



**North Tyneside Council**

# Planning Committee

Monday, 23 September 2019

To be held on **Tuesday, 1 October 2019** in room Room 0.02, Quadrant East, The Silverlink North, Cobalt Business Park, NE27 0BY **commencing at 10.00 am.**

## **Agenda Item**

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1. **Apologies for absence**

To receive apologies for absence from the meeting.

2. **Appointment of substitutes**

To be informed of the appointment of any substitute members for the meeting.

3. **Declarations of Interest**

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.

4. **Minutes**

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To confirm the minutes of the previous meeting held on 3 September 2019.

Members of the public are welcome to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information please call 0191 643 5359.

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5. <b>Planning Officer Reports</b>	<b>5 - 10</b>
To receive the attached guidance to members in determining planning applications and to give consideration to the planning applications listed in the following agenda items.	
6. <b>19/00674/FUL, Cosalt Building, Bell Street, North Shields</b>	<b>11 - 34</b>
To consider a planning application for the change of the first floor to a pop-up events space to be used for monthly markets, wedding receptions, conferences and other special events. Installation of new staircase and three new entrances from Liddel Street. Construction of food stations and a bar on the first floor as well as installation of a new ventilation system with 2no vertical discharge cowls located on the roof. Construction of new toilets to accommodate the uplift in the capacity to 450 people. New windows installed at the rear of the building, overlooking the River Tyne.	
7. <b>19/00788/FUL, Lovaine House, 9 Lovaine Terrace, North Shields</b>	<b>35 - 60</b>
To consider a planning application for a change of use to provide veterinary clinic to include the demolition of existing single storey rear extension, erection of small two storey rear extension, enlarged existing single storey rear extension and internal alterations.	

**Circulation overleaf ...**

**Members of the Planning Committee:**

Councillor Ken Barrie  
Councillor Brian Burdis  
Councillor Sandra Graham  
Councillor Frank Lott (Chair)  
Councillor Willie Samuel  
Councillor Frances Weetman

Councillor Trish Brady  
Councillor Linda Darke  
Councillor Muriel Green  
Councillor Paul Richardson  
Councillor John Stirling

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## Planning Committee

**3 September 2019**

Present: Councillor F Lott (Chair)  
Councillors K Barrie, B Burdis, L Darke,  
S Graham, M A Green, J O'Shea,  
P Richardson, W Samuel and J Stirling.

### **PQ20/09/19 Apologies**

Apologies for absence were received from Councillors T Brady and F Weetman.

### **PQ21/09/19 Substitute Members**

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

Councillor J O'Shea for Councillor T Brady

### **PQ22/09/19 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **PQ23/09/19 Minutes**

**Resolved** that the minutes of the meeting held on 6 August 2019 be confirmed as a correct record and signed by the Chair.

### **PQ24/09/19 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: 19/00706/OUT Ward: Collingwood  
Application Type: Outline planning application  
Location: Land to the rear of Cobalt Exchange, Abbey Road, Wallsend  
Proposal: Outline planning permission with all matters reserved for the siting of shipping containers to create a two storey mixed use development comprising of retail, restaurant/cafe, bars, office accommodation and event space including pop up market space, erection of stairs and lift, provision of external decking/walkways and refuse storage.

Applicant: Crate Park Ltd

The Committee gave consideration to a report of the planning officer in relation to the application, together with addenda to the report which had been circulated to the members of the Committee both prior to the meeting and at 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 Mr James Hall from Barton Willmore was permitted to speak to the Committee on behalf of Highbridge Properties Ltd. Mr Hall referred to the success of the Cobalt Business Park operated by Highbridge. Highbridge were not complacent and work continued to attract businesses to occupy vacant office space available on the park. Highbridge objected to the proposed development on the grounds that application failed to comply with the Council's planning policies because:

- a) 12-14 crates would be used for food uses and this did not amount to an ancillary use;
- b) the proposed condition restricting the use of leisure facilities by members of the public was not enforceable;
- c) the sequential assessment of preferable town centre locations had not been done properly as consideration had not been given to sites within a 10 minute travel zone, to edge of town sites or to a more flexible disaggregated approach.

Mr Hall requested that if the development were permitted it should be on a temporary basis, subject to stringent controls and the applicant should be required to undertake the sequential test properly.

Mr Mark Ketley, of BH Planning and Design, and Mr Dan Miller, of Crate Park Limited, addressed the Committee to respond to Mr Hall's comments. Mr Ketley outlined the intention to provide incubator office space in which new businesses would be supported to grow and hopefully re-locate to larger town centre properties. This type of facility was not available anywhere in the region. There would be strict controls over the types of business using the Crate Park to ensure there would be no conflict with Cobalt Business Park. Mr Miller provided further background details of how the Crate Park would provide new businesses with access to low risk small business incubator units.

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

- a) the methodology used by the applicants in carrying out a sequential test of preferable town centre sites;
- b) the proportion and nature of the food and leisure businesses to be located on the Crate Park;
- c) the proposed use of the function or event space;
- d) the market research undertaken by the applicants to establish that there was demand for such a facility;
- e) the possibility of providing a taxi rank on the site;

- f) the provision of parking places for people with disabilities;
- g) the restrictions on the possibility of converting the crates for residential use in the future; and
- h) the proposed conditions limiting the use of the Crate Park for retail and leisure uses.

Following questioning it was proposed that if the Committee were minded to grant the application, the permission be granted subject to an additional condition requiring the applicant to provide a taxi rank on site for the purposes of highway safety and the details to be approved by the Council prior to construction.

### **Decision**

The application be permitted, subject to the conditions set out in the planning officer's report, the addendum to the report and the additional condition agreed by the Committee set out above, as the development was considered to be acceptable in terms of the principal of development, its impact on the character and appearance of the area, the amenity of surrounding occupiers, biodiversity and highway safety in accordance with the relevant policies contained in the National Planning Policy Framework and the Local Plan 2017.

### **PQ25/09/19 Greymartins, Backworth Lane, Backworth Tree Preservation Order 2019**

The Committee was presented with details of a Tree Preservation Order made on 4 April 2019 to protect two groups of trees located within the grounds of Greymartins, Backworth Lane, Backworth. The Order had been made following notice from the owners of the property that they were considering felling a number of trees due to concerns the trees were causing damage to the property.

The owners of the property had objected to the confirmation of the Order and had provided evidence that damage to the property had been caused by subsidence due to clay soil shrinkage and that the influence of the adjacent trees may have been a contributory factor. The Committee were presented with details of the objection and the evidence of clay soil shrinkage for consideration together with commentary and guidance from the Council's landscape architect. The Council's landscape architect advised that the evidence submitted was inconclusive regarding the influence of the trees as other contributory factors such as drainage had been discounted. In view of this and the prominence of the trees and their significant contribution to the character and appearance of the area it was recommended that the Order be confirmed without modification.

**Resolved** that the Greymartins, Backworth Lane, Backworth Tree Preservation Order 2019 be confirmed without modification.

(Reasons for decision: The evidence submitted to show that damage caused to Greymartins is caused by the trees is inconclusive and the trees contribute significantly to the character and appearance of the area.)

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## PLANNING COMMITTEE

Date: 1 October 2019

### 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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**6. 19/00674/FUL**

**Tynemouth**

**Cosalt Building Bell Street North Shields Tyne And Wear**

Speaking rights requested:

Mr R Spence, 3, Riverside Quays Bell Street

**7. 19/00788/FUL**

**Preston**

**Lovaine House 9 Lovaine Terrace North Shields Tyne And Wear NE29  
0HJ**

Speaking rights requested:

Mr R Newbrook, 3 Lovaine Terrace North Shields

Mr S Snowdon, 32 Brightman Road North Shields

Miss T Burgo, 8 Lovaine Terrace North Shields

Councillor M Wilson

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**Item No:** 6  
**Application No:** 19/00674/FUL  
**Date valid:** 20 May 2019  
**Target decision date:** 15 July 2019  
**Author:** Rebecca Andison  
**☎:** 0191 643 6321  
**Ward:** Tynemouth

Application type: full planning application

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

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

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

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

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

#### 1.0 Main Issues

1.1 The main issues for Members to consider are:

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

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

#### 2.0 Description of the Site

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

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

### 3.0 Description of the Proposed Development

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

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

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

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

### 4.0 Relevant Planning History

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

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

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

### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

### 6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 Planning Practice Guidance (As amended)



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

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

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

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

### 8.0 Principle of the Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 9.0 Impact on Residential Amenity

9.1 NPPF paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

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

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

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

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

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

9.7 The proposed use includes food stations, a bar, live bands and amplified music. The food stations would be used for warming and cooking prepared food with electrical appliances. The proposed hours of use are from 17:00 to 23:00 on Monday to Friday, and 12:00 to 23:00 on Saturdays and Sundays. The venue has a capacity of 450 people.

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

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

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

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

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

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

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

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

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

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

9.12 The noise assessment states that noise arising from customers leaving the premises will not result in potential noise nuisance. The Manager of Environmental Health disagrees with this. The venue would be utilised by up to 450 customers and opening is requested until 23:00. The noise management plan suggests that the occupancy within the venue towards closing time will be between 33-50% of its capacity. This would result in excess of 200 customers leaving the venue late at night with associated noise from loud voices, car radios and slamming of car doors.

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

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

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

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

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

#### 10.0 Impact on the Conservation Area

10.1 The National Planning Policy Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the

surrounding built environment and landscape setting; and establish or maintain a strong sense of place.

10.2 In respect of designated heritage assets the NPPF states that in determining planning when determining the impact on the significance of a heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.3 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10.4 At paragraph 200 of the NPPF it states:

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

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

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

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

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

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

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

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

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

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

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

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

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



## 11.0 Highway Impact

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

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

11.3 Paragraph 109 of NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.

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

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

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

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

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

## 12.0 Other Issues

### 12.1 Flood Risk

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

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

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

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

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

### 13.0 Local Financial Considerations

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

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

### 14.0 Conclusion

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

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

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

**RECOMMENDATION:     Application Permitted**

## 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
  - Site location plan COM067-BHA-00-ZZ-DR-A-050-00-09 Rev.2
  - Proposed first floor plan- noise mitigation COM067-BHA-00-ZZ-DR-A-150-04 Rev.2
  - Proposed Entrances COM067-BHA-00-ZZ-DR-A-160-02 Rev.4
  - Proposed Ground Floor and First Floor Plans: Phase I COM067-BHA-00-ZZ-DR-A-150-02 Rev.3
  - Proposed Ground Floor and First Floor Plans: Phase II COM067-BHA-00-ZZ-DR-A-150-03 Rev.3
  - Proposed windows COM067-BHA-00-ZZ-DR-A-160-03 Rev.4
  - Proposed Elevations COM067-BHA-00-ZZ-DR-A-160-01 Rev.9
  - Ventilation plan
  - Proposed site plan COM067-BHA-00-ZZ-DR-A-120-00 Rev.3
  - Noise Impact Assessment and Noise Impact Management Plan

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. Notwithstanding Condition 1, prior to occupation of the development details of facilities to be provided for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins for all waste types shall be provided in accordance with the approved details, prior to the occupation of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM6.1 of North Tyneside Local Plan (2017).
4. Prior to any events taking place an emergency flood escape plan detailing a designated safe route for egress from the building must be submitted to and approved in writing by the Local Planning Authority. Thereafter the plan must be implemented in accordance with the agreed details.

Reason: To ensure that the impact of flooding on future users of the building is acceptable in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.
5. The premises shall not be open for business outside the hours of 08:00 and 23:00 on any day.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.
6. No cooking shall take place within the premises until details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

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

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

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

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

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

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

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

10. Noise No Tannoys Externally Audible                      NOI002    \*

11. Flood Lighting Scheme Details                              LIG001    \*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

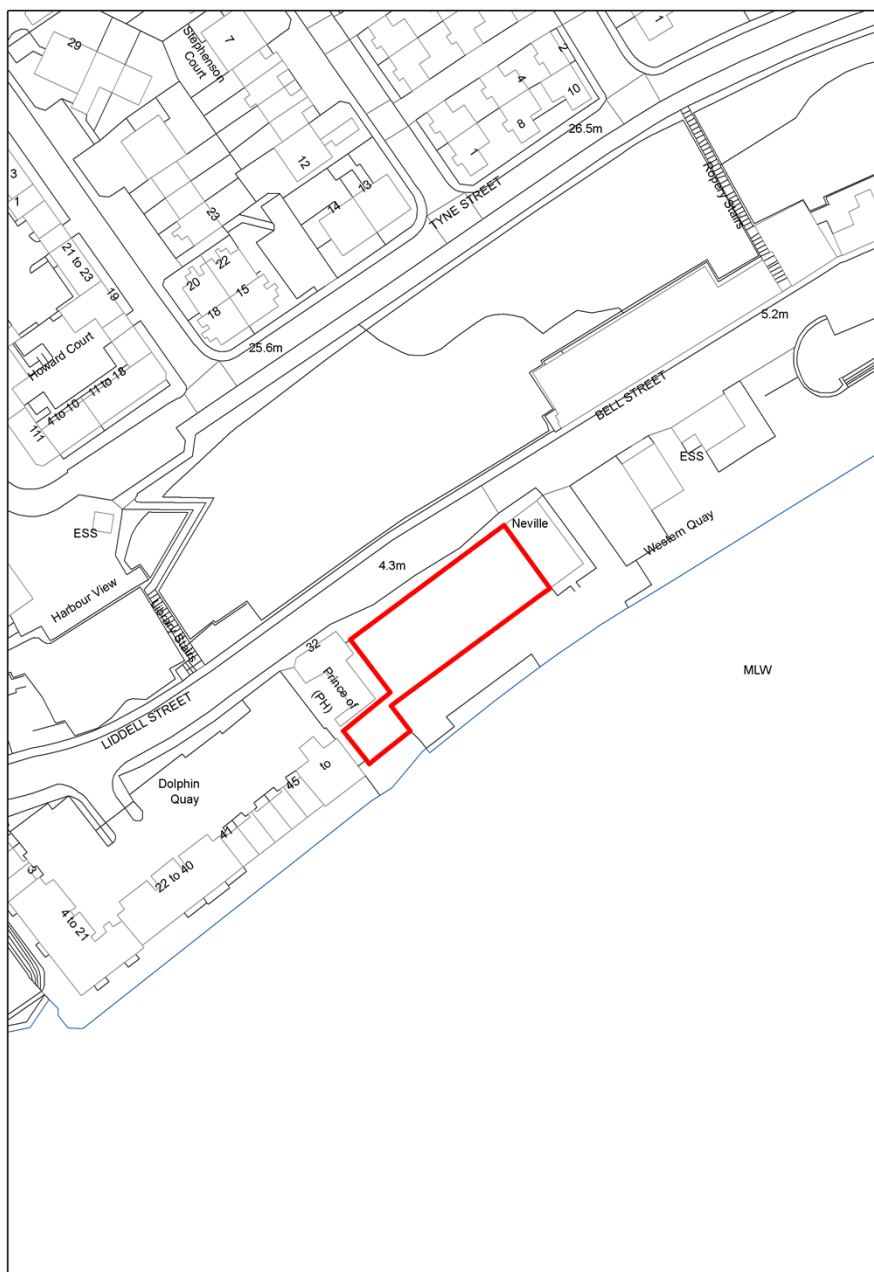
Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

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

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

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



**Application reference: 19/00674/FUL**

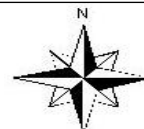
**Location: Cosalt Building, Bell Street, North Shields, Tyne And Wear**

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

Not to scale

Date: 19.09.2019

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**Consultations/representations**

1.0 Internal Consultees

1.1 Highway Network Manager

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

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

1.4 Recommendation - Conditional approval

1.5 Condition:

REF01 - Refuse Storage: Detail, Provide Before Occ

1.6 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

1.7 Local Lead Flood Authority

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

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

1.10 Manager of Environmental Health (Contaminated Land)

1.11 No objection.



#### 1.12 Regeneration and Economic Development Team

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

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

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

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

#### 1.17 Manager of Environmental Health (Pollution)

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

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

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

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

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

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

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

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

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

EPL01

EPL02

EPL03

EPL04 The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04

NOI02

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

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

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

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

Reason to protect the amenity of nearby residential premises.

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

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

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

Reason to protect the amenity of nearby residential premises.

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

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

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

HOU03 As requested on application.

LIG01 for any new external lighting to be provided

REF01

REF02

## 2.0 Representations

2.1 8no objections have been received.

2.2 These comments are summarised below.

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

### 2.3 17no letters of support have been received

2.4 These comments are summarised below.

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

### 2.5 General comments

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

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

### 3.0 Councillor Comments

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

### 4.0 External Consultees

4.1 Tyne and Wear County Archaeologist

4.2 No comments to make.

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**Item No:** 7  
**Application No:** 19/00788/FUL  
**Author:** Rebecca Andison  
**Date valid:** 9 July 2019  
**Target decision date:** 3 September 2019  
**☎:** 0191 643 6321  
**Ward:** Preston

Application type: full planning application

**Location:** Lovaine House, 9 Lovaine Terrace, North Shields, Tyne And Wear, NE29 0HJ

**Proposal:** Change of use to provide veterinary clinic to include the demolition of existing single storey rear extension, erection of small two storey rear extension, enlarged existing single storey rear extension and internal alterations(TREE SURVEY AND AIA)

**Applicant:** CVS (UK) Ltd, Mr Darren Oxley CVS House Owen Road Diss IP22 4ER

**Agent:** Chaplin Farrant Ltd, Mr Nigel Cooper Chaplin And Farrant 51 Yarmouth Road Thorpe St Andrew Norwich NR7 0ET

**RECOMMENDATION:** Application Permitted

## INFORMATION

### 1.0 Summary Of Key Issues & Conclusions

#### 1.0 Main Issues

1.1 The main issues for Members to consider are:

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

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

#### 2.0 Description of the Site

2.1 The application relates a 2-storey end terrace property on Lovaine Terrace, North Shields. The site is located within Camp Terrace Conservation Area and the building is included on the Local List. The property is currently vacant having previously been occupied by offices.

2.2 The property has a garden at the front, a hard surfaced area at the rear and a landscaped area to the north which contains a number of trees. Some of the trees are protected by Camp Terrace, North Shields TPO 1981.

2.3 The rear elevation of the property features a 2-storey offshoot with an external staircase and 2no single storey extensions.

### 3.0 Description of the Proposed Development

3.1 Planning permission is sought to change the use of the building from offices to a veterinary clinic. A 2-storey rear extension and a single storey rear extension are proposed.

3.2 The proposed veterinary clinic contains 4no consulting rooms, operating theatres, cat and dog wards, and an outside exercise area.

3.3 It is proposed to demolish the existing external staircase and one of the single storey extensions. A 2-storey rear extension is proposed at the rear of the existing 2-storey offshoot. The existing single storey extension, which runs along the side of the offshoot, would also be extended to the rear.

3.4 A car park containing 10no parking spaces is proposed at the rear of the property.

### 4.0 Relevant Planning History

17/00771/FUL - Change of Use from accommodation for Northumbria Probation Services to two residential properties – Permitted 17.08.2017

93/01040/FUL - Alterations to provide accommodation for Northumbria Probation Services, including demolition of existing store to rear and provide ramp at front entrance – Permitted 16.09.1993

### 5.0 Development Plan

5.1 North Tyneside Local Plan 2017

### 6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 Planning Practice Guidance (As amended)

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



## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

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

- whether the principle of the development is acceptable;
- the impact upon surrounding occupiers;
- the impact on character and appearance;
- the impact on highway safety; and
- the impact on trees.

### 8.0 Principle of the Development

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

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

8.3 Policy DM1.3 states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise.

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

8.5 The application site comprises vacant offices. It is located within a predominantly residential area, approximately 230m from the edge of North Shields town centre. The proposal would bring a vacant property back into use and add to the range of services within the area.

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

### 9.0 Impact on Residential Amenity

9.1 NPPF paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely

effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

9.2 NPPF, paragraph 54 states “Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.” Paragraph 55 states “Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

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

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

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

9.6 The site is located within a predominantly residential area and adjoins a residential property to the south (8 Lovaine Terrace). There are further residential properties to the north and west of the site, on Brightman Road, and to the east within Etal Court.

9.7 Objections received from local residents raise a variety of concerns including the impact of noise from activities within the building, use of the outside exercise area and additional traffic.

9.8 The applicant has advised that the proposal would allow the veterinary practice to relocate from its existing premises at 9 Ayres Terrace. The reason for the relocation is to improve the parking situation for clients and reduce on-street visitor parking in the local area. No staff increases are proposed.

9.9 The applicant has stated that the practice employs 20no. full time staff, but only 8no. or 9no. members of staff are likely to be on site at once. They have

stated that it is not intended to use all four consulting rooms at once. Whilst there may be more than one vet on site, it is often the case that one is operating and the other consulting, so only one consulting room is in use.

9.10 Admissions would take place between 07.30 and 09.00. One vet would consult between the hours of 09.00-11.00, 13.30-14.30, 16.00-18.00 and 18.30-20.30. Saturday appointments would be available between 09.00-11.00 and 14.00-16.00, and Sunday appointment between 10.0 -12.00. There would always a minimum of one vet and one nurse on the premises. The applicant has advised that animals are never left unattended outside in the exercise area, and nursing staff would be on site 24/7 to ensure that the animals are comfortable during the night.

9.11 The Manager of Environmental Health has been consulted and provided comments. She raises concern in respect of potential noise disturbance from kennelled animals, and from dogs using the outside area given the proximity to residential properties. She states that it may be possible to resolve this by using suitable sound insulation for the kennels and acoustic fencing around the outside exercise area. She recommends conditions in respect of: the hours of use, delivery/collection hours, external lighting, a noise scheme for external plant, a noise scheme for activities within the site, dust suppression and refuse storage.

9.12 It is officer opinion that appropriate mitigation to reduce the impacts arising from noise can be secured by conditions.

9.13 A single and 2-storey extension are proposed at the rear of the building. The extensions project 3.4m from the existing offshoot. The single storey extension would be located 4.8m from the southern boundary and the 2-storey extension would be 7.3m from the boundary. There would be a separation distance of 8.1m between the extensions and the western boundary of the site. The impact on surrounding occupiers in terms of loss of light, outlook and privacy is therefore considered to be acceptable.

9.14 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity. It is officer advice that the proposed development is acceptable in terms of its impact on the amenity neighbouring occupants, subject to the imposition of the suggested conditions.

## 10.0 Impact on Character and Appearance

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

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

more important the asset the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.3 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10.4 At paragraph 200 of the NPPF it states:

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

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

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

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

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;

h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

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

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

10.9 The Local Register of Buildings and Parks SPD was adopted in 2018. The SPD advises that proposals for alterations to Local Register Buildings should respect the architectural quality, character and interest of the building and will be determined on their ability to do so. It notes that a building may require alteration in order to help with maintenance, preservation or viability, but expects alterations works to remain sympathetic and to be of high quality. It describes 9 Lovaine Terrace as "... a wonderful building with lots of character. It is a Victorian Gothic building with square ground floor bay windows."

10.10 The Camp Terrace Conservation Area Character Appraisal was adopted in 2011.

10.11 No external alterations are proposed to the main front elevation of the building. A single storey and a 2-storey extension are proposed at the rear of the property. The proposed extensions follow the form of the existing rear extension and offshoot, with matching pitched roofs and window styles. The 2-storey extension would be rendered and the single storey extension constructed from brick to match the existing building. An existing external staircase and flat roofed extension would be removed.

10.12 The proposal would bring the building back into use, which would be a benefit. It is undesirable for properties to remain unoccupied for a protracted period of time, as they detract from the character and appearance of the conservation area.

10.13 In officer opinion the proposed extensions would conserve and enhance the character of the conservation area, and respect the character of the Local Register building.

## 11.0 Highway Impact

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

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

11.3 Paragraph 109 of NPPF states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development are severe.

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

11.5 It is proposed to provide 10no parking spaces at the rear of the building, access via the existing rear lane.

11.6 The applicant has stated that staff do not have any allocated parking spaces at the existing practice on Ayres Terrace and would not be permitted to park on site during working hours. The 10no parking spaces would be reserved for client use only. The applicant has advised that the practice currently has 3no. consulting rooms but all 3no are rarely in use at the same time. 4no. rooms are required to improve flexibility, with the 4th consulting room available so clients can spend time with their pet in a private area.

11.7 The applicant has advised that only 8no. or 9no. members of staff are likely to be on site at once - even at peak times. Appointments are between 10 and 15 minutes long and only the current client and the following appointment should be waiting. The applicant envisages that under normal circumstances, there will be up to 6no. vehicles in the parking area at any one time. There would not be any requirement for ambulance parking at the front of the property as all pets would be brought to the practice by their owners.

11.8 The Highway Network Manager has been consulted and provided comments. He states that parking will not be provided in accordance with the standards set out in the Transport and Highways SPD. However, he notes that proportionally the amount provided would be an improvement on the number of spaces available for the existing office use. He notes that the site is located on the edge of North Shields town centre, has good links to public transport and that there are parking controls in place in the vicinity of the site. For these reasons he recommends conditional approval of the application.

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

#### 12.0 Impact on trees

12.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built and historic environment as part of this helping to improve biodiversity amongst other matters.

12.2 Policy DM5.9 (Trees, Woodland and Hedgerows) supports the protection and management of existing woodland, trees, hedgerows and landscape features. It seeks to secure new tree planting and landscaping schemes for new development and, where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes and encouraging native species of local provenance.

12.3 The application site contains a number of individual and groupings of mature trees within the front and side garden areas. An Arboricultural Impact Assessment and Tree Survey have been submitted in support of the application.

12.4 The proposal requires the removal of 3no. trees within the site for the construction of the car park. These trees are not protected by the Camp Terrace, North Shields TPO, and have been assessed at category C (low retention value) and U (unsuitable for retention). There are 3no. trees within the site which are protected by the TPO. These trees would be retained.

12.5 The Landscape Architect has viewed the submitted information and provided comments. She considers that the proposed removal of three trees is acceptable given that two of the trees have a life expectancy of less than 10 years and the third tree is a poor specimen with little potential. She recommends that replacement planting should be provided to ensure that the character of the conservation area is maintained.

12.6 The Landscape Architect states that as construction works are required within the root protection areas of the retained trees, protection from alterations in ground levels and compaction of soils will be required. Details of the ground construction works have been provided. These show that the roots of the trees would not be damaged by the works.

12.7 The Landscape Architect recommends conditions in respect of: a landscape plan, protection of retained trees, details of the drainage, scaffolding and services, pruning work, a construction method statement and requiring that an arboricultural consultant is appointed to oversee the work.

12.8 Members need to consider whether the development is acceptable in terms of the impact on trees within the site. It is officer opinion that the impact is acceptable subject to the imposition of the conditions requested by the Landscape Architect.

### 13.0 Local Financial Considerations

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

13.2 Economically there would be benefits in terms of the provision of jobs during the construction phase.

### 14.0 Conclusion

14.1 The proposal would bring a vacant building back into use and secure economic development in accordance with the NPPF. This carries significant weight.

14.2 It is officer advice that the proposed development is acceptable in terms of principle, the impact on nearby residents, heritage assets, trees and highway safety.

14.3 The development is considered to comply with relevant National and Local Plan policy and is therefore recommended for approval 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
- Site location plan
- Site plan Drawing No.51 P2
- Proposed GF and FF plans Drawing No.55 P1
- Proposed SF and roof plan Drawing No.56
- Proposed elevations Drawing No.57 P1
- Sections through parking area Drawing No.58 P1

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.     Notwithstanding condition 1, prior to occupation of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The provisions must include details of acoustic fencing to be provided around the outside exercise area. The scheme shall thereafter be



implemented in accordance with the approved details prior to the use commencing.

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

4. There shall be no appointments, or collections/dropping off of animals other than emergency cases, outside the hours of 07:30 to 20:30 on Monday to Friday, 09:00 to 16:00 on Saturdays and 10:00 to 12:00 on Sundays.

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

- |  |        |   |
|--|--------|---|
| 5. Restrict Hours No Construction Sun BH | HOU00  | * |
|  | 4      |   |
| 6. Noise No Tannoys Externally Audible   | NOI002 | * |
| 7. Flood Lighting Scheme Details         | LIG001 | * |

8. Notwithstanding Condition 1, prior to the commencement of any part of the development hereby approved above damp proof course level details of facilities to be provided for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled for all waste types shall be provided in accordance with the approved details, prior to the occupation of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policies DM6.1 of North Tyneside Local Plan (2017).

9. Prior to the installation of any new plant or equipment a noise scheme must be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in accordance with BS4142 to determine the current background noise levels for daytime, evening and night and appropriate mitigation measures where necessary to ensure the rating level of plant and equipment does not exceed the background noise. Thereafter the scheme shall be implemented in accordance with the agreed details prior to the plant being brought into use other than for testing purposes.

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

10. Within one month of the installation of any plant or equipment acoustic testing shall be undertaken to verify compliance with condition no.9 of this approval and the results submitted in writing for the approval of the Local Planning Authority. Thereafter, the plant and equipment shall be operated in complete accordance with the approved details and maintained in working order.

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

11. There shall be no deliveries or collections outside the hours of 08:00 and 21:00 on any day.

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

12. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

13. 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; storage of plant and materials used in constructing the development, fuels and waste, concrete mixing and fires; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a 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. There shall be no cabins, storage of plant and materials or parking within the RPA of the retained trees as defined by the Tree Protection Plan. 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) and residential amenity having regard to policies DM5.19 and DM7.4 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

14. Prior to the commencement of development a supporting statement to the Arboricultural Method Statement must be submitted to and approved in writing by the Local Planning Authority. The statement must include details of the installation of scaffolding, kerb edges (timber sleepers), lighting, drainage, services, bridging over of tree roots if applicable, operational details for breaking up existing hardstand areas (pecker), backfilling and methods to improve the rooting environment for retained trees on completion and other hard surfacing within the RPA's of protected trees.

Reason: This needs to be pre-commencement condition to ensure that important features are protected and retained in the interests of amenity and to

ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

15. Notwithstanding the details submitted, the development shall not be brought into use until a parking management scheme has 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 order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

16. Prior to commencement of works starting on site, the retained trees within, adjacent to and overhanging the site must be protected by fencing in accordance with the locations shown and detailed in the Arboricultural Impact Assessment (AIA) and Method Statement (AMS) submitted by Barnes Associates, unless otherwise agreed in writing by the Local Planning Authority. This shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is not to be repositioned without the approval of the Local Authority.

Reason: This needs to be pre-commencement condition to ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

17. The development shall not be brought into use until a Travel Plan to take into account the new development has been submitted to and approved by in writing the Local Planning Authority. The travel plan must include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

18. Notwithstanding the details submitted, the development shall not be brought into use until a scheme for appointments has 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 order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

18. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of

the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason: To ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

19. All works must be carried out in accordance with the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement submitted by Barnes Associates, and within the guidelines contained within BS5837:2012 and National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'. This includes (but is not limited to) excavation of soil, excavation for foundations, drainage, the laying of or diversion of services, and any other works within the RPA's of retained trees, shall be dug by hand, trenchless techniques or using an 'Air Spade' as detailed in the Arboricultural Method Statement. The AMS is to form part of the contractors method statement regarding the proposed construction works.

Reason: To ensure that important features are protected and retained in the interests of amenity and to ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

19. The materials to be used for the external surfaces, including brick walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority otherwise first agrees in writing.

Reason: To secure a satisfactory external appearance having regard to policy DM6.2 of the North Tyneside Council Local Plan 2017.

20. Within one month from the start on site of any operations, including site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan must be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of three new trees, details of ground preparation and a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation. Trees are to be a minimum of 12-14 cm girth. The landscape scheme shall be implemented in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason: To ensure that important features are protected and retained in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

21. Details of any tree pruning works must be submitted to and agreed in writing prior to the work being carried out and must be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

Reason: To ensure that important features are protected and retained in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside Local Plan (2017).

22. An Arboricultural Consultant must be appointed to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and construction works as detailed in phased sequencing plan in the Arboricultural Method Statement and to visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the construction stages as described in the Arboricultural Method Statement. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: To ensure that important features are protected and retained in the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.9 of the North Tyneside 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 Paragraph 38 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Do Not Obstruct Highway Build Materials (I13)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Highway Inspection before dvlpt (I46)



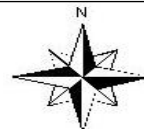
**Application reference: 19/00788/FUL**

**Location: Lovaine House, 9 Lovaine Terrace, North Shields, Tyne And Wear**  
**Proposal: Change of use to provide veterinary clinic to include the demolition of existing single storey rear extension, erection of small two storey rear extension, enlarged existing single storey rear extension and internal alterations(TREE SURVEY AND AIA)**

Not to scale

Date: 19.09.2019

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**Appendix 1 – 19/00788/FUL**  
**Item 2**

**Consultations/representations**

1.0 Internal Consultees

1.1 Manager of Environmental Health (Pollution)

1.2 I have concerns regarding potential noise disturbance from kennelled animals kept overnight and the proximity of residential properties located adjacent and to the rear of the premises. Noise will arise from dogs barking from the kennelled area and from the outdoor dog area. However, it may be possible to resolve this through suitable sound insulation of the area where kennelled animals are held. It is noted that the boundary fencing for the outdoor area is to be retained. This consists of 1.8m high close boarded fencing. This would not be considered adequate for the long term as gaps will appear within the fencing panels and affect the sound attenuating properties of the fencing. I would recommend that the fencing is upgraded to acoustic fencing, consisting, as a minimum, of double boarded fencing panels, which will provide improved sound attenuation from the outdoor area.

1.3 If new external lighting is to be provided then a lighting scheme will be required.

1.4 If planning consent is to be given I would therefore recommend the following conditions:

NOI10  
HOU03 To those on the application  
HOU04  
HOU05  
NOI02  
LIG01  
SIT03  
REF1  
REF2

A noise scheme must be submitted in accordance with BS4142 to determine the current background noise levels for daytime, evening and night. The rating level for all external plant must not exceed the current background noise levels.

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

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

Deliveries and collections must not be permitted to the premises between 21:00 and 08:00 hours.

1.5 Manager of Environmental Health (Contaminated Land)

1.6 No objection.

1.7 Highway Network Manager

1.8 This application is for a change of use to provide veterinary clinic to include the demolition of the existing single storey rear extension, erection of a small two storey rear extension, enlarged existing single storey rear extension and internal alterations.

1.9 Whilst parking will not be provided in accordance with current standards for the proposed use, the proportion of parking proposed is an improvement on that proportion provided for the current use. The practice currently operates from 19 Ayres Terrace and the applicant has advised that only 8 or 9 members of staff are likely to be on site at once - even at peak times and that staff are encouraged to use public transport wherever possible. They also have an appointment system in place whereby appointments are between 10 and 15 minutes long and only the current client and the following appointment should be waiting. They have summarised the appointment times as follows:

Admissions start at 07.30 and are finished at 09.00

One vet consults between 09.00-11.00, 13.30-14.30, 16.00-18.00 & 18.30-20.30

There is seldom a second vet consulting at any time

Saturday appointments 09.00-11.00 & 14.00-16.00

Sunday appointments 10.00-12.00

Nurses will discharge patients mainly in the early afternoon

On week days there will be 3 nurses & 2 receptionists on duty

There is always a minimum of 1 vet & 1 nurse on the premises

Between 11.00 & 15.30 there could be up to 4 vets at the hospital

Before 11.00 & after 15.30 there is usually only one vet on the premises

1.10 The site is located on the fringe of North Shields town centre with good links to public transport and whilst located in a predominantly residential area, the site has previously benefitted from a commercial planning approval with significantly less off street parking and the area has parking controls in place in the vicinity of the site. For these reasons and on balance, conditional approval is recommended.

1.11 Recommendation - Conditional Approval

1.12 Conditions:

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

Notwithstanding the details submitted, no part of the development shall be occupied until a scheme to manage parking has 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 highway safety.

No development shall commence until a Travel Plan taking into account the new development has been submitted to and approved by in writing the Local Planning Authority. This will include an undertaking to conduct travel surveys to monitor whether or not the Travel Plan targets are being met.

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

Notwithstanding the details submitted, no part of the development shall be occupied until a scheme for appointments has 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 highway safety.

#### 1.13 Informatives:

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dvlp

The applicant is advised that end users are unlikely to be eligible for parking permits in this area and the onus will be on the developer to convey this information to these users. Please contact the Parking Control team on e-mail at [parking.control@northtyneside.gov.uk](mailto:parking.control@northtyneside.gov.uk) or telephone number (0191) 643 2121 for further information.

#### 1.14 Landscape Architect

#### 1.15 Existing Site Context

#### 1.16 Legislative Framework: *Camp Terrace Conservation Area (2009) Camp Terrace, North Shields TPO 1981 (TPO)*

The application refers to an end-terrace property on Lovaine Terrace in North Shields and its associated external landscape and tree cover. The building is a Victorian gothic style building and locally listed. The proposal is to provide a veterinary clinic to include the demolition of a single story rear extension, the construction of new extensions and car parking. The immediate area supports a number of solitary and groupings of mature trees within the front/side garden areas and the Etal Court external areas opposite. The general area is also covered by Conservation Area status, including TPO's, which both seek to preserve and protect the amenity value of the local tree cover and landscape features. The tree collective in question links visually together with other local groupings and contributes to the essential wider tree structure of the area. For the reasons given above in terms of the Conservation Area status and adjacent TPO's it would be preferable to retain as much significant tree cover in the area as possible.

1.17 Additional information has been submitted by way of an Arboricultural Impact Assessment and Method Statement by Barnes Associates. The Impact

Assessment has surveyed all the trees on and adjacent to the site and has assessed them in accordance with BS 5837:2012. The specific site layout impacts on the are:

Loss of trees

Damage to protected (TPO) trees during the construction process

#### 1.18 Impacts in relation to Loss of trees

There are 15 trees located within or adjacent to the site which have been surveyed. Not all trees are within the site boundary. The proposal requires the removal of 3 trees within the site for the construction of a car park which are not protected by a TPO. Three of the remaining trees within the site are protected by a TPO and are shown to be retained. However, construction works are required within the root protection areas (RPA's) and protection from alterations in ground levels and compaction of soils during the build phase and subsequent landscaping will be required.

1.19 The three trees to be removed are: T8 Goat willow (C: low retention value), T9 Prunus (U: unsuitable for retention) and T10 Goat willow (C: low retention value). These trees are not protected by a TPO. However, as they are located in a conservation area the local authority is required to assess these trees to see if they warrant further protection by a TPO. Category A' and 'B' trees are considered to be important enough to be considered a constraint to development and consequently should be retained and afforded appropriate protection during the demolition, ground works and construction phase of development. In some cases, category C trees can be retained where they can be either improved and included in low risk areas or help improve biodiversity. However, it would be unlikely that T9 and T10 would be further protected by a TPO as both trees have been given less than 10 years remaining useful life. T8 has been pruned in such a way that this has resulted in a '*poor tree with little potential*' and the removal of 3no trees is considered acceptable.

#### 1.20 Damage to trees during the construction process

Adequate precautions must be put in place to protect the retained trees. Where there is an overriding justification for construction within the RPA, technical solutions must be undertaken that prevent damage to the tree(s). With regard to the retained (TPO) trees, the level of construction works required for the construction of the car park and the proximity of these works in relation to the retained trees, a 'no-dig' construction method will be necessary for any modifications in the RPA's of the trees.

1.21 Details of this, such as cellweb construction, has been provided in the method statement and supported by a cross section detail which shows an above ground construction so tree roots remain undamaged.

1.22 Although it is preferable for works not to undertaken within the RPA of protected trees, if the works are implemented in accordance with the method statement, there should be no significant impacts on the contribution of retained trees to local amenity or character of the wider setting.

### 1.23 Replacement tree planting

It is important to retain trees within the landscape as they contribute visually to the built environment and are important in achieving a sustainable development. Existing trees can help define the character of the development and the conservation area. However, care is required in avoiding inappropriate tree retention and in the case of this application it is considered that the retention and integration of the category A and B trees (and in some cases category C trees) in the development outweighs the loss of 3 no poor condition trees as long as there is replacement tree planting undertaken to mitigate for the loss.

1.24 However, this is a potential issue, as the proposal does not offer any new tree planting with very little opportunity or space available on completion of the works. Replacement tree planting will be required in order to meet the Council Local Plan Policy DM 5.9 Trees, woodland and hedgerow, which states:

*The Council will support strategies and proposals that enhance the overall condition and extent of trees and woodland in the Borough, and:*

*a) Protect and manage existing woodland, trees, hedgerows and landscape features.*

*b) Where appropriate, secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.*

*c) Where appropriate, promote and encourage new woodland, tree and hedgerow planting schemes. Such measures will be particularly encouraged where they are compatible with areas designated for their built or nature conservation interest and where they do not impact on site integrity. Planting schemes included with new development must be accompanied by a ten year Management Plan.*

1.25 A condition will ensure replacement tree planting to ensure the character of the conservation area is maintained and off site planting may need to be a consideration in order to meet the above policy.

### 1.26 Suggested conditions:

- No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

- All works to be carried out in accordance with the submitted Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement submitted by Barnes Associates and within the guidelines contained within BS5837:2012 and National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees'. This includes (but not limited to) excavation of soil, excavation for

foundations, drainage, the laying of or diversion of services, and any other works within the RPA's of retained trees, shall be dug by hand, trenchless techniques or using an 'Air Spade' as detailed in the Arboricultural Method Statement. The AMS is to form part of the contractors method statement regarding the proposed construction works.

- A supporting statement to the AMS is to be submitted that details the installation of scaffolding, kerb edges (timber sleepers as per email 17<sup>th</sup> September 2019), lighting, drainage, services, bridging over of tree roots if applicable, operational details for breaking up existing hardstand areas (pecker), backfilling and methods to improve the rooting environment for retained trees on completion and other hard surfacing within the RPA's of protected trees. The above ground construction works for the car park are to be carried out in accordance with the cross sections (plan dwg no. 58) unless otherwise agreed with the Local Planning Authority.

- Prior to commencement of works starting on site, the trees within or adjacent to and overhang the site that are to be retained are to be protected by fencing and in the locations shown and detailed in the Arboricultural Impact Assessment (AIA) and Method Statement (AMS) submitted by Barnes Associates unless otherwise agreed in writing by the Local Planning Authority. This shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. No operational work, site clearance works or the development itself shall commence until the fencing is installed. The protective fence shall remain in place until the works are complete or unless otherwise agreed in writing with the Local Planning Authority. The protective fence is NOT to be repositioned without the approval of the Local Authority.

- Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of three new trees and include details of ground preparation. Trees are to be a minimum of 12-14 cm girth. The landscape scheme shall be implemented in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter. No development shall take place until a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

- Any pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 -

Recommendations for Tree Works, detail of which are to be submitted for approval.

- The contractors construction method statement relating to traffic management/site compounds/contractor access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires must be submitted in writing and approved by the Local Planning Authority and include tree protection measures for the trees to be retained. Cabins, storage of plant and materials, parking are not to be located within the RPA of the retained trees as defined by the Tree Protection Plan and maintained for the duration of the works.

- An Arboricultural Consultant is to be appointed by the developer to advise on the tree management for the site and to undertake regular supervision visits to oversee the agreed tree protection and construction works as detailed in phased sequencing plan in the AMS. Arboricultural Consultant is to visit as required to oversee any unexpected works that could affect the trees. The supervision is to be undertaken in accordance with the construction stages as described in the Arboricultural Method Statement. This condition may only be fully discharged on completion of the development subject to satisfactory written evidence of regular monitoring and compliance by the pre-appointed tree specialist during construction.

## 2.0 Representations

2.1 16 objections have been received. These are summarised below.

- Adverse effect on wildlife.
- Affect character of conservation area.
- Affect setting of listed building.
- Affect Site of Special Scientific Interest.
- Impact on landscape.
- Inadequate drainage.
- Inadequate parking provision.
- Letter or petition of support.
- Inappropriate design.
- Loss of privacy.
- Loss of residential amenity.
- Loss of visual amenity.
- Loss of/damage to trees.
- Nuisance – disturbance, noise, dust/dirt, fumes.
- Out of keeping with surroundings.
- Poor traffic/pedestrian safety.
- Poor/unsuitable vehicular access.
- Precedent will be set.
- Traffic congestion.
- Will result in visual intrusion.
- Removal of garden and trees.
- Additional traffic using the rear lane.
- Customers would park on Lovaine Terrace and within Etal Court.
- Traffic dangerous for children and elderly residents.
- Obstruction of emergency services vehicles.

- Obstruction of existing garages.
- Overnight noise.
- Barking from dogs in the outside area.
- Noise disturbance from use of the car park.
- Additional vehicles will exacerbate the poor state of the rear lane road surface.
- Flood risk.
- No reference to how hazardous waste will be stored/disposed of.
- Storage of flammable substances.
- Would be better located in other vacant commercial properties in the town centre.
- Inappropriate within a residential area within a conservation area.
- Pollution.
- CCTV data protection intrusion.
- Will disturb resident's pets.
- Devaluation of properties.

### 3.0 Councillor Comments

#### 3.1 Cllr Matt Wilson (Preston Ward)

3.2 Following a ward meeting last night attended by 24 local residents, at which I listened to their concerns about planning application 19/00788/FUL (9 Lovaine Terrace), I am writing to express my objection to the application, and to request an opportunity to speak formally to the planning committee.

3.3 My overall conclusion having listened carefully to residents' concerns and also having visited the site is that this is a fundamentally inappropriate scheme, being proposed on a site in a conservation area, surrounded on every side by residential properties in extremely close proximity. Were the conversion to a veterinary hospital to take place, I have no doubt that substantial and intolerable negative impacts to quality of life would result for a large number of local residents. It is my considered opinion that the residents are not simply being alarmist but have very well-founded grievances.

3.4 The issues that stand out for attention by planning officers / planning committee are as follows:

1. The site itself, 9 Lovaine Terrace, as is made clear on the plans, is highly unusual in that it is directly surrounded by 7 properties (34,36,42,44,46 Brightman Rd and 8 Lovaine Terrace), each separated by the width of a garden fence, with the exception of 8 Lovaine Terrace, which shares a party wall with the property. The sheer number of properties with immediate boundaries means that any disturbance that would be created by the business operating on a day-to-day basis would be amplified in effect to not just one or two neighbours, but to over a dozen.
2. Proposed vehicular access to the rear of the property via the narrow (unadopted?) back lane is entirely inappropriate for several reasons: a) Local parents currently allow their children to play in the lane as it is clean and quiet, with only the very occasional vehicle using it to access garages. It would not be safe for parents to allow their children to play in the alley if it became busy with traffic. b) Vehicle noise and exhaust fumes would negatively affect quality of life

for residents on both sides of the alley. There is justified concern about delivery vehicles, potentially up to 7.5 ton trucks, reversing up the alley, as they would clearly not be able to turn within it as it is a dead end.

3. The development would increase pressure on parking in the area, which is already under considerable strain. I do not believe that the additional information provided by the planning applicant (dated 18-07-19) gives an honest assessment of parking demand. The estimate of “6 vehicles in the parking area at any one time” is observably not true based on the current operations at their Ayers Rd site. This proposal substantially scales up the veterinary operation, from a surgery/clinic to hospital, and therefore additional visitor demand is to be fully expected.

4. Concerns about traffic in and around Etal Court must be heeded. This quiet development is home to many older people. It sits directly opposite the front door to 9 Lovaine Terrace. As 9 Lovaine Tce is essentially at the end of a cul-de-sac all cars looking to ‘drop off’ at the front door would find themselves needing to enter the site of Etal Court in order to perform a 3-point turn before exiting. It is entirely unreasonable to expect Etal Court to be used by vehicles in this way.

5. The proposal of an outdoor dog area would undoubtedly impact neighbouring properties through noise pollution. As a veterinary hospital it is to be expected that dogs away from home and having undergone medical procedures will be in a state of heightened distress and therefore likely to bark even more than usual. This would represent an unacceptable disturbance to neighbours in the bungalows on Brightman road whose rear gardens back onto the area.

6. It does not appear that an Environmental Health assessment has been undertaken in relation to this development. I have already described the noise pollution problems from vehicles and dogs. There are also concerns about waste, particularly the storage and eventual disposal of hazardous medical waste. As a business demanding 24 hour access light pollution from car park floodlighting ought to also be considered in such an assessment.

3.5 In summary then, I do not believe that a delegated decision is appropriate for this planning application; it must be fully heard by the planning committee. My advice to the Chair of the Planning Committee is that we would not be responsibly discharging our duty to the community as elected members if we granted permission to this development.

#### 4.0 External Consultees

##### 4.1 Northumbrian Water

4.2 We have no comments to make.

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