Members of the Committee asked questions of Mr Partis and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the likely impact of the proposed detached dwelling and single storey rear extension, including the provision of 3 parking places within the curtilage of the site, on highway safety in the area;
- b) the measures that could be taken by the Council to monitor and control parking in the area, separately from determination of this application; and
- c) the likely impact of the provision of 3 parking bays on the risk of flooding in the area.

The Committee also gave consideration to Mr Partis' suggestion that a site visit be undertaken prior to the determination of the application. The Committee agreed not to undertake a site visit as it was advised that such visits should only take place in exceptional circumstances where the nature of the application is such that only through a visit would it be possible to give full consideration to such issues.

**Decision**

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application on expiry of the consultation period, subject to the receipt of any additional comments or any further matters arising which in the opinion of the Head of Environment, Housing and Leisure raise issues not previously considered which justify reconsideration by the Committee.

(The Committee was minded to approve the application, subject to the conditions set out in the planning officer's report and a condition requiring the applicant to provide parking bays with a permeable surface to minimise the risk of flooding, as the development was considered to be acceptable in terms of its impact on existing land uses, the amenity of existing residents and future occupants, its impact on the character and appearance of the surrounding area and highway safety in accordance with the relevant policies contained in the National Planning Policy Framework and the Council's Local Plan 2017.)

Application No:	18/00123/FULH	Ward:	Cullercoats
Application Type:	Householder Full application		
Location:	106 Wallington Avenue, Cullercoats		
Proposal:	Single storey lean-to front extension and two storey side extension. Single storey lean-to rear extension and loft conversion with velux windows to the front roof slope and 2no dormer windows to the rear		
Applicant:	Mr John Hope		

(Councillor D McMeekan had stated that he had pre-determined the application and took no part in the discussion and voting on the matter.)

The Committee gave consideration to a report of the planning officers in relation to the application, together with an addendum circulated prior to the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Councillor John O'Shea was permitted to speak to the Committee. Councillor O'Shea explained that he was speaking on behalf of the resident of the neighbouring property. He considered the proposed development to be overdevelopment of the site as it would double the footprint of the property. The extensions would have a detrimental impact on the streetscape and have an intrusive effect on the residential amenity of neighbours. Furthermore the neighbouring resident suffered from Chronic Obstructive Pulmonary Disease and there would be a risk that dust from the construction of the extensions could be life threatening to the neighbour.

As the applicant and his agent were unable to attend the meeting to respond, the Committee gave consideration to a letter received from the agent, Mr Steedman, which had been sent to members of the Committee prior to the meeting.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to:

- a) the impact on highway safety of the proposed provision of parking for one vehicle on an extended driveway; and
- b) the impact of the size and scale of the proposed development on the residential amenity of neighbouring residents.

**Decision**

Application approved, subject to the conditions set out in the planning officer's report, as the development was considered to be acceptable in terms of its impact on the living

conditions of neighbouring residents, the character and appearance of the area and highway safety in accordance with the relevant policies contained in the National Planning Policy Framework and the Council's Local Plan 2017.

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 Paragraphs 186-187 of the National Planning Policy Framework.

Application No:	18/00137/FULH	Ward:	Cullercoats
Application Type:	Householder Full application		
Location:	47 Wallington Avenue, Cullercoats		
Proposal:	Two storey side and rear extension to provide garage with bedrooms over and canopy extension to front elevation		
Applicant:	Mr Keith Kitching		

(Councillor D McMeekan had stated that he had pre-determined the application and once he had spoken to the Committee under the terms of the Committee's Speaking Rights Scheme he withdrew from the meeting and took no part in the discussion or voting on the matter.)

The Committee gave consideration to a report of the planning officers in relation to the application. A planning officer presented details of the application with the aid of various maps, plans and photographs. During the presentation the planning officer confirmed that the application was in relation to 47 Wallington Avenue and not 49 as incorrectly stated in the report.

In accordance with the Committee's Speaking Rights Scheme, Councillor David McMeekan was permitted to speak to the Committee. Councillor McMeekan explained that he was speaking on behalf of the residents of 49 and 51 Wallington Avenue. He asked the Committee to reject the application as the proposed development would have a detrimental impact on the streetscape, it represented an overdevelopment of the site and would change the character of the street. The extensions would have a negative impact on the residential amenity of neighbours in terms of loss of privacy and light.

The applicant's agent, Mr Mitchell, was present at the meeting but he declined the opportunity to speak to the Committee to respond to Councillor McMeekan's comments.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave detailed consideration to the size and scale of the proposed development, particularly its likely impact on the use of the garage at 49 Wallington Avenue given its location and design.

### **Decision**

Application approved, subject to the conditions set out in the planning officer's report, as the development was considered to be acceptable in terms of its impact on residential amenity and the character and appearance of the area in accordance with the relevant policies contained in the National Planning Policy Framework and the Council's Local Plan 2017.

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 Paragraphs 186-187 of the National Planning Policy Framework.

Application No: 18/00072/REM Ward: Cullercoats  
 Application Type: Reserved Matters  
 Location: Site of Former Wallington Court, Wallington Avenue, Cullercoats  
 Proposal: Reserved matters application, all matters reserved; for the erection of 12 residential bungalows  
 Applicant: Compass Developments

The Committee gave consideration to a report of the planning officers in relation to the application, together with an addendum to the report which had been circulated to members of the Committee prior to the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave detailed consideration to the surface water management scheme which would be required to minimise the risk of flooding to neighbouring properties. It was suggested that a further condition be added to withdraw permitted development rights to control the conversion of any landscaping to become additional hardstanding areas within the development site. This was agreed by the Committee.

**Decision**

Application approved, subject to the conditions set out in the planning officer’s report, and the removal of permitted development rights to control the conversion of landscaping to become additional hardstanding within the development site, as the development was considered to be acceptable in terms of its scale, appearance, landscaping and access in accordance with the relevant policies contained in the National Planning Policy Framework and the Council’s Local Plan 2017.

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 Paragraphs 186-187 of the National Planning Policy Framework.

Application No: 18/00054/FUL Ward: Battle Hill  
 Application Type: Full planning application  
 Location: Site of former Bonchester Court, Broxburn Close, Wallsend  
 Proposal: Development of 13no 2 bed bungalows and 8no 1 bed flats  
 Applicant: North Tyneside Council

The Committee gave consideration to a report of the planning officers in relation to the application.

Members of the Committee sought clarification in relation to the Council's housing land supply.

### **Decision**

Application approved, subject to the conditions set out in the planning officer's report, as the development would make a small but valuable contribution to the housing supply and it was considered to be acceptable in terms its impact on existing land uses, the amenity of existing residents and future occupants, its impact on the character and appearance of the surrounding area and highway safety in accordance with the relevant policies contained in the National Planning Policy Framework and the Council's Local Plan 2017.

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 Paragraphs 186-187 of the National Planning Policy Framework.

### **PQ58/04/18 Holywell Engineering, Station Road, Backworth Tree Preservation Order 2017 (Valley Ward)**

The Committee considered a report from the planning officers in relation to the making of a Tree Preservation Order (TPO).

In 2017 the Council had received two applications to undertake works to trees on land within the Holywell Engineering site, Backworth. One application had been in relation to trees protected by an existing Tree Preservation Order (TPO) made in 1995 and another in relation to trees protected by virtue of their location within the Backworth Conservation Area.

When the notice was received for works to trees in the conservation area, the Council had six weeks in which to determine the application and to consider whether to make a TPO on the trees. The trees had been assessed and in this case the Council had decided to make a new TPO to update the Order made in 1995 and include within it the trees that were previously only protected by the conservation area.

The new Order had been served in 2017 when two letters of objection had been received from the land owners and a company acting on behalf of the land owners. Copies of these representations were presented to the Committee together with commentary from the Council's landscape architect. The Committee were asked to give consideration to the objections and to decide whether to:

- a) confirm the making of the TPO without modifications;
- b) confirm the making of the TPO with modifications; or
- c) not confirm the TPO in which case the Order would lapse on 13 June 2018 and there would be nothing to prevent the removal of the trees protected by the conservation area.

An addendum to the planning officer's report was considered by the Committee which contained details of correspondence with the land owner regarding the condition of trees included in the Order and an assessment of this information from the Council's landscape architect.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave consideration to the amenity value of the trees within the Holywell Mining site and their contribution to preserving the character and appearance of the Backworth Conservation Area. It was noted that confirmation of the Order did not prohibit the felling of, or works to, trees, particularly if they were considered to be dangerous, but it gave the Council control in order to protect trees which contributed to the amenity of the surrounding area.

**Resolved** that the Holywell Engineering, Station Road, Backworth, Tree Preservation Order 2017 be confirmed without modifications.

## PLANNING COMMITTEE

Date: 24 April 2018

### PLANNING APPLICATION REPORTS

#### **Background Papers - Access to Information**

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

#### **Principles to guide members and officers in determining planning applications and making decisions**

##### Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed, preferably in writing, so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

## Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

### Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

### Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this

does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

### Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

### Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

**PLANNING APPLICATION REPORTS  
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- 1 18/00239/FUL St Marys**  
**Visitors Centre St Marys Island St Marys Island Access Road Whitley Bay  
Tyne And Wear NE26 4RS**
- 2 18/00240/LBC St Marys**  
**Visitors Centre St Marys Island St Marys Island Access Road Whitley Bay  
Tyne And Wear NE26 4RS**

**Item No:** 1  
**Application No:** 18/00239/FUL Author: Julia Dawson  
Date valid: 21 February 2018 ☎: 0191 643 6314  
Target: 13 June 2018 Ward: St Marys  
decision date:

Application type: full planning application

**Location: Visitors Centre, St Marys Island, St Marys Island Access Road, Whitley Bay, Tyne And Wear**

**Proposal: Refurbishment of lighthouse and visitor centre including internal re-planning of visitor centre, partial demolition of visitor centre entrance and construction of single storey extension in its place, single storey extension to visitor centre east elevation, construction of ancillary external storage and plant rooms and renewal of causeway. (Resubmission)**

**AMENDED CAUSEWAY DRAWINGS - Please see Rev.D Causeway Replacement - Conceptual Arrangement and Rev.D Causeway Replacement - Sections and accompanying email (uploaded 19.03.2018)**

Applicant: North Tyneside Council, Mr Chris Bishop Quadrant The Silverlink North Cobalt Business Park North Tyneside NE27 0BY

Agent: Beaumont Brown Architects LLP, Mr David Brown The Old Brewery Castle Eden TS27 4SU

**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 set out below:

- Principle of development;
- Impact on the character and appearance of the conservation area;
- Impact on amenity;
- Ecological impact;
- Highways impact and
- Other matters including impact on ground conditions, archaeology and flooding.

1.2 Members need to consider whether the proposed development is acceptable having regard to the issues above.

#### 2.0 Description of the Site

INIT

2.1 The site comprises a Lighthouse, Visitors Centre, causeway and former Keepers Cottage located on St Mary's Island in Whitley Bay. The site is part of a larger Site of Special Scientific Interest (SSSI) and is within the Northumbria Coast Special Protection Area (SPA) and Ramsar site, which is of international importance.

2.2 The site is a 'sensitive area' as defined by Regulation 2 Part (1) of the 2017 EIA Regulations. The site is located within a site of European and National Importance for its migratory and wintering bird interest, namely the Northumbria Coast SPA and Northumberland Shore SSSI. The other ecological designations located on or in the vicinity of the application site include:

- St. Mary's Island Local Nature Reserve (LNR);
- St. Mary's Island Voluntary Marine Nature Reserve (vMNR);
- Northumbria Coast Ramsar Site;
- Tynemouth to Seaton Sluice Geological SSSI; and
- Coquet to St. Mary's Marine Conservation Zone (MCZ).

2.3 The site is situated within St. Mary's Conservation Area (consisting of the whole island) which was designated in November 1974 due to the fact that the site is particularly prominent and a visible part of coastline.

2.4 St Mary's Island Lighthouse, Keepers' Cottages, Compound Walls and the adjacent residential dwelling known as 'The Cottage' (the Former Fisherman's Cottage which does not form part of the application site), are all Grade II Listed buildings.

2.5 The island and causeway are shown to lie in Flood Zone 3 on the Environment Agency's flood maps, and are at the greatest risk of tidal flooding.

2.6 'The Cottage' is a detached private residential dwelling with associated garden area located to the south west of the Visitor Centre.

### 3.0 Description of the Proposal

3.1 The proposal relates to an application for planning permission for the following works:

- Refurbishment of the lighthouse;
- Refurbishment and internal re-planning of the visitor centre;
- Partial demolition of the visitor centre entrance;
- Construction of single storey extension in place of demolished visitor centre entrance;
- Construction of a single storey extension to visitor centre east elevation;
- Construction of ancillary external storage and plant rooms; and
- Renewal of the causeway.

3.2 The following documents have been submitted in support of the application:

- Environmental Statement and appendices, incl. Shadow Habitat Regulations Assessment and Phase 1 Survey and Bat Report;
- Archaeological Evaluation and Archaeological Desk Based Assessment;
- Design and Access Statement;
- Heritage Statement;
- St Marys Conservation Plan;
- Response to RSPB and NWT Consultations.

#### 4.0 Relevant Planning History

4.1 16/01703/EIASCO: Request for EIA Scoping Opinion to restore Lighthouse, Visitors Centre and former Keepers Cottage. Scoping opinion given 24.11.2016

4.2 17/00809/EIASCO - Request for EIA Scoping Opinion to restore Lighthouse, Visitors Centre and former Keepers Cottage – Scoping opinion given 27.06.2017

4.3 17/01146/FUL - Refurbishment of lighthouse, refurbishment and internal re-planning of visitor centre, partial demolition of visitor centre entrance, construction of a single storey extension to visitor centre east elevation, construction of a two storey extension in place of demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway – Refused 21.11.2017

4.4 17/01145/LBC - Refurbishment of lighthouse, refurbishment and internal re-planning of visitor centre, partial demolition of visitor centre entrance, construction of a single storey extension to visitor centre east elevation, construction of a two storey extension in place of demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway – Refused 21.11.2017

4.5 18/00240/LBC - Refurbishment of lighthouse and visitor centre including internal re-planning of visitor centre, partial demolition of visitor centre entrance and construction of single storey extension in its place, single storey extension to visitor centre east elevation, construction of ancillary external storage and plant rooms and renewal of causeway. (Resubmission) – Pending Decision

#### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

#### 6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 National Planning Practice Guidance (As Amended)

6.3 Draft revised National Planning Policy Framework (March 2018)

6.4 Planning (Listed Buildings and Conservation Areas) Act 1990

6.5 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations')

6.6 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining

development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider are set out below:

- Principle of development;
- Impact on the character and appearance of the conservation area;
- Impact on amenity;
- Ecological impact;
- Highways impact; and
- Other matters including impact on archaeology and flooding.

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

7.3 Planning application 17/01146/FUL was refused by Planning Committee due to the proposed external viewing platforms, which it was considered would have caused undue noise and disturbance to wildlife. In addition, insufficient information was submitted to mitigate the adverse impact to biodiversity. The viewing platforms have been removed from the current application.

### 8.0 Principle of Development

8.1 The National Planning Policy Framework states that there is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay. Paragraph 18 of NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity.

8.2 Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable economic growth.

8.3 NPPF paragraph 105 states “In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes”. The NPPF goes on to say that LPA’s should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. Coast Change Management Areas should be identified.

8.4 NPPF paragraph 108 states “Local planning authorities should also ensure appropriate development in a Coastal Change Management Area is not impacted by coastal change by limiting the planned life-time of the proposed development through temporary permission and restoration conditions where necessary to reduce the risk to people and the development”.

8.5 Policy S1.4 'General Development Principles 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.

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

- 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.

8.7 Policy AS8.17 'Visitor Attractions and Activities at the Coast' states that the following proposals and activities have been noted as particular opportunities at the coast that could enhance its role for tourism over the life of the plan:

- b. St. Mary's Headland - new visitor facilities.
- c. St. Mary's Lighthouse and visitor centre refurbishment.

8.8 One of the objectives set out within the Local Plan is explore and identify opportunities for regeneration and investment across the Borough. One of the early examples of regeneration priorities within North Tyneside, as set out in objective 6, is to provide new facilities and improved public realm to develop the tourism and visitor offer whilst safeguarding the natural landscape and wildlife habitat and conserving the historic environment at St Mary's Lighthouse.

8.9 The proposed development seeks to improve the facilities that are available to visitors and users of St. Mary's Lighthouse with specific emphasis on providing improved learning/education and display space to accommodate school groups, and upgrades to the causeway to enable safer access to the island.

8.10 Whilst there was significant local objection to the original planning application (17/01146/FUL) most notably to the ecological impact of the proposed viewing platforms and the causeway works, the current application has resulted in just two objections from members of the public. These concerns are noted and will be addressed later on within this report. The occupants of the residential cottage on the island have also offered their support to the principle of the proposed works noting that it will provide a restored and improved facility for all users.

8.11 The scheme to improve facilities at St Mary's Lighthouse and Visitor Centre has long been a priority of the Council. Members must determine whether the

principle of the proposed works is acceptable. Officer advice is that the principle is in accordance with local plan policies AS8.15, AS8.17 and S1.4 and the NPPF.

#### 9.0 Design and Layout and Impact on Character and Appearance of the Conservation Area

9.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

9.2 Paragraph 131 of NPPF advises that in determining application, local planning authorities should amongst other matters take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

9.3 Paragraph 132 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

9.4 Paragraph 134 of NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal including securing its optimum viable use.

9.5 Local Plan Policy S6.5 'Heritage Assets' seeks to pro-actively preserve, promote and enhance its heritage assets.

9.6 Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states that proposals that affect their setting will be permitted where they sustain, conserve and where appropriate enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

9.7 Policy S1.4 'General Development Principles' states that proposals should have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment.

9.8 Policy DM6.1 'Design of Development' 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.

9.9 Policy DM6.2 'Extending Existing Buildings' states that extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design.

9.10 Supplementary Planning Document LDD11 'Design Quality' provides design advice on development.

9.11 The St. Mary's Island Conservation Area Character Appraisal April 2010 is also a material consideration.

9.12 One objection has been received from a local resident who has advised that they strongly object to any work that impacts visually or changes the historic feel that the site gives to visitors at present. In addition, an objection has been received from the Northumberland and Newcastle Society who consider the proposed glazed extensions are considered to be out of keeping and have expressed concerns about the raising of the level of the causeway as a means of repairing it. These objections are noted.

9.13 The Local Planning Authority has obtained independent comments from a Conservation Specialist in respect of the proposed works. She has advised that the existing buildings and structures contribute towards the historic, aesthetic, communal and architectural significance of the buildings and the surrounding site and that the proposals to repair, alter and extend the existing former keepers' cottages, lighthouse and surrounding boundary walls and bird hide would result in an element of harm to the significance of the designated heritage assets.

9.14 However, the proposed conservation of the existing historic built structures, reversing later, inappropriate repairs and alterations, reinstatement of historic features and continued reuse of the existing designated heritage assets providing public access, would preserve and enhance the existing designated heritage assets for future generations. As such, she does not consider that the proposed works would result in substantial harm to the historic character, appearance, setting or significance of the designated heritage assets, including the surrounding conservation area.

9.15 Historic England have advised that they welcome the Council's move to carry out repair and restoration of the lighthouse, cottages and walls, which will rectify the harm done in recent years through the use of inappropriate materials and unsympathetic alterations, which has caused deterioration of their condition and diminished their appearance. They have stated that this will not only enhance the significant of the grade II listed complex, but will help support the building's present use as a visitor attraction. Historic England have also commented on the proposed new extensions stating that 'glass-box' approach helps minimise the visual impact and should allow the original elevation to remain legible, whilst the use of white render akin to that used across the site is entirely appropriate in this instance and should help it sit more comfortably with the extant structure.

9.16 Historic England has noted that the character and appearance of the building will be affected by the proposals, but they have acknowledged the efforts that have been made to keep this to a minimum. They recognise the public benefits that will be secured through conservation and continued use as a visitor attraction, which in this instance outweighs the harm. Consequently, the proposal satisfies the requirements of paragraph 131 of the NPPF by sustaining and enhancing the significance of the assets through a use consistent with their conservation, and by celebrating and reinforcing the 'positive contribution that the conservation of heritage assets can make to sustainable communities'.

9.17 Visually, the proposed causeway improvement works, which will involve the break-out of a section of causeway at its lowest point to allow for replacement without affecting tide coverage times, and to overlay the remainder of the retained causeway structure in a new concrete formation, will have a minimal impact on the character and appearance of the site and conservation area.

9.18 Members need to determine whether the revised proposal, omitting the previously proposed viewing platforms, is acceptable in terms of its design and its impact on the character and appearance of St Mary's Island Conservation Area. Officer advice is that, with regard to all of the above, the proposed development is in accordance with the local plan policies set out and the NPPF and will not result in significant harm or detriment to the character and appearance of the conservation area or the Grade II listed buildings.

### 10.0 Impact on Amenity

10.1 The NPPF states that there are three dimensions to sustainable development; economic, social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

10.2 The NPPF outlines 12 core planning principles which should underpin decision taking. It states that local planning authorities should contribute to conserving and enhancing the natural environment and reducing pollution. Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

10.3 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. In accordance with the nature of development those proposals should:

(b) be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

10.4 Policy DM6.1 'Design of Development' states that development should provide a good standard of amenity for existing and future residents and users of buildings and spaces.

10.6 As per the original application, the occupants of the residential dwelling on St Marys Island (The Cottage) have raised concerns with regard to the working hours on site and the measurements of noise levels. These concerns are noted. The Cottage is identified as a receptor of moderate sensitivity in the Environmental Statement, which identifies the principal source of construction noise to be from the causeway improvement works and sets out proposed mitigation measures to address noise.

10.7 With regard to the impact on the amenity of the residents of the island, this is clearly a very important material planning consideration. The applicant is fully aware of this issue and has previously been in direct contact with the applicant to discuss and address these matters. The applicant is very keen to maintain an open dialogue with the residents so that they can work together going forwards.

10.8 As was also the case with the previous application, it is considered that with appropriate control over the various issues raised, via conditions, the impact of the proposed development on the amenity of the residents can be kept to an acceptable level. It is not appropriate to give a blanket approval for works to take place at the hours suggested, as it would cause an adverse impact. However, it is recommended that a condition is attached to any approval to require a full programme of works (including timings/days/nature of works etc) to be submitted to the LPA prior to any works commencing on site. On submission of this the LPA will consult with the residents for their comments and work closely with the applicant and resident to ensure that acceptable working hours and impacts are agreed.

10.9 It is suggested that a revised noise assessment could deal with the issues raised regarding where the noise readings were taken (i.e. the garden area of The Cottage, rather than the dwelling itself), and include any required mitigation measures.

10.10 Members must determine whether the proposed use is acceptable in terms of its impact on the amenity of surrounding residents. Officer advice is that, subject to conditions that it would not result in any significant harm in this respect. This would accord with policies S1.4 and DM6.1 of the Local Plan and the NPPF.

### 11.0 Ecological Impact

11.1 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment. Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and

The following wildlife sites should be given the same protection as European sites:

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

11.2 Policy S5.4 ‘Biodiversity and Geodiversity’ states that the Borough’s biodiversity and geodiversity resources will be protected, created, enhanced and managed

having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

11.3 Policy DM5.5 ‘Managing effects on Biodiversity and Geodiversity states that all development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

11.4 Policy DM5.5 further states that proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their

presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and, f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

11.5 Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

11.6 Policy DM5.6 'Management of International Sites' states that in accordance with European Legislation, proposals that are likely to have significant effects on features of internationally designated sites, either alone or in-combination with other plans or projects, will require an appropriate assessment. Proposals that adversely affect a site's integrity can only proceed where there are no alternatives, imperative reasons of overriding interest are proven and the effects are compensated.

11.7 Expert advice will be sought on such proposals and, if necessary, developer contributions or conditions secured to implement measures to ensure avoidance or mitigation of, or compensation for, adverse effects. Such measures would involve working in partnership with the Council (and potentially other bodies) and could include a combination of two or more of the following mitigation measures:

- a. Appropriate signage to encourage responsible behaviour;
- b. Distribution of information to raise public awareness;
- c. Working with local schools, forums and groups to increase public understanding and ownership;
- d. Use of on-site wardens to inform the public of site sensitivities;
- e. Adoption of a code-of conduct;
- f. Zoning and/or seasonal restrictions to minimise disturbance in particular sensitive areas at particularly sensitive times;
- g. Specially considered design and use of access points and routes;
- h. Undertaking monitoring of the site's condition and species count;
- i. Provision of a Suitable Accessible Natural Green Space (SANGS).

11.8 One objection has been received from a resident of Seaton Sluice who has requested that more than a 5m length of causeway (at the present height) is retained in order for the island to be properly, 'cut off' at high tide for both for the protection of the wildlife on the island, but also to deter people from trying to wade/swim across at high tide.

11.9 The St Mary's Seal Watch group (SMSW) have also submitted a representation which, whilst welcoming the changes made to the development, also raises concerns about some issues which they consider remain unclear with particular regard to the causeway and visitor management. Specifically, they have requested that the following are secured by planning conditions:

1. The 5m stretch to remain at the present level be increased to the entire 30m stretch of the causeway that floods first to ensure no extended access to the island.
2. Habitat creation boulders remain outside of the entire breakout section.
3. Further management of visitor pressure, including restricting access via the two sets of stairs, is implemented.

11.10 The Northumberland and Newcastle Society have also advised that they remain concerned that the proposed development is beyond the capacity of the island to accommodate it; in terms of the numbers of visitors to be catered for and that the effect on the wildlife is still therefore a matter of great concern. This concern is noted.

11.11 The statutory consultee, Natural England, has raised no objection to the proposed works, subject to appropriate mitigation being secured. Natural England has advised that if all mitigation measures are implemented in full, then they concur with the conclusion of the submitted shadow Habitats Regulations Assessment of no likely significant effects on European designated sites alone and in combination.

11.12 The RSPB has provided details comments in response to the consultation on the planning application. Within these, without objecting to the proposals, they have advised that the revised application goes some way to addressing their concerns with regard to the original scheme (17/01146/FUL), however a number of their comments and concerns remain unresolved. The applicant has provided a response to the queries raised by the RSPB. In response to this the RSPB have advised that the information supplied addresses some of the issues raised and have made some further comments.

11.13 In particular, the RSPB welcome the proposal for the Council to produce a revised Site Management Plan for the site and the inclusion of baseline visitor numbers and monitoring. However, their concern remains over what remedial action will take place should visitor numbers increase. They have strongly recommended that volunteer wardening (in conjunction with the existing coastal wardens) is used.

11.14 Furthermore, the RSPB has advised that they welcome the suggestion that INNS monitoring will take place and additional interpretation will be installed following the construction and will be secured by a planning condition. The RSPB also welcome the suggestion that the CEMP will be consulted upon and welcome the use of Orthilux glazing is welcomed (to reduce the possibility of birdstrike). They suggest that the biodiversity enhancements (in the form of starling and house sparrow nest boxes) are secured through a planning condition. Without the proposed aforementioned remedial action 'Likely Significant Effect' cannot be ruled out.

11.15 The Northumberland Wildlife Trust (NWT) have raised concerns that the sHRA does not make any reference to the Coquet to St Mary's MCZ, nor include any evidence of a Marine Conservation Zone (MCZ) assessment having been undertaken. NWT have also advised that they would like to see an assessment

of the potential effects of the proposed 200mm overlay of the causeway on the hydrodynamics and their impacts on ecological communities in the intertidal area, particularly within the Coquet to St Mary's MCZ.

11.16 The applicant has responded to the NWT's concerns. They have advised that MCZ's fall outside of the shadow habitats regulations assessment. Impacts on the MCZ are described in paragraphs 11.94 to 11.96 of the Environmental Statement. Proposals for boulder shore along the causeway have been developed in consultation with the Environment Agency, which highlighted the presence of under boulder communities in the area and a need to replace any losses of such inter-tidal habitat. In terms of other hydrodynamic impacts, the causeway involves breaking out the middle 30m, enabling the new slab to be laid at the level of the existing causeway for the central 5m, with a slope to the proposed causeway levels at either end. This means that the time when the central section is submerged will remain the same as existing. This has been assessed within Chapter 12 of the ES where it is considered that it will have a negligible adverse effect on the access and use of the causeway between high tide events.

11.17 The applicant has further advised that taking into account negligible changes to the hydrological patterns identified in the ES, no significant effects on the causeway are predicted. Post construction monitoring of colonization of the causeway and associated intertidal habitat areas is proposed to be undertaken, as set out in the ES, and monitoring of boulder colonisation is to be undertaken within one year of completion.

11.18 Concerns have been raised by SMSW, the RSPB and NWT that visitor numbers to the application site will increase as a result of the proposed works. However, the applicant has advised that, whilst access to the island via the causeway will not be changed by the proposals, they do anticipate a 25% increase in visitor numbers to the visitor centre itself. These visitors would therefore be accessing the island and the nature reserve in a controlled fashion where they can be educated regarding wildlife disturbance and their visit can be managed to ensure minimal disturbance. The visitors would therefore not be expected to walk unsupervised around the island subsequent to their visit. Moreover, a proportion of the 25% represents the anticipated increase in school visits which are controlled.

11.19 The applicant has advised that, rather than the proposals resulting in an increase of uncontrolled visitors to the island, it is considered that a higher percentage of the visitors who did not previously make use of the facilities, will do so in future as a result of the improvements. Appropriate publicity, interpretation and education regarding using the facilities will provide incentives for visitors not to access the more sensitive areas of the island, and will therefore reduce ecological disturbance.

11.20 The Council's Biodiversity Officer has also raised no objection to the proposed development subject to conditions.

11.21 Members must determine whether the proposed revised development is acceptable in terms of its ecological impact on this internationally important site

and whether it is in accordance with the policies set out above. Officer advice is that, subject to the suggested conditions, the proposed development is acceptable in this respect.

### 12.0 Impact on the Highway

12.1 The National Planning Policy Framework states that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives. The guidance states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

12.2 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.

12.3 The Council's adopted parking standards are set out in LDD12.

12.4 The Council's Highway Network Manager has raised no objections to the proposed development, noting that the existing access and parking remain unchanged and that the site is situated away from the adopted highway.

12.5 Members must determine whether the proposal is acceptable in terms of its impact on the highway. It is the advice of Officers that the proposal is acceptable on highway grounds subject to the suggested conditions.

### 13.0 Archaeology

13.1 National Planning Policy Framework (NPPF) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to its significance.

13.2 Policy DM6.7 'Archaeological Heritage' states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public. Developments that may harm archaeological features will require an archaeological desk based assessment and evaluation report with their planning application.

13.3 Local Plan Policy S6.5 'Heritage Assets' seeks to pro-actively preserve, promote and enhance its heritage assets.

13.4 Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states that proposals that affect their setting will be permitted where they sustain, conserve and where appropriate enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

13.5 St. Mary's Island is a site of archaeological interest, and the applicant has submitted a desk based archaeological assessment as part of the application. The Tyne and Wear Archaeology Officer has offered her full support of the

proposed works and provided detailed comments and conditions which should be attached to the planning permission.

13.6 Members must determine whether the proposed development is acceptable in terms of its archaeological impact. Officer advice is that the proposed development is acceptable, subject to the suggested conditions, and it is therefore in accordance the NPPF and local plan policy DM6.7.

#### 14.0 Flooding

14.0 The National Planning Policy Framework states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test.

14.1 Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

14.2 All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

In addition to the requirements of national policy, development will avoid and manage flood risk by:

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

14.3 Policy DM5.14 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. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

14.4 Policy DM5.15 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).

14.5 The application site is located within Flood Zone 3, which the Environment Agency identifies as being at the highest risk of flooding. A Flood Risk Assessment (FRA) was submitted as part of the application, which sets out that

surface water from the island will be directed towards existing drainage outlets into the sea.

14.6 The Environment Agency has raised no objection to the proposed development and the Council, as Local Lead Flood Authority, has been consulted and raises no objections subject to a condition to control the details of a surface water management scheme.

14.7 Subject to this condition it is considered that the proposal would accord with the flooding advice in NPPF.

#### 15.0 Financial Considerations

15.1 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

15.2 Economically there would be benefits in terms of the provision of jobs via the employment of staff at the site and during the construction phase. Socially, the proposal will provide improved tourism and educational facilities to the benefit of all visitors.

#### 16.0 Conclusion

16.1 Members must determine whether the revised proposals, omitting the previously proposed viewing platforms, are acceptable in terms of their ecological and archaeological impacts, impacts on visual amenity and the character and appearance of the conservation area and listed buildings, and the impact on residential amenity and the highway network.

16.2 Officer advice is that, subject to conditions, it is considered that the development is acceptable. The proposal accords with the advice in NPPF and relevant local plan policies as set out within this report.

**RECOMMENDATION:     Application Permitted**

#### **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Application Form 21.02.2018
- Site Location Plan, St Marys Island, Whitley Bay, scale 1:1250@A4,

16.05.2017

- Proposed Plans, S1, Rev.C, 06.02.18
- Proposed North & West Elevations, S2, Rev.A, 04.01.18
- Proposed Sections, S4, Rev.A, 04.01.18
- Proposed Site Plan, S5, Rev.A, 04.01.18
- Proposed South & East Elevations, S3, Rev.B, 06.02.18
- Conceptual Arrangement, 119922/9003 Rev.D, 16.03.18
- Sections, 119922/9005, Rev.D, 16.03.18

- Environmental Statement (including appendices), D/I/D/117344/501, Revision 3 14.02.18
  - Heritage Statement 19.01.2018
  - Landscape Context Plan, 117344/8001, Rev.A, 06.07.17
  - Theoretical Zone of Visual Influence (tZVI), 117344/8002, Rev.A, 06.07.17
  - Visual Analysis Plan, 117344/8003, Rev.A, 06.07.17
  - Viewpoint Location Plan, 117344/8004, Rev.A, 06.07.17
  - Archaeological Evaluation, Report No.NAA 17/101, August 2017
  - Archaeological Desk Based Assessment, Report No.NAA 17/014, February 2017
  - St. Mary's Lighthouse and Keepers' Cottages Conservation Plan, January 2017
- 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 the commencement of the approved works, the following details shall be submitted to and approved in writing by the Local Planning Authority:
- samples of all materials and finishes proposed for use;
  - large scale details of all proposed fenestration;
  - building recording, in particular the existing paraffin storage chambers;
  - precise details of all proposed plumbing, wiring, data and drainage runs.
- Thereafter, the works shall be carried out in accordance with the approved details.

Reason: These details are required prior to commencement of the development due to the sensitive location of the site within the designated Conservation Area and also due to the listed status of the buildings in order to ensure that 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 Policy DM6.6.

4. No demolition/development shall take place until a programme of archaeological building recording has been completed, 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: This condition needs to be pre-commencement to ensure provision an archive record of the historic building or structure and to accord with paragraph 141 of the NPPF, and Local Plan polices S6.5, DM6.6, DM6.7.

5. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. This condition needs to be pre-commencement to ensure that programme of archaeological works is carried out in accordance with the approved details and that no work that could damage any remains takes in

accordance with paragraph 141 of the NPPF, and Local Plan policies S6.5, DM6.6, DM6.7.

6. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: This condition needs to be pre-commencement to ensure an archaeologist is appointed prior to the works commencing otherwise works could take place that could harm the remains. The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF, and Local Plan policies S6.5, DM6.6, DM6.7.

7. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 5 and 6 has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan policies S6.5, DM6.6, DM6.7.

8. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan policies S6.5, DM6.6, DM6.7.

9. The design of an interpretation panel or panels relating to the archaeological and historic interest of St. Mary's Island shall be submitted to and agreed in writing by the Local Planning Authority. The archaeological components will be written by a professional archaeologist. The approved interpretation panel(s) shall be installed on site at an agreed location and within an agreed timescale and thereafter retained.

Reason: To enhance public understanding of the site and to support appropriate interpretation and promotion of the heritage assets in accordance with Local Plan policies Policy S6.5 and AS8.15.

10. All mitigation measures set out in the Environmental Statement and the shadow Habitats Regulations Assessment (sHRA) shall be fully implemented as part of the scheme. Specifically, measures in the following sections of these reports: Section 11 ('Mitigation, Compensation and Enhancement') and Section 15 ('Mitigation & Monitoring') of the Environmental Statement. Section 3.5.4, Table 8 and Section 6 (Operational Monitoring) of the sHRA.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

11. Prior to the commencement of any demolition or construction works a full programme of works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the residents of the private dwelling, 'The Cottage' on St Mary's Island. The programme shall provide full details of the schedule of works, including time, days and specific activities. Thereafter, the works shall on be carried out in accordance with the approved details.

Reason: These details are required prior to commencement of the development in order to minimise impact on residential amenity in accordance with policy S1.4 of the North Tyneside Local Plan 2017.

12. Prior to commencement of the approved development, a Site Management Plan will be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England, the Royal Society for the Protection of Birds (RSPB) and the Northumberland Wildlife Trust (NWT). The management plan shall also include details of the coastal wardening duties to be implemented at the site during both the construction period and the operation of the scheme and a timeframe to ensure that all measures in the plan can be adequately addressed and monitored over an appropriate time.

Reason: This is required prior to commencement of the approved development due to the sensitive location of the application site in the interests of addressing any impact on ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

13. Prior to operation of the approved use a Protected Species Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall only be operated in full accordance with the approved details.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

14. Prior to commencement of the use of the approved development details of additional interpretative material to be installed at the mainland end of the causeway and on the island shall be submitted to and approved in writing by the Local Planning Authority. Thereafter it will be installed in accordance with the approved details.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

15. The following works shall not take place during the sensitive overwintering period (October to March inclusive):

- All main external construction works.
- Causeway works.

- External works to the lighthouse and extension buildings.

Reason: To prevent noise and visual disturbance to interest features of the Northumbria Coast SPA in accordance with Local Plan policies S5.4, DM5.5 and DM5.6.

16. Prior to commencement of the approved development a construction environmental management plan (CEMP) will be submitted to and approved in writing by the Local Planning Authority in consultation with the Royal Society for the Protection of Birds (RSPB). This shall detail a range of measures to protect habitats, designated sites and species associated with the site and will include detailed measures to prevent pollution measures and procedures to address pollution if it occurs, along with the details of the responsibilities of the Ecological Clerk of Works (ECoW).

Reason: This is required prior to commencement of the approved development due to the sensitive location of the application site in the interests of addressing any impact on ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

17. A suitably qualified Ecological Clerk of Works (ECoW) will be appointed and available throughout the main construction period. Their role will include the following which will mitigate for the potential impacts of the proposal to the interest features of Northumbria Coast SPA and grey seals:

- Attendance at regular programming meetings where potential requirements for direct supervision of works may be required. During such meetings tides for the week will be reviewed and potential risks to seal haul outs identified.

- Reviewing and redirecting or delaying works start in liaison with contractors as appropriate where significant disturbance to seals, feeding or roosting birds is possible (e.g. during high tide works may need to be restricted 2 hours either side of high tide due to presence of roosting birds, or works at low tide may be restricted).

- Ensure works run to agreed programme with regard to seasonal restrictions. This will include order of works whereby causeway operations will commence at the mainland (furthest from seal haul outs - reducing adverse effects on these species during peak haul out periods in May).

- Monitoring of bird / seal reactions to construction operations

- Advise on and supervise habitat creation works at the causeway edges

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

18. No vegetation removal will 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 development commencing.

Reason: In the interests of ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

19. Wheel Wash SIT008 \*

20. Notwithstanding the details submitted, the development shall not be occupied until details of maintenance of the surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of surface water management in accordance with policy DM5.15 of the Local Plan 2017

21. Prior to commencement of the development a Causeway Habitat Creation Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall provide full details of all mitigation measures to be provided for any small scale habitat loss as a result of the causeway improvement works. The mitigation will aim to enhance the areas of intertidal habitat immediately adjacent to the proposed causeway structure. The programme shall also identify measures for long term monitoring of the created habitat. Thereafter, the development must be carried out in accordance with the agreed details.

Reason: This is required prior to commencement of the approved development due to the sensitive location of the application site in the interests of addressing any impact on ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

22. Prior to commencement of the development details of an Operational Monitoring Plan for birds and the boulder colonisation along the causeway, and Invasive Non-Native Species (INNS), must be submitted to and approved in writing by the Local Authority. Thereafter, the development must be carried out in accordance with the agreed details.

Reason: This is required prior to commencement of the approved development due to the sensitive location of the application site in the interests of addressing any impact on ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

23. Prior to commencement of the approved development full details of the biosecurity measures must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed measures must be in place for the duration of the works and strictly adhered to by all site operatives.

Reason: This is required prior to commencement of the approved development due to the sensitive location of the application site in the interests of addressing any impact on ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

24. Prior to the operation of the approved development details of 8no. bird boxes, which benefit species such as house sparrow and starling, will be submitted to and approved in writing by the Local Planning Authority. The details will include the exact specifications and locations of the bird boxes. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: This is required prior to commencement of the approved development due to the sensitive location of the application site in the interests of addressing any impact on ecology in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

25. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; details of the site compound for the storage of plant (silos etc) and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development and must result in any any impacts on the adjacent Local Nature Reserve (LNR) and Local Wildlife Site (LWS). The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees (where necessary), ecology and residential amenity having regard to policies DM5.19, DM7.4, S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

26. Notwithstanding any detail provided on the approved plans, Orthilux glazing shall be used in the main glazed extension to the shop area on the north eastern facing elevation.

Reason: In the interests ecology, with particular reference to minimising the possibility of birdstrike, in accordance with policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017

### **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 Paragraphs 186-187 of the National Planning Policy Framework.

### **Informatives**

Building Regulations Required (I03)

INIT

Contact ERH Construct Highway Access (I05)

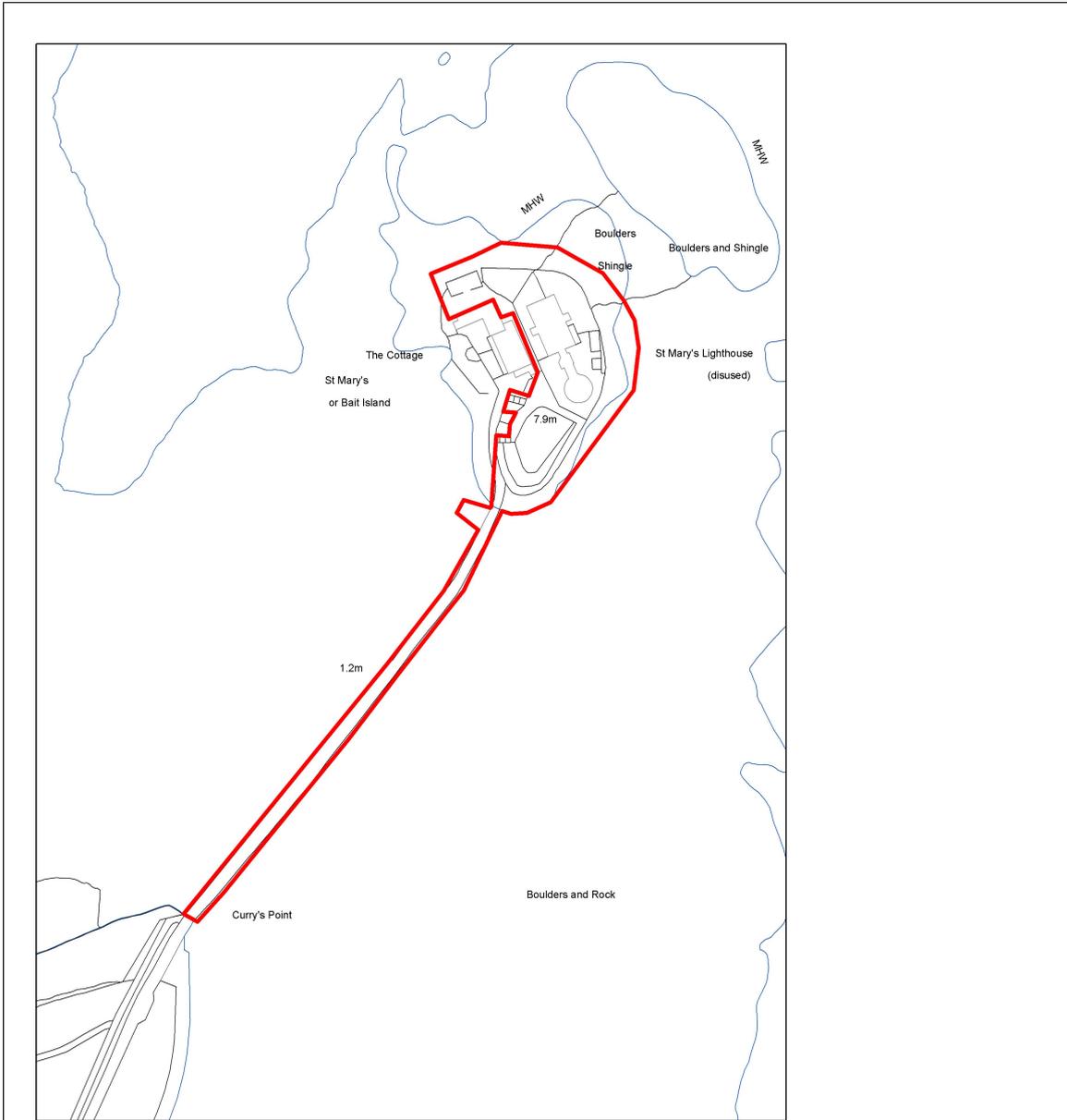
Contact ERH Works to Footway (I08)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:- Soakaway - Watercourse, and finally - Sewer If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.



**Application reference: 18/00239/FUL**

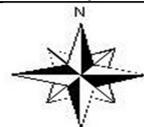
**Location: Visitors Centre, St Marys Island, St Marys Island Access Road, Whitley Bay**

**Proposal: Refurbishment of lighthouse and visitor centre including internal re-planning of visitor centre, partial demolition of visitor centre entrance and construction of single storey extension in its place, single storey extension to visitor centre east elevation, construction of ancillary external storage and plant rooms and renewal of causeway. (Resubmission) Replacement - Sections and accompanying email (uploaded 19.03.2018)**

Not to scale

Date: 12.04.2018

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## **Appendix 1 – 18/00239/FUL Item 1**

### **Consultations/representations**

#### 1.0 External Consultees

##### 1.1 Historic England

1.1 The small group of grade II listed buildings that huddle together on St Mary's Island are one of the region's most celebrated sights, the subject of many an artist and a fondly admired local landmark. They were built in the late 19th century to provide greater safety for those at sea and this improvement in turn facilitated the expansion of north-east trade and industries. The lighthouse is particularly striking, both functional and beautiful, but it is the completeness and coherence of the group - made up of keepers' cottages and compound walls, and the adjacent fisherman's cottage - and its dramatic setting that deepens its historic and aesthetic interest.

1.2 With this in mind, I welcome the Council's move to carry out repair and restoration of the lighthouse, cottages and walls. They have suffered in recent years through the use of inappropriate materials and unsympathetic alterations, which has caused deterioration of their condition and diminished their appearance. This work aims to rectify this and so will not only enhance their significance as a grade II listed complex but will help support the building's present use as a visitor attraction.

1.3 There has been much alteration internally in the cottages, primarily as a result of their redundancy and then conversion to a visitor attraction some years prior to listing, so there is more scope to accommodate changes here but the proposal aims to retain and reveal what historic features do survive and that is to be encouraged.

1.4 The more delicate aspect of the proposal is the proposed extensions to the cottages. The cottages were split north-south and so we have the relatively unusual situation of the building's east and west elevations both being front elevations; this is evident on historic maps and by the presence of a porch on both elevations. An extension to the east elevation will make this distinction and the original form of the building more difficult to read and affect the modest, domestic character of the buildings; the same can be said of the new link block and internal viewing area. The 'glass-box' approach helps minimise the visual impact though and should allow the elevation to remain legible, whilst the use of white render akin to that used across the site is entirely appropriate in this instance and should help it sit more comfortably with the extant structures. The only potential issue with using glass so prolifically in the new additions is the potential for diffusion of light around the site; the use of and importance of light is clearly fundamental to the character and history of the lighthouse and so this will have to be carefully managed so as not to draw attention away from the historic assets.

1.5 When considering any proposal that affects a listed building, the local planning authority must take account of the statutory requirement to pay special regard to the desirability of preserving a listed building, its setting and any

features of special interest (s.16, Planning (Listed Building and Conservation Areas) Act 1990). This desirability to preserve is also embedded in the Government's National Planning Policy Framework (NPPF) which asks for great weight to be given to an asset's conservation and clear and convincing justification for any harm (para.132). It goes on to state that when a proposal will result in harm to the significance of an asset, that harm should be weighed against the public benefits of the proposal (para.134). The character and appearance of the building will be affected by the proposals but I acknowledge the efforts that have been made to keep this to a minimum and recognise the public benefits that will be secured through conservation and continued use as a visitor attraction, which in this instance outweighs the harm. Consequently, the proposal also satisfies the requirements of paragraph 131 by sustaining and enhancing the significance of the assets through a use consistent with their conservation, and by celebrating and reinforcing the 'positive contribution that the conservation of heritage assets can make to sustainable communities'.

1.6 I support the council's efforts to conserve, revitalise and capitalise on this wonderful asset and accept that viability issues may warrant extensions to improve its sustainability as a visitor attraction. The site's continued popularity with schools, weddings and events even in their current condition is testament to its appeal and the locals' interest in seeing the buildings protected and used; this proposal will support this use and the conservation of the assets and so from a heritage perspective is a welcome and positive step forward in ensuring the future of the site. There are some aspects of the application that will require more detail (particularly in relation to the schedule of works, materials and finishes) and so I ask that these are appropriately conditioned and agreed in consultation with your conservation advisers.

#### 1.7 Recommendation:

Historic England has no objection to the applications on heritage grounds as we consider that they meet the requirements of the NPPF, in particular paragraph number 131.

1.8 In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

#### 1.9 Northumberland and Newcastle Society

1.10 The revised proposals are still considered to be beyond the capacity of the island to accommodate them, in terms of the numbers of visitors to be catered for. The effect on the wildlife is still therefore a matter of great concern. The glazed extensions are considered to be out of keeping. Any increase in visitor facilities should be provided in the proposed new building on the mainland. There are also concerns about the raising of the level of the causeway as a means of repairing it.

#### 1.11 Environment Agency

1.12 No objections subject to conditions.

#### 1.13 Natural England

1.14 No objection, subject to appropriate mitigation being secured.

#### 1.15 Royal Society for the Protection of Birds (RSPB) (final comments in response to applicant response to initial queries)

1.16 We welcome the proposal for NTC to produce a revised Site Management Plan for the site and the inclusion of baseline visitor numbers and monitoring. Our concern remains over what remedial action will take place should visitor numbers increase. Our suggestion for volunteer wardening (in conjunction with the existing coastal wardens) remains and is strongly recommended. The Conservation of Habitats and Species Regulations requires a precautionary principle to be employed when assessing impacts. Currently, we do not consider that without proposed remedial action that Likely Significant Effect can be ruled out.

1.17 We welcome the suggestion that INNS monitoring will take place and additional interpretation will be installed following the construction and will be secured by a planning condition. This condition will need to require remedial action to take place, in a timely manner, if INNS are found. The RSPB very much welcome the suggestion that the CEMP will be consulted upon and look forward to being able to feed into this.

1.18 The use of Orthilux glazing is welcomed. We suggest that, in line with paragraphs 109 and 118 of NPPF that biodiversity enhancements (in the form of starling and house sparrow nest boxes) are secured through a planning condition.

#### 1.19 St Marys Seal Watch

1.20 Summarised representation as follows:

1.21 SMSW welcomes changes made to the development plans however the following issues remain unclear and therefore raise some concern: causeway replacement and footfall and mitigation.

1.22 We therefore recommend that;

1. The 5m stretch to remain at the present level be increased to the entire 30m stretch of the causeway that floods first to ensure *no* extended access to the island.
2. Habitat creation boulders remain outside of the entire breakout section.
3. Further management of visitor pressure, including restricting access via the two sets of stairs, be implemented.

1.23 We urge that all the above are secured by planning conditions.

#### 1.24 Northumberland Wildlife Trust

We still have some concerns with regard to the proposed works and do not feel that sufficient information has been provided on certain elements, mainly:

- The Shadow Habitats Regulation Assessment does not make any reference to the Coquet to St Mary's MCZ, nor any evidence of a MCZ assessment having been undertaken.
- Proposed work to the causeway lies adjacent to Coquet to St Mary's MCZ and we are concerned that more consideration has not be paid to this nationally significant designation during the construction work as well as with regard to monitoring the created intertidal habitat along the edges of the causeway. Reference is made within the EA of monitoring of boulder colonisation to be undertaken within one year of completion but we would like to see more specific monitoring done in reference to Invasive Non-Native Species (INNS). We note that the Environment Agency has made reference to for a Biosecurity Plan to be in place for the construction works but would like to see, in addition, long term monitoring of the created habitat.

## 2.0 Internal Consultees

### 2.1 Conservation

#### 2.2 Introduction:

2.3 The existing visitors centre and lighthouse form part of a group of grade II buildings clustered together on St Mary's Island. The buildings were constructed circa late 19th Century with the aim of providing safety for sea traffic and facilitating the growth of trade etc. within the surrounding area. The buildings clearly illustrate the former function of the site, with former keepers' cottages, light house and boundary walls. The cohesive nature of the site, together with its enduring design and form, contribute towards the historic, aesthetic, communal and architectural significance.

2.4 The proposal involves repair and restoration of the existing lighthouse, adjacent keeper's cottages and surrounding walls, together with extensions to the former cottages, associated with the visitor's centre facilities, in addition to the construction of an external plant room and renewal of the existing access causeway.

2.5 The proposals should be considered in relation to primary legislation, in particular sections 16 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, National Planning Policy Framework, in particular paragraphs 131, 132, 133 and 134, together with the Local Planning Authorities own policies and guidance documents.

#### 2.6 Analysis:

2.7 As identified above the existing buildings and structures, by virtue of their design, form, purpose and continuing cohesive nature, contribute towards the historic, aesthetic, communal and architectural significance of the buildings and the surrounding site.

2.8 Externally, whilst the overall form of both the former keeper's cottages and lighthouse are retained together with their site boundary walls, numerous repairs and alterations have been undertaken historically that have resulted in deterioration to the fabric and external appearance of the designated heritage assets. The proposed repair works as identified within the submitted plans and schedule of works, will assist in rectifying previous inappropriate repair works etc.

(including paint applications) together with preserving the buildings and structures for future generations.

2.9 Internally a number of alterations have taken place within both the lighthouse and the adjacent keepers cottages. Within the lighthouse itself the original optic was historically removed when the lighthouse was automated, together with adaptations internally to the existing historic staircase, associated with safety improvements and introduction of cabling etc. Within the former keepers' cottages, numerous alterations have historically taken place in association with the changing use of the buildings and their subsequent reuse as a visitors centre etc. These alterations were undertaken prior to listing of the properties.

2.10 Alterations internally to the former keepers' cottages include removal of later, inappropriate materials (including false ceilings, plaster etc.), infilling of the former coal chutes with glazed units, introduction of new toilet facilities at basement, ground and first floor levels improving accessibility, introduction of an internal platform lift and step lift to improve accessibility, replacement of existing, non-original windows with windows of an appropriate design to match those historically present and removal of a later link structure between the former keepers' cottages and lighthouse. Given the extent of historic alterations present internally within the properties and the introduction of later inappropriate materials, the proposed reinstatement of historically appropriate detailing, materials and finishes, together with improved visitor accessibility and facilities as identified, would be considered appropriate. The proposed internal alterations within the former keepers' cottages retain the overall plan form of the former residential cottages, with room layouts remaining clearly readable, in addition any proposed alterations are relatively reversible in nature and as such could be removed should requirements change in future. The above proposals, it is considered, would assist in enhancing the character, appearance and significance of the designated heritage assets and as such would be considered appropriate.

2.11 Within the lighthouse a variety of internal alterations are proposed, including infilling of the former paraffin storage chambers below the existing floor structure to support the proposed reconstruction of the original optic at ground floor level, removal of later alterations to the existing historic staircase, together with introduction of additional staircase uprights to enhance the safety of the staircase, whilst ensuring the structure is fit for purpose. Redundant wiring is also proposed for removal, together with introduction of new wiring and associated conduit where required. Redecoration of the existing internal fabric is also proposed. The proposed repair, redecoration and alteration to the existing internal fabric and structure would be considered acceptable. The removal of later, visually intrusive Perspex etc. to the existing staircase would be welcomed, together with the introduction of additional staircase uprights and improvements to the existing hand rail.

2.12 The proposed reconstruction of the original optic to the lighthouse, internally at ground floor level would be welcomed. The reintroduction of this feature would, it is considered, assist in enhancing the character and readability of the historical development of the building. Whilst the proposed infilling of the existing, historic paraffin storage chambers would result in an alteration to the historic

construction, it is suggested that a condition is attached requesting building recording of these elements. The above proposals, it is considered would assist in preserving and enhancing the character, appearance and significance of the designated heritage asset.

2.13 Externally the existing fabric is proposed for repair and redecoration, with later, inappropriate material and paint applications removed and new breathable applications and materials introduced. The existing roof structure to the former keepers' cottages is proposed for removal and replacement with appropriate quality slates to match those historically present. The existing roof structure appears to have been re-slatted at some point in its past, with some signs of disrepair evident. The proposed removal and reinstatement of the existing roof covering, together with the introduction of insulation and new historically appropriate natural slates would be considered acceptable. It is suggested that a condition is attached requesting samples of all materials proposed for use. Other external alterations proposed include the introduction of new surfacing treatments, repair and redecoration of existing boundary walls and gates, removal of later oil storage tanks, introduction of a single storey structure (located on the site of the former oil tanks) to accommodate an air source heat pump and plant equipment, introduction of a bin storage area, replacement of existing drainage runs externally where required and repair of the existing bird hide structure.

2.14 The proposed construction of a single storey, flat roofed structure, located on the site of the existing oil storage tanks, together with the introduction of air source heat pumps and associated plant, would, it is considered, not result in significant harm to the setting of the adjacent heritage assets. The reuse of the existing site of the oil storage tanks, together with the sites position and proposed building design, form and appearance would assist in ensuring that the structure reads as a later addition to the site complex, whilst the use of a flat roof and materials proposed, would ensure that the structure remains relatively visually recessive. The proposed structure, it is considered, would not result in a significant detrimental impact upon the character, appearance or significance of the adjacent and surrounding designated heritage assets. It is suggested that a condition is attached requesting samples of all materials proposed.

2.15 Two extensions are proposed to the eastern and southern elevations. To the eastern elevation a single storey glazed extension is proposed. A glazed floor insert is proposed internally within the extension to cover the existing basement light well within this location, to provide borrowed light within the basement. The proposed use of a glazed extension within this location would be considered acceptable. The use of a light weight glazed structure would ensure that the proposed extension is clearly readable as a new, visually subservient addition, whilst enabling the existing external elevation of the keepers' cottages to remain clearly readable.

2.16 To the southern elevation a single storey extension is also proposed. To the western elevation this extension would feature a recessed feature window, with rendered wall finish, reflecting that present to the existing historic keepers cottages and lighthouse. A glazed insert is proposed between the existing keepers' cottage elevation and the proposed extension. This proposal would be

considered acceptable and assists in enhancing the readability of the historical development of the properties. To the eastern elevation this extension would feature a covered display / learning space, with sliding partitions incorporated, with a link structure of reduced width adjoining the existing lighthouse. The proposed reuse of the existing access points between the keepers' cottages and lighthouse would be considered appropriate.

#### 2.17 Conclusion:

2.18 Taking into account the above assessment, it is considered that the above proposals to repair, alter and extend the existing former keepers' cottages, lighthouse and associated repairs to the surrounding boundary walls and bird hide would result in an element of harm to the significance of the designated heritage assets. However, the proposed conservation of the existing historic built structures, reversing later, inappropriate repairs and alterations, reinstatement of historic features and continued reuse of the existing designated heritage assets providing public access, would, it is considered, preserve and enhance the existing designated heritage assets for future generations.

2.19 Given the above assessment, the proposals would, it is considered, not result in substantial harm to the historic character, appearance, setting or significance of the designated heritage assets (including the surrounding conservation area) and as such should be considered in relation to paragraph 134 of the NPPF.

2.20 It is suggested that conditions are attached requesting:

- samples of all materials and finishes proposed for use;
- large scale details of all proposed fenestration;
- building recording, in particular the existing paraffin storage chambers;
- precise details of all proposed plumbing, wiring, data and drainage runs;

#### 2.21 Tyne and Wear Archaeologist

2.22 I am very supportive of this project. The archaeological desk based assessment of Feb 2017 and the archaeological evaluation report of August 2017 have been submitted.

#### 2.23 Archaeological Background:

2.24 St. Mary's Island is of archaeological interest because there was supposedly a medieval chapel here (established some time after 1090), dedicated to St. Helen. Other antiquarian sources, such as Mackenzie and Dent 1825, report that the chapel was dedicated to St. Mary. Indeed the first edition OS map of 1858 and subsequent editions label the site 'supposed site of St. Mary's Chapel'. We know that the chapel had a burial ground because in 1603, according to parish records, a resident of Hartley was buried in the churchyard. When foundations were being dug for the Square and Compass Inn (formed by the extension to one of the Fisherman's Cottages) in 1861, human bones and large stones were said to have been found. Further human bones were said to have been found when the lighthouse keepers' cottages were built in 1899. Three fragments of human bone which were found during construction works in the 1980s have been examined by an osteologist. They were all found to be femur fragments. One fragment belonged to an individual of

between 15 and 20 years of age.

2.25 Parson and White 1828 refer to a hermitage which pre-dated the foundation of the chapel. Whilst there is no evidence as yet to support this claim, it is plausible that there could have been some form of early medieval religious association on St. Mary's Island. The ruins of the medieval chapel were visible until the mid-nineteenth century.

2.26 The earliest surviving structures on the island are the mid-nineteenth century Fisherman's Cottages on the west side.

2.27 The lighthouse was built between 1896 and 1898. In 1899 the lighthouse keepers' cottages were built to the north. A sandstone revetment wall was built to encircle the houses and lighthouse.

2.28 There is a World War One rangefinder on the east side of the island.

2.29 The present bird hide on the east side of the lighthouse was built as a degaussing station, used to demagnetise ships and protect them from mines laid offshore during the Second World War.

2.30 On the west side of the island, there is a Second World War pillbox.

2.31 All of these historic features are important, and contribute to the historic development of St. Mary's Island, linking it to religion, the fishing industry, maritime navigation and 20th century defence.

2.32 Archaeological evaluation work carried out to date:

2.33 The structural engineers needed to carry out ground investigations in order to reveal the foundations of the existing buildings, and to ascertain the make-up of the ground, in order to advise the design and depth of foundations for the proposed extensions. Given the potential for finding remains of the medieval chapel or its churchyard, I advised that the work was carried out by archaeologists under the supervision of the structural engineers. Four trenches were excavated to a depth of 1.2m. Trench 1 recorded the top of the brick vaulted rainwater storage tanks, which were constructed at the same time as the lighthouse keepers' cottages. These are historically interesting in their own right. In trench 4, part of an oval-shaped grave cut was cut into the sandy clay at a depth of 1.2m. The grave was orientated west-east (typical of Christian burial practice). The skull was visible at the west end. The remains have been left in-situ.

2.34 Archaeological Implications of the proposed development:

2.35 Human remains could be found, particularly west of the lighthouse. The proposed extensions wall may encounter remains. The evaluation proved that on the east side of the island, ground levels have been substantially raised. This suggests that archaeological deposits could survive undisturbed beneath the later make-up layers. All ground works on the island have the potential to disturb archaeological or human remains, depending on their depth.

2.36 Archaeological work required (can be conditioned):

1 Archaeological building recording of the lighthouse and keepers cottages/visitor centre, the bird hide and the water tanks

2 Archaeological excavation of foundations for the proposed extensions, storage plant room and any other excavations which could reach depths at which human and archaeological remains may be found

3 Archaeological watching brief during creation of new path, exposing of water tanks, drainage renewal, excavations for ramps and steps and any other shallow excavations.

4 Heritage interpretation on site must include archaeology (the text should be written by the appointed project archaeologist and approved by myself). I would like to see interpretation board(s) to explain the archaeological background of the island and what the historic buildings and the WW1 rangefinder are. The island has links to religion, the fishing industry, maritime navigation and 20th century defence. I am aware that Redman Design are working on the interpretation design.

2.37 Information required in order for me to write a specification for the archaeological work:

1 Where is the site compound going and will this require ground disturbance?

2 What is the depth of the foundations for the extensions and what type of foundation will these be?

3 What depth of ground disturbance is required for the new path?

4 I presume that ground levels will not be lowered in order to replace the paved areas within the boundary walls?

5 What ground disturbance is required to re-align the raised planting areas?  
None?

6 What depth of ground disturbance will be required for the renewal of drainage?  
Is this going to be on the line of the existing? What is the methodology for this?

7 Will the air source heat pump require underground pipes or cables?

8 How will the water tanks be backfilled and how can archaeological recording fit into that process?

9 Are any other new utilities required?

2.38 Archaeological Building Recording Condition:

2.39 No demolition/development shall take place until a programme of archaeological building recording has been completed, 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 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

2.40 Archaeological Excavation and Recording Condition:

2.41 No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

2.42 Archaeological Watching Brief Condition:

2.43 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

2.44 Archaeological Post Excavation and Watching Brief Report Condition:

2.45 The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions ( ) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7.

2.46 Archaeological Publication Report Condition:

2.47 The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

2.48 Heritage Interpretation Condition:

2.49 The design of an interpretation panel or panels relating to the archaeological and historic interest of St. Mary's Island shall be submitted to and agreed in writing by the Local Planning Authority. The archaeological components will be written by a professional archaeologist. The approved interpretation panel(s) shall be installed on site at an agreed location and within an agreed timescale and thereafter retained.

Reason: To enhance public understanding of the site and to support appropriate interpretation and promotion of the heritage assets in accordance with Local Plan Policy S6.5 and AS8.15.

2.50 I can provide a specification for the archaeological work when required.

#### 2.56 Local Lead Flood Authority

2.57 A Flood Risk Assessment (FRA) was submitted as part of the application, which sets out that surface water from the island will be directed towards existing drainage outlets into the sea. Conditional approval is recommended.

2.58 Condition:

Notwithstanding the details submitted, the development shall not be occupied until details of maintenance of the surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. This scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of surface water management

#### 2.59 Biodiversity Officer

2.58 The information submitted within the Shadow Habitats Regulations Assessment (sHRA) and Environmental Statement for the above application shows that without appropriate mitigation, the scheme would have an adverse effect on the integrity of the Northumbria Coast SPA and Ramsar site and would also impact the Northumberland Shore and Tynemouth to Seaton Sluice SSSIs. The scheme would also result in adverse impacts on the interest features for which Coquet to St Mary's Marine Conservation Zone has been notified.

2.59 In order for the scheme to be acceptable, the mitigation measures set out in the Environmental Statement and shadow Habitats Regulations Assessment (sHRA) must be secured. Please attach the following conditions to the application:-

2.60 Conditions

1. All mitigation measures set out in the Environmental Statement and the shadow Habitats Regulations Assessment (sHRA) will be fully implemented as part of the scheme. Specifically, measures in the following sections of these reports:-

Section 11 ('Mitigation, Compensation and Enhancement') and Section 15 ('Mitigation & Monitoring') of the Environmental Statement  
Section 3.5.4, Table 8 and Section 6 (Operational Monitoring) of the sHRA.

2. Detailed mitigation measures include the following:-

- A construction environmental management plan (CEMP) will be prepared to detail a range of measures to protect habitats, designated sites and species associated with the site. This will include detailed measures to prevent pollution and procedures to address pollution if it occurs as well as details of the responsibilities of the Ecological Clerk of Works (ECoW). Details to be submitted to the Local Authority for approval prior to development commencing.

- Full details of the Causeway Habitat Creation Plan must be submitted to the Local Authority for approval prior to development commencing.
- Details of an Operational Monitoring Plan for birds and the boulder colonisation along the causeway as well as INNS (Invasive Non-Native Species) must be submitted to the Local Authority for approval prior to development commencing.
- Details of a Protected Species Mitigation Strategy must be submitted to the Local Authority for approval prior to development commencing.
- Details of the content and location of interpretative material for the scheme must be submitted to the Local Authority for approval prior to development commencing.
- The main external construction works that are likely to cause noise and visual disturbance to interest features of Northumbria Coast SPA, will be timed outside of the sensitive overwintering period (October – March inclusive), which includes construction works to the causeway and external work to the lighthouse and extension buildings. This will also include order of works whereby causeway operations will commence at the mainland (furthest from seal haul outs – reducing adverse effects on these species during peak haul out periods in May). In addition, shrink wrap around the lighthouse and cottages, and the absence of exterior lighting will reduce visual disturbance.
- A suitably qualified Ecological Clerk of Works (ECoW) will be appointed and available throughout the main construction period. Their role will include the following which will mitigate for the potential impacts of the proposal to the interest features of Northumbria Coast SPA and grey seals:
  - Attendance at regular programming meetings where potential requirements for direct supervision of works may be required. During such meetings tides for the week will be reviewed and potential risks to seal haul outs identified.
  - Reviewing and redirecting or delaying works start in liaison with contractors as appropriate where significant disturbance to seals, feeding or roosting birds is possible (e.g. during high tide works may need to be restricted 2 hours either side of high tide due to presence of roosting birds, or works at low tide may be restricted)
  - Ensure works run to agreed programme with regard to seasonal restrictions. This will include order of works whereby causeway operations will commence at the mainland (furthest from seal haul outs – reducing adverse effects on these species during peak haul out periods in May).
  - Monitoring of bird / seal reactions to construction operations.
  - Advise on and supervise habitat creation works at the causeway edges.
- Biosecurity measures are required to be in place for the duration of the works and strictly adhered to by all site operatives. Details of these measures must be submitted to the Local Authority for approval prior to development commencing.
- Protected species checking surveys will be undertaken in work areas prior to construction works commencing with appropriate working method statements in place where required.

- Details of the coastal wardening duties to be implemented at the site during the construction and operation of the scheme must be submitted to the Local Authority for approval prior to development commencing.

- Any works associated with the scheme on the mainland (e.g site working areas) will be restricted to the car park area/hardstanding areas to avoid any impacts on the adjacent Local Nature Reserve (LNR) and Local Wildlife Site (LWS). Details of any works associated with this area ( including access arrangements, site cabins, working areas etc) must be submitted to the Local Authority for approval prior to development commencing.

- No vegetation removal will 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 development commencing.

- 8no. bird boxes that benefit species such as house sparrow and starling will be provided in appropriate locations around the island. Details of bird box specifications and locations to be submitted to the Local Authority for approval prior to development commencing.

### 2.61 Highway Network Manager

2.62 Access and parking remain unchanged and the site is situated away from the adopted highway. Conditional approval is recommended.

Conditions: SIT07 - Construction Management; SIT08 - Wheel Wash

Informatives: I13 - Don't obstruct Highway, Build Materials; I46 - Highway Inspection before dvlpt

## 3.0 Representations

3.1 Three representations have been received; two objections and one support:

Support (The Cottage on the island):

Fully support the revised plans and look forward to a restored and improved facility for all users. As residents, we do have significant concerns on the programme of works - some of which were addressed during the last round of consultations. The two specific outstanding points: (1) Working hours on site and (2) Measurements of noise levels.

Objection (1 resident of Seaton Sluice, 1 resident of Tynemouth):

- I request that more than a 5m length of causeway at the present height should be retained in order for the island to be properly, 'cut off' at high tide. This is both for the protection of the wildlife on the island, but also to deter any foolhardy people from trying to wade/swim across at high tide.

- I agree that refurbishment is required on the lighthouse. But strongly object to any work that impacts visually or changes the historic feel that the site gives to visitors at present.



**Item No:** 2  
**Application No:** 18/00240/LBC Author: Julia Dawson  
Date valid: 21 February 2018 ☎: 0191 643 6314  
Target 18 April 2018 Ward: St Marys  
decision date:

Application type: listed building consent

**Location: Visitors Centre, St Marys Island, St Marys Island Access Road, Whitley Bay, Tyne And Wear**

**Proposal: Refurbishment of lighthouse and visitor centre including internal re-planning of visitor centre, partial demolition of visitor centre entrance and construction of single storey extension in its place, single storey extension to visitor centre east elevation, construction of ancillary external storage and plant rooms and renewal of causeway. (Resubmission)**

Applicant: North Tyneside Council, Mr Chris Bishop Quadrant The Silverlink North Cobalt Business Park North Tyneside NE27 0BY

Agent: Beaumont Brown Architects LLP, Mr David Brown The Old Brewery Castle Eden TS27 4SU

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issue for Members to consider in this case is whether the proposed works are acceptable in terms of their impact on the character and appearance of the Grade II Listed Building.

#### 2.0 Description of the Site

2.1 The site comprises a Lighthouse, Visitors Centre, causeway and former Keepers Cottage located on St Mary's Island in Whitley Bay. St Mary's Island Lighthouse, Keepers' Cottages, and Compound Walls are all Grade II Listed buildings. The Former Fishermans' Cottage, now known as 'The Cottage' and in use as a private residential dwelling, is located to the south west of the Visitors Centre and is also a Grade II Listed building.

2.2 The Listing description for the Lighthouse, Keepers' Cottages, and Compound Walls is as follows:

2.3 MATERIALS: the lighthouse is of brick with cement render with a metal roof and the lighthouse keepers' cottages are of Heworth sandstone with slate coverings.

2.4 PLAN: the lighthouse and lighthouse keepers' cottages are prominently situated on the eastern side of the island. The keepers' cottages are rectangular and are linked to the circular lighthouse by a modern covered walkway; the lighthouse complex is set within a stone-walled compound, the walls of which extend and encircle the island on the north, east and south sides.

2.5 EXTERIOR: white painted tower, 126ft tall with scattered fenestration; all window frames are timber casement replacements. The storm panes of the lantern room have diagonal astragals with hand holds, and there is a domed metal roof surmounted by a weather vane; a gallery with a metal balustrade and decorative finials encircles the lamp room. The Trinity House Coat of Arms is displayed on the west side. The single storey range linking the lighthouse to the keepers' cottages is a modern replacement. The lighthouse keepers' cottage is a substantial stone building, now painted white, of two storeys and four bays with prominent quoins. It has a hipped roof of slate with four tall brick chimney stacks. The west elevation has three ground floor windows with an entrance porch occupying bay three, and four windows on the first floor, the left end blocked. Windows and doors have quoined surrounds and all windows are fitted with modern casements. A single storey flat roofed bay with a single window is appended to the south gable end. The east elevation mirrors that of the west.

2.6 INTERIOR: the lighthouse has a spiral staircase, comprising 137 steps, with an original handrail of metal stick balusters (now infilled with perspex and with a raised safety rail) occupies the body of the tower. This gives access to the upper service room, which is entered through a part glazed four-panelled door and retains a large wooden and glazed cabinet with a curved front reflecting the shape of the circular tower walls. A metal ladder stair with brass handrails to either side gives access up to the lantern room, which retains the original wind vents and baffles, and has a door giving access to the gallery. At its centre sits the replacement kerosene lantern from Withernsea Lighthouse. The adjacent lighthouse keepers' cottages have been converted to a visitor centre over both floors leading to the loss of the original two-dwelling plan and most original features. Original features remaining include most of the architraves, one fire-place opening to the eastern cottage and a simple stick baluster staircase to the western cottage.

### 3.0 Description of the Proposal

3.1 The proposal relates to a resubmitted application for listed building consent for the following works:

- Refurbishment of the lighthouse;
- Refurbishment and internal re-planning of the visitor centre;
- Partial demolition of the visitor centre entrance;
- Construction of single storey extension in place of demolished visitor centre entrance;
- Construction of a single storey extension to visitor centre east elevation;
- Construction of ancillary external storage and plant rooms; and

- Renewal of the causeway.

3.2 The applicant has submitted a Heritage Statement, Conservation Plan and Archaeological Evaluation in support of the application.

#### 4.0 Relevant Planning History

4.1 16/01703/EIASCO: Request for EIA Scoping Opinion to restore Lighthouse, Visitors Centre and former Keepers Cottage. Scoping opinion given 24.11.2016

4.2 17/00809/EIASCO - Request for EIA Scoping Opinion to restore Lighthouse, Visitors Centre and former Keepers Cottage – Scoping opinion given 27.06.2017

4.3 17/01146/FUL - Refurbishment of lighthouse, refurbishment and internal re-planning of visitor centre, partial demolition of visitor centre entrance, construction of a single storey extension to visitor centre east elevation, construction of a two storey extension in place of demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway – Refused 21.11.2017

4.4 17/01145/LBC - Refurbishment of lighthouse, refurbishment and internal re-planning of visitor centre, partial demolition of visitor centre entrance, construction of a single storey extension to visitor centre east elevation, construction of a two storey extension in place of demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway – Refused 21.11.2017

4.5 18/00239/FUL - Refurbishment of lighthouse and visitor centre including internal re-planning of visitor centre, partial demolition of visitor centre entrance and construction of single storey extension in its place, single storey extension to visitor centre east elevation, construction of ancillary external storage and plant rooms and renewal of causeway. (Resubmission) – Pending Decision

#### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

#### 6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 National Planning Practice Guidance (As Amended)

6.3 Draft revised National Planning Policy Framework (March 2018)

6.4 Planning (Listed Buildings and Conservation Areas) Act 1990

6.5 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 issue in this case is the impact of the proposed works in the character and appearance of the Grade II Listed Building.

## 8.0 Character and Appearance

8.1 Paragraph 131 of NPPF advises that in determining application, local planning authorities should amongst other matters take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

8.2 Paragraph 132 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

8.3 Paragraph 134 of NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal including securing its optimum viable use.

8.4 Local Plan Policy S6.5 'Heritage Assets' seeks to pro-actively preserve, promote and enhance its heritage assets.

8.5 Policy DM6.6 'Protection, Preservation and Enhancement of Heritage Assets' states that proposals that affect their setting will be permitted where they sustain, conserve and where appropriate enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

8.6 Policy DM6.7 'Archaeological Heritage' states that the Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

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

- 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.

8.8 Policy AS8.17 'Visitor Attractions and Activities at the Coast' states that the following proposals and activities have been noted as particular opportunities at the coast that could enhance its role for tourism over the life of the plan:

- b. St. Mary's Headland - new visitor facilities.

c. St. Mary's Lighthouse and visitor centre refurbishment.

8.9 One of the objectives set out within the Local Plan is explore and identify opportunities for regeneration and investment across the Borough. One of the early examples of regeneration priorities within North Tyneside, as set out in objective 6, is to provide new facilities and improved public realm to develop the tourism and visitor offer whilst safeguarding the natural landscape and wildlife habitat and conserving the historic environment at St Mary's Lighthouse.

8.10 The previous application for listed building consent (see relevant planning history) was refused by Planning Committee as it was considered that the proposed design and materials of the viewing platforms would adversely affect the character and appearance of a Grade II listed building and the St Mary's Conservation Area contrary to the advice in National Planning Policy Framework and policies S6.5, DM6.6 and AS8.15 of the North Tyneside Local Plan 2017.

8.11 The current application has sought to address this via the complete removal of the previously proposed viewing platforms.

8.12 The Local Planning Authority has sought independent conservation advice on the proposed works. The Conservation specialist has considered the proposals and advised that whilst the proposed works would result in an element of harm to the significance of the designated heritage assets, they would assist in preserving and enhancing the character, appearance and significance of the designated heritage assets and as such would be considered appropriate.

8.13 The Tyne and Wear Archaeology Officer has also offered her full support of the proposed works and provided detailed comments and conditions which should be attached to the Listed Building Consent notice.

8.14 Historic England has advised that they welcome the Council's move to carry out repair and restoration of the lighthouse, cottages and walls noting that they have suffered in recent years through the use of inappropriate materials and unsympathetic alterations, which has caused deterioration of their condition and diminished their appearance. The proposed work aims to rectify this and so will not only enhance their significance as a grade II listed complex, but will help support the building's present use as a visitor attraction. They have also noted that, internally, the proposal aims to retain and reveal what historic features do survive and that is to be encouraged.

8.15 The Northumberland and Newcastle Society have objected to the proposals advising that they consider the proposed glazed extensions to be out of keeping. This is noted. However, the Conservation specialist has advised that the proposed glazed extensions are acceptable. These ensure that the new extensions are clearly readable as new, visually subservient additions, therefore assisting in enhancing the readability of the historical development of the properties.

8.16 Furthermore, Historic England (the statutory consultee) have advised that the 'glass-box' approach helps minimise the visual impact and should allow the eastern elevation to remain legible, whilst the use of white render akin to that

used across the site is entirely appropriate in this instance and should help it sit more comfortably with the extant structures.

8.17 Historic England have advised that only potential issue with using glass in the new additions is the potential for diffusion of light around the site. However, the type of glass used in the extensions can be controlled via condition to address this matter (this will also be the case with regard to the issue of bird strike dealt with via full planning application 18/00239/FUL).

8.18 Historic England have acknowledged that the character and appearance of the building will be affected by the proposals but they acknowledge the efforts that have been made to keep this to a minimum and recognise the public benefits that will be secured through conservation and continued use as a visitor attraction, which in this instance outweighs the harm. Historic England has no objection to the applications on heritage grounds as they consider that they meet the requirements of the NPPF, in particular paragraph number 131.

8.19 The proposed works are also in keeping with the objectives of both policies AS8.15 and AS8.17 which seek to provide new and improved facilities at this site..

## 9.0 Conclusion

9.1 Members need to determine whether the revised proposal, which omits the previously proposed viewing platforms, is acceptable in terms of its impact on the character and appearance of the heritage assets (Grade II Listed Buildings). Officer advice is that the proposed works are acceptable for the reasons set out within this report and are therefore in accordance with the advice in NPPF and policies S6.5, DM6.6, AS8.15, AS8.17 of the Local Plan. It is therefore recommended that listed building consent is granted subject to conditions.

**RECOMMENDATION:     Application Permitted**

## **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.

- Application Form 21.02.2018
- Site Location Plan, St Marys Island, Whitley Bay, scale 1:1250@A4, 16.05.2017
- Proposed Plans, S1, Rev.C, 06.02.18
- Proposed North & West Elevations, S2, Rev.A, 04.01.18
- Proposed Sections, S4, Rev.A, 04.01.18
- Proposed Site Plan, S5, Rev.A, 04.01.18
- Proposed South & East Elevations, S3, Rev.B, 06.02.18
- Heritage Statement 19.01.2018

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

2. Standard Time Limit 3 yr LBIldg Consent     MAN07     \*

INIT

3. Prior to the commencement of the approved works, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- samples of all materials and finishes proposed for use;
- large scale details of all proposed fenestration;
- building recording, in particular the existing paraffin storage chambers;
- precise details of all proposed plumbing, wiring, data and drainage runs.

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

Reason: This condition needs to be pre-commencement to ensure that the materials are acceptable and the works are carried out in a manner appropriate to the listed building and the designated conservation area in accordance with the advice in National Planning Policy Framework and Local Plan Policy DM6.6.

4. No demolition/development shall take place until a programme of archaeological building recording has been completed, 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: This condition needs to be pre-commencement to ensure provision an archive record of the historic building or structure and to accord with paragraph 141 of the NPPF, and Local Plan polices S6.5, DM6.6, DM6.7.

5. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. This condition needs to be pre-commencement to ensure that programme of archaeological works is carried out in accordance with the approved details and that no work that could damage any remains takes in accordance with paragraph 141 of the NPPF, and Local Plan policies S6.5, DM6.6, DM6.7.

6. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: This condition needs to be pre-commencement to ensure an archaeologist is appointed prior to the works commencing otherwise works could take place that could harm the remains. The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF, and Local Plan policies S6.5, DM6.6, DM6.7.

7. The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 5 and 6 has been submitted to and approved in writing by the Local Planning Authority.

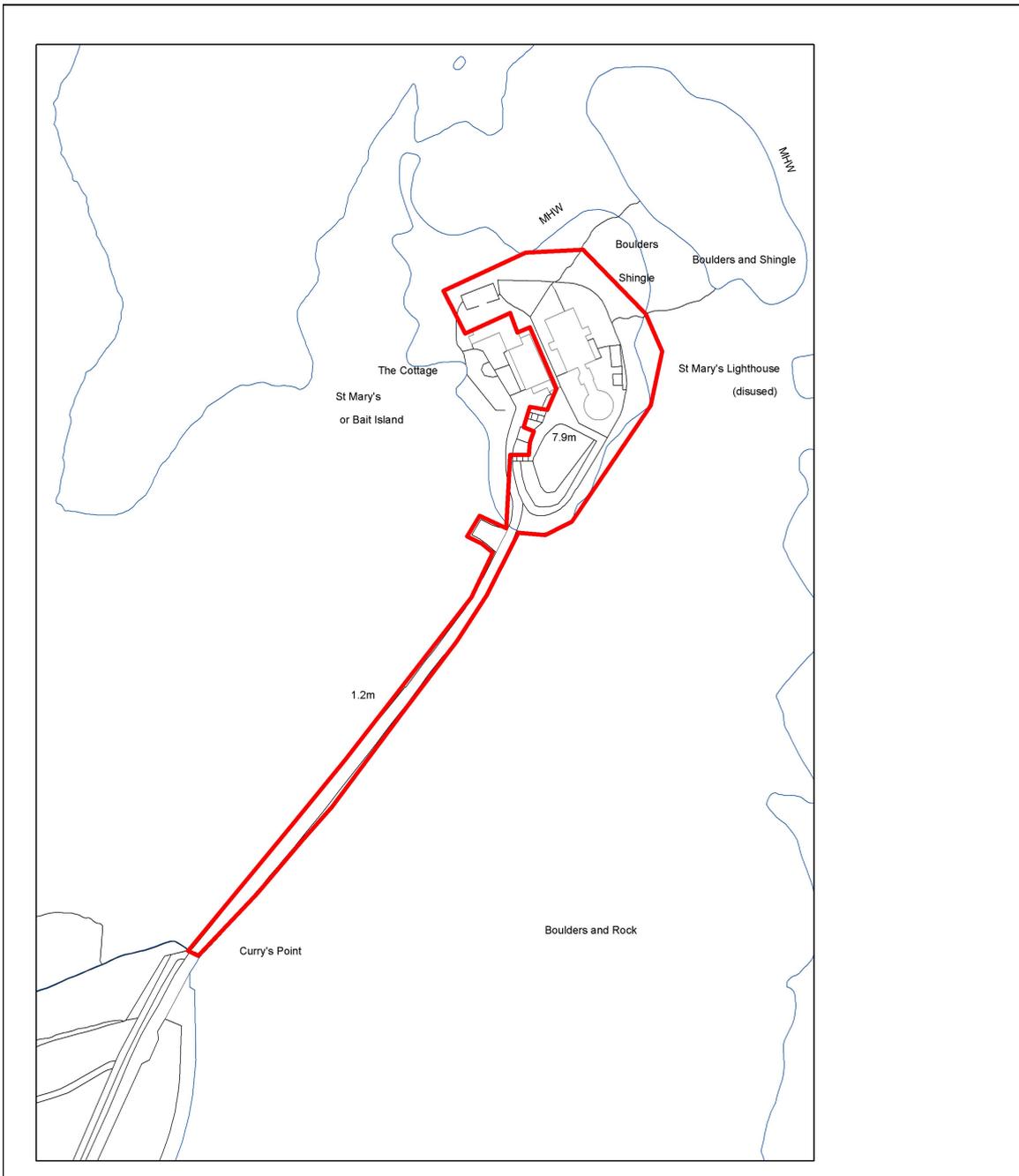
Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan policies S6.5, DM6.6, DM6.7.

8. The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan policies S6.5, DM6.6, DM6.7.

9. The design of an interpretation panel or panels relating to the archaeological and historic interest of St. Mary's Island shall be submitted to and agreed in writing by the Local Planning Authority. The archaeological components will be written by a professional archaeologist. The approved interpretation panel(s) shall be installed on site at an agreed location and within an agreed timescale and thereafter retained.

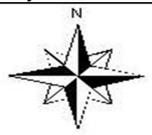
Reason: To enhance public understanding of the site and to support appropriate interpretation and promotion of the heritage assets in accordance with Local Plan policies Policy S6.5 and AS8.15.



**Application reference: 18/00240/LBC**  
**Location: Visitors Centre, St Marys Island, St Marys Island Access Road, Whitley Bay**  
**Proposal: Refurbishment of lighthouse and visitor centre including internal re-planning of visitor centre, partial demolition of visitor centre entrance and construction of single storey extension in its place, single storey extension to visitor centre east elevation, construction of ancillary external storage and plant rooms and renewal of causeway. (Resubmission)**

Not to scale  
 Date: 12.04.2018

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## **Appendix 1 – 18/00240/LBC Item 2**

### **Consultations/representations**

#### 1.0 External Consultees

##### 1.1 Historic England

1.1 The small group of grade II listed buildings that huddle together on St Mary's Island are one of the region's most celebrated sights, the subject of many an artist and a fondly admired local landmark. They were built in the late 19th century to provide greater safety for those at sea and this improvement in turn facilitated the expansion of north-east trade and industries. The lighthouse is particularly striking, both functional and beautiful, but it is the completeness and coherence of the group - made up of keepers' cottages and compound walls, and the adjacent fisherman's cottage - and its dramatic setting that deepens its historic and aesthetic interest.

1.2 With this in mind, I welcome the Council's move to carry out repair and restoration of the lighthouse, cottages and walls. They have suffered in recent years through the use of inappropriate materials and unsympathetic alterations, which has caused deterioration of their condition and diminished their appearance. This work aims to rectify this and so will not only enhance their significance as a grade II listed complex but will help support the building's present use as a visitor attraction.

1.3 There has been much alteration internally in the cottages, primarily as a result of their redundancy and then conversion to a visitor attraction some years prior to listing, so there is more scope to accommodate changes here but the proposal aims to retain and reveal what historic features do survive and that is to be encouraged.

1.4 The more delicate aspect of the proposal is the proposed extensions to the cottages. The cottages were split north-south and so we have the relatively unusual situation of the building's east and west elevations both being front elevations; this is evident on historic maps and by the presence of a porch on both elevations. An extension to the east elevation will make this distinction and the original form of the building more difficult to read and affect the modest, domestic character of the buildings; the same can be said of the new link block and internal viewing area. The 'glass-box' approach helps minimise the visual impact though and should allow the elevation to remain legible, whilst the use of white render akin to that used across the site is entirely appropriate in this instance and should help it sit more comfortably with the extant structures. The only potential issue with using glass so prolifically in the new additions is the potential for diffusion of light around the site; the use of and importance of light is clearly fundamental to the character and history of the lighthouse and so this will have to be carefully managed so as not to draw attention away from the historic assets.

1.5 When considering any proposal that affects a listed building, the local planning authority must take account of the statutory requirement to pay special regard to the desirability of preserving a listed building, its setting and any

features of special interest (s.16, Planning (Listed Building and Conservation Areas) Act 1990). This desirability to preserve is also embedded in the Government's National Planning Policy Framework (NPPF) which asks for great weight to be given to an asset's conservation and clear and convincing justification for any harm (para.132). It goes on to state that when a proposal will result in harm to the significance of an asset, that harm should be weighed against the public benefits of the proposal (para.134). The character and appearance of the building will be affected by the proposals but I acknowledge the efforts that have been made to keep this to a minimum and recognise the public benefits that will be secured through conservation and continued use as a visitor attraction, which in this instance outweighs the harm. Consequently, the proposal also satisfies the requirements of paragraph 131 by sustaining and enhancing the significance of the assets through a use consistent with their conservation, and by celebrating and reinforcing the 'positive contribution that the conservation of heritage assets can make to sustainable communities'.

1.6 I support the council's efforts to conserve, revitalise and capitalise on this wonderful asset and accept that viability issues may warrant extensions to improve its sustainability as a visitor attraction. The site's continued popularity with schools, weddings and events even in their current condition is testament to its appeal and the locals' interest in seeing the buildings protected and used; this proposal will support this use and the conservation of the assets and so from a heritage perspective is a welcome and positive step forward in ensuring the future of the site. There are some aspects of the application that will require more detail (particularly in relation to the schedule of works, materials and finishes) and so I ask that these are appropriately conditioned and agreed in consultation with your conservation advisers.

#### 1.7 Recommendation:

Historic England has no objection to the applications on heritage grounds as we consider that they meet the requirements of the NPPF, in particular paragraph number 131.

1.8 In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

#### 1.9 Northumberland and Newcastle Society

1.10 The revised proposals are still considered to be beyond the capacity of the island to accommodate them, in terms of the numbers of visitors to be catered for. The effect on the wildlife is still therefore a matter of great concern. The glazed extensions are considered to be out of keeping. Any increase in visitor facilities should be provided in the proposed new building on the mainland. There are also concerns about the raising of the level of the causeway as a means of repairing it.

#### 2.0 Internal Consultees

## 2.1 Conservation

### 2.2 Introduction:

2.3 The existing visitors centre and lighthouse form part of a group of grade II buildings clustered together on St Mary's Island. The buildings were constructed circa late 19th Century with the aim of providing safety for sea traffic and facilitating the growth of trade etc. within the surrounding area. The buildings clearly illustrate the former function of the site, with former keepers' cottages, light house and boundary walls. The cohesive nature of the site, together with its enduring design and form, contribute towards the historic, aesthetic, communal and architectural significance.

2.4 The proposal involves repair and restoration of the existing lighthouse, adjacent keeper's cottages and surrounding walls, together with extensions to the former cottages, associated with the visitor's centre facilities, in addition to the construction of an external plant room and renewal of the existing access causeway.

2.5 The proposals should be considered in relation to primary legislation, in particular sections 16 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, National Planning Policy Framework, in particular paragraphs 131, 132, 133 and 134, together with the Local Planning Authorities own policies and guidance documents.

### 2.6 Analysis:

2.7 As identified above the existing buildings and structures, by virtue of their design, form, purpose and continuing cohesive nature, contribute towards the historic, aesthetic, communal and architectural significance of the buildings and the surrounding site.

2.8 Externally, whilst the overall form of both the former keeper's cottages and lighthouse are retained together with their site boundary walls, numerous repairs and alterations have been undertaken historically that have resulted in deterioration to the fabric and external appearance of the designated heritage assets. The proposed repair works as identified within the submitted plans and schedule of works, will assist in rectifying previous inappropriate repair works etc. (including paint applications) together with preserving the buildings and structures for future generations.

2.9 Internally a number of alterations have taken place within both the lighthouse and the adjacent keepers cottages. Within the lighthouse itself the original optic was historically removed when the lighthouse was automated, together with adaptations internally to the existing historic staircase, associated with safety improvements and introduction of cabling etc. Within the former keepers' cottages, numerous alterations have historically taken place in association with the changing use of the buildings and their subsequent reuse as a visitors centre etc. These alterations were undertaken prior to listing of the properties.

2.10 Alterations internally to the former keepers' cottages include removal of later, inappropriate materials (including false ceilings, plaster etc.), infilling of the former coal chutes with glazed units, introduction of new toilet facilities at basement, ground and first floor levels improving accessibility, introduction of an

internal platform lift and step lift to improve accessibility, replacement of existing, non-original windows with windows of an appropriate design to match those historically present and removal of a later link structure between the former keepers' cottages and lighthouse. Given the extent of historic alterations present internally within the properties and the introduction of later inappropriate materials, the proposed reinstatement of historically appropriate detailing, materials and finishes, together with improved visitor accessibility and facilities as identified, would be considered appropriate. The proposed internal alterations within the former keepers' cottages retain the overall plan form of the former residential cottages, with room layouts remaining clearly readable, in addition any proposed alterations are relatively reversible in nature and as such could be removed should requirements change in future. The above proposals, it is considered, would assist in enhancing the character, appearance and significance of the designated heritage assets and as such would be considered appropriate.

2.11 Within the lighthouse a variety of internal alterations are proposed, including infilling of the former paraffin storage chambers below the existing floor structure to support the proposed reconstruction of the original optic at ground floor level, removal of later alterations to the existing historic staircase, together with introduction of additional staircase uprights to enhance the safety of the staircase, whilst ensuring the structure is fit for purpose. Redundant wiring is also proposed for removal, together with introduction of new wiring and associated conduit where required. Redecoration of the existing internal fabric is also proposed. The proposed repair, redecoration and alteration to the existing internal fabric and structure would be considered acceptable. The removal of later, visually intrusive Perspex etc. to the existing staircase would be welcomed, together with the introduction of additional staircase uprights and improvements to the existing hand rail.

2.12 The proposed reconstruction of the original optic to the lighthouse, internally at ground floor level would be welcomed. The reintroduction of this feature would, it is considered, assist in enhancing the character and readability of the historical development of the building. Whilst the proposed infilling of the existing, historic paraffin storage chambers would result in an alteration to the historic construction, it is suggested that a condition is attached requesting building recording of these elements. The above proposals, it is considered would assist in preserving and enhancing the character, appearance and significance of the designated heritage asset.

2.13 Externally the existing fabric is proposed for repair and redecoration, with later, inappropriate material and paint applications removed and new breathable applications and materials introduced. The existing roof structure to the former keepers' cottages is proposed for removal and replacement with appropriate quality slates to match those historically present. The existing roof structure appears to have been re-slatted at some point in its past, with some signs of disrepair evident. The proposed removal and reinstatement of the existing roof covering, together with the introduction of insulation and new historically appropriate natural slates would be considered acceptable. It is suggested that a condition is attached requesting samples of all materials proposed for use. Other external alterations proposed include the introduction of new surfacing

treatments, repair and redecoration of existing boundary walls and gates, removal of later oil storage tanks, introduction of a single storey structure (located on the site of the former oil tanks) to accommodate an air source heat pump and plant equipment, introduction of a bin storage area, replacement of existing drainage runs externally where required and repair of the existing bird hide structure.

2.14 The proposed construction of a single storey, flat roofed structure, located on the site of the existing oil storage tanks, together with the introduction of air source heat pumps and associated plant, would, it is considered, not result in significant harm to the setting of the adjacent heritage assets. The reuse of the existing site of the oil storage tanks, together with the sites position and proposed building design, form and appearance would assist in ensuring that the structure reads as a later addition to the site complex, whilst the use of a flat roof and materials proposed, would ensure that the structure remains relatively visually recessive. The proposed structure, it is considered, would not result in a significant detrimental impact upon the character, appearance or significance of the adjacent and surrounding designated heritage assets. It is suggested that a condition is attached requesting samples of all materials proposed.

2.15 Two extensions are proposed to the eastern and southern elevations. To the eastern elevation a single storey glazed extension is proposed. A glazed floor insert is proposed internally within the extension to cover the existing basement light well within this location, to provide borrowed light within the basement. The proposed use of a glazed extension within this location would be considered acceptable. The use of a light weight glazed structure would ensure that the proposed extension is clearly readable as a new, visually subservient addition, whilst enabling the existing external elevation of the keepers' cottages to remain clearly readable.

2.16 To the southern elevation a single storey extension is also proposed. To the western elevation this extension would feature a recessed feature window, with rendered wall finish, reflecting that present to the existing historic keepers cottages and lighthouse. A glazed insert is proposed between the existing keepers' cottage elevation and the proposed extension. This proposal would be considered acceptable and assists in enhancing the readability of the historical development of the properties. To the eastern elevation this extension would feature a covered display / learning space, with sliding partitions incorporated, with a link structure of reduced width adjoining the existing lighthouse. The proposed reuse of the existing access points between the keepers' cottages and lighthouse would be considered appropriate.

2.17 Conclusion:

2.18 Taking into account the above assessment, it is considered that the above proposals to repair, alter and extend the existing former keepers' cottages, lighthouse and associated repairs to the surrounding boundary walls and bird hide would result in an element of harm to the significance of the designated heritage assets. However, the proposed conservation of the existing historic built structures, reversing later, inappropriate repairs and alterations, reinstatement of historic features and continued reuse of the existing designated heritage assets

providing public access, would, it is considered, preserve and enhance the existing designated heritage assets for future generations.

2.19 Given the above assessment, the proposals would, it is considered, not result in substantial harm to the historic character, appearance, setting or significance of the designated heritage assets (including the surrounding conservation area) and as such should be considered in relation to paragraph 134 of the NPPF.

2.20 It is suggested that conditions are attached requesting:

- samples of all materials and finishes proposed for use;
- large scale details of all proposed fenestration;
- building recording, in particular the existing paraffin storage chambers;
- precise details of all proposed plumbing, wiring, data and drainage runs;

### 2.21 Tyne and Wear Archaeologist

2.22 I am very supportive of this project. The archaeological desk based assessment of Feb 2017 and the archaeological evaluation report of August 2017 have been submitted.

2.23 Archaeological Background:

2.24 St. Mary's Island is of archaeological interest because there was supposedly a medieval chapel here (established some time after 1090), dedicated to St. Helen. Other antiquarian sources, such as Mackenzie and Dent 1825, report that the chapel was dedicated to St. Mary. Indeed the first edition OS map of 1858 and subsequent editions label the site 'supposed site of St. Mary's Chapel'. We know that the chapel had a burial ground because in 1603, according to parish records, a resident of Hartley was buried in the churchyard. When foundations were being dug for the Square and Compass Inn (formed by the extension to one of the Fisherman's Cottages) in 1861, human bones and large stones were said to have been found. Further human bones were said to have been found when the lighthouse keepers' cottages were built in 1899. Three fragments of human bone which were found during construction works in the 1980s have been examined by an osteologist. They were all found to be femur fragments. One fragment belonged to an individual of between 15 and 20 years of age.

2.25 Parson and White 1828 refer to a hermitage which pre-dated the foundation of the chapel. Whilst there is no evidence as yet to support this claim, it is plausible that there could have been some form of early medieval religious association on St. Mary's Island. The ruins of the medieval chapel were visible until the mid-nineteenth century.

2.26 The earliest surviving structures on the island are the mid-nineteenth century Fisherman's Cottages on the west side.

2.27 The lighthouse was built between 1896 and 1898. In 1899 the lighthouse keepers' cottages were built to the north. A sandstone revetment wall was built to encircle the houses and lighthouse.

2.28 There is a World War One rangefinder on the east side of the island.

2.29 The present bird hide on the east side of the lighthouse was built as a degaussing station, used to demagnetise ships and protect them from mines laid offshore during the Second World War.

2.30 On the west side of the island, there is a Second World War pillbox.

2.31 All of these historic features are important, and contribute to the historic development of St. Mary's Island, linking it to religion, the fishing industry, maritime navigation and 20th century defence.

2.32 Archaeological evaluation work carried out to date:

2.33 The structural engineers needed to carry out ground investigations in order to reveal the foundations of the existing buildings, and to ascertain the make-up of the ground, in order to advise the design and depth of foundations for the proposed extensions. Given the potential for finding remains of the medieval chapel or its churchyard, I advised that the work was carried out by archaeologists under the supervision of the structural engineers. Four trenches were excavated to a depth of 1.2m. Trench 1 recorded the top of the brick vaulted rainwater storage tanks, which were constructed at the same time as the lighthouse keepers' cottages. These are historically interesting in their own right. In trench 4, part of an oval-shaped grave cut was cut into the sandy clay at a depth of 1.2m. The grave was orientated west-east (typical of Christian burial practice). The skull was visible at the west end. The remains have been left in-situ.

2.34 Archaeological Implications of the proposed development:

2.35 Human remains could be found, particularly west of the lighthouse. The proposed extensions wall may encounter remains. The evaluation proved that on the east side of the island, ground levels have been substantially raised. This suggests that archaeological deposits could survive undisturbed beneath the later make-up layers. All ground works on the island have the potential to disturb archaeological or human remains, depending on their depth.

2.36 Archaeological work required (can be conditioned):

1 Archaeological building recording of the lighthouse and keepers cottages/visitor centre, the bird hide and the water tanks

2 Archaeological excavation of foundations for the proposed extensions, storage plant room and any other excavations which could reach depths at which human and archaeological remains may be found

3 Archaeological watching brief during creation of new path, exposing of water tanks, drainage renewal, excavations for ramps and steps and any other shallow excavations.

4 Heritage interpretation on site must include archaeology (the text should be written by the appointed project archaeologist and approved by myself). I would like to see interpretation board(s) to explain the archaeological background of the island and what the historic buildings and the WW1 rangefinder are. The island has links to religion, the fishing industry, maritime navigation and 20th century

defence. I am aware that Redman Design are working on the interpretation design.

2.37 Information required in order for me to write a specification for the archaeological work:

1 Where is the site compound going and will this require ground disturbance?

2 What is the depth of the foundations for the extensions and what type of foundation will these be?

3 What depth of ground disturbance is required for the new path?

4 I presume that ground levels will not be lowered in order to replace the paved areas within the boundary walls?

5 What ground disturbance is required to re-align the raised planting areas? None?

6 What depth of ground disturbance will be required for the renewal of drainage? Is this going to be on the line of the existing? What is the methodology for this?

7 Will the air source heat pump require underground pipes or cables?

8 How will the water tanks be backfilled and how can archaeological recording fit into that process?

9 Are any other new utilities required?

2.38 Archaeological Building Recording Condition:

2.39 No demolition/development shall take place until a programme of archaeological building recording has been completed, 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 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

2.40 Archaeological Excavation and Recording Condition:

2.41 No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

2.42 Archaeological Watching Brief Condition:

2.43 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any

archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

2.44 Archaeological Post Excavation and Watching Brief Report Condition:

2.45 The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions ( ) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7.

2.46 Archaeological Publication Report Condition:

2.47 The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF, Local Plan S6.5, DM6.6, DM6.7

2.48 Heritage Interpretation Condition:

2.49 The design of an interpretation panel or panels relating to the archaeological and historic interest of St. Mary's Island shall be submitted to and agreed in writing by the Local Planning Authority. The archaeological components will be written by a professional archaeologist. The approved interpretation panel(s) shall be installed on site at an agreed location and within an agreed timescale and thereafter retained.

Reason: To enhance public understanding of the site and to support appropriate interpretation and promotion of the heritage assets in accordance with Local Plan Policy S6.5 and AS8.15.

2.50 I can provide a specification for the archaeological work when required.