

**Item No:** 1  
**Application No:** 21/00174/FUL Author: Julia Dawson  
Date valid: 19 January 2021 ☎: 0191 643 6314  
Target decision date: 20 April 2021 Ward: Whitley Bay

Application type: full planning application

**Location: 1 - 2 East Parade, Whitley Bay, Tyne And Wear, NE26 1AW**

**Proposal: Demolition of existing building and erection of residential development comprising 19no. 2-bed apartments, with associated vehicular access, landscaping and other associated works**

Applicant: North Eastern Holdings Ltd

Agent: Lichfields

**RECOMMENDATION:** Minded to grant legal agreement req.

## **INFORMATION**

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

1.0 This planning application was originally presented to planning committee on 27 September 2022 where Members were minded to grant permission subject to conditions and a S106 agreement. However, following the committee meeting the applicant reassessed the viability of the development and subsequently submitted a Financial Viability Appraisal to demonstrate that the development cannot viably provide the targeted contributions. Having reviewed this issue, the application was brought back to planning committee on 29 August 2023 for re-consideration. There were no other material changes which would affect the proposed development.

1.1 Members resolved that consideration of the application be deferred to the next scheduled meeting to be held on 26 September 2023 to enable the Committee to examine the applicant's financial viability appraisal.

1.2 This report has been updated/amended where necessary.

### **1.3 Main Issues**

1.4 The main issues in this case are;

- Principle of the proposed development
- North Tyneside 5-year housing land supply
- Impact on amenity
- Impact on character and appearance of site and surrounding area
- Impact on biodiversity

- Highway impact

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

## 2.0 Description of the Site

2.1 The site to which the application relates is the former 42<sup>nd</sup> Street Public House, which was located on the corner of East Parade and North Parade in the designated town centre of Whitley Bay. The building was a largely two storey pitched roof structure with frontages facing onto both East Parade (the seafront) and North Parade. An incurtilage car park was positioned beyond the north west facing elevation. Seaview residential care home, a flat roofed four storey building, abuts the north western facing boundary of the application site. Beyond the south western boundary is an access lane and beyond this are the side elevations and rear yards of dwellings located on North Parade and Ocean View. To the south east of the application site, on the opposite corner of North Parade, is a restaurant (Turknaz). Beyond this, on the opposite corner of South Parade, is the former Rex Hotel, which is currently being converted into a residential care home.

## 2.0 Description of the Proposed Development

2.1 The proposal relates to the construction of 19no. two-bedroom apartments to be located across a maximum of four floors. The proposal includes vehicular access to an under-croft car park which will provide 19no. car parking spaces and secure cycle storage provision.

## 3.0 Relevant Planning History

74/01590/FUL - Preparation room and garage space in rear yard – Approved 20.02.1975

84/01358/FUL - Provision of permanent car parking for adjacent public house and beer garden with access from public house – Refused 11.09.1984

85/00618/FUL - Alteration of public house frontage to provide new fascia patio and car park – Approved 14.05.1985

90/01816/FUL - Enlarge existing fire escape widths (2) - Approved 06.12.1990

98/01081/FUL - Extension to ground floor public bar to form new family area; external alterations to elevations including store at first floor; internal alterations. – Approved 29.09.1998

00/00621/FUL - Change of use of first floor from bedroom accommodation into open plan offices. – Approved 14.06.2000

07/01645/FUL - Patiola (Self supporting cover) to be attached to the front of the building. Additional front entrance to be constructed facing completed patiola – Refused 12.07.2007

## 4.0 Development Plan

4.1 North Tyneside Local Plan (2017)

## 5.0 Government Policy

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

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

5.3 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.

5.4 Ministerial Statement on the 'Long Term Plan for Housing', Dept. for Levelling Up, Housing and Communities, 8 September 2023

## **PLANNING OFFICERS REPORT**

### 6.0 Main Issues

6.1 The main issues in this case are;

- Principle of the proposed development
- North Tyneside 5 year housing land supply
- Impact on amenity
- Impact on character and appearance of site and surrounding area
- Impact on biodiversity
- Highway impact

### 7.0 Principle

7.1 The Local Plan (LP) was adopted in July 2017 to guide development in the period up to 2032. The council acknowledges that the policies contained within the LP predate the publication of the revised NPPF. However, it is clear from paragraph 219 of the NPPF that "... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." The Council considers that the LP policies set out in this report are consistent with the NPPF and can be afforded significant weight.

7.2 Paragraph 7 of NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 11 of NPPF introduces a presumption in favour of sustainable development, which amongst other matters states that decision takers should approve development proposals that accord with an up-to-date development plan without delay.

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

7.4 Policy S3.2 'Hierarchy of Centre's defines the area where the application site is located as within the 'town centre' of Whitley Bay.

7.5 Policy S3.1 Competitive Centres states that within the Borough's defined centres the Council will seek ways to support their growth and regeneration, and support proposals for main town centre development, appropriate residential and mixed-use schemes that would:

- a. Contribute to the protection and enhancement of the vitality and viability of the centre.
- b. Capitalise upon the character and distinctiveness of the centre, while sustaining and enhancing its heritage assets.
- c. Support the improvement in the range and quality of shops, services and facilities.
- d. Boost the growth of small and medium sized businesses that can provide unique and niche services.
- e. Encourage the growth of the evening economy with leisure, culture and arts activities.
- f. Enhance accessibility by all modes including public transport, walking, cycling and by car.
- g. Introduce measures that reduce crime and the fear of crime and any other disorder issues

7.6 Policy AS8.15 'The Coastal Sub Area' states that within the Coastal Priority Investment and Regeneration Area new development should; (a) create a vibrant Whitley Bay town centre with an appropriate mix of shopping and other town centre uses to support local businesses; (c) integrate growth and development at the Coast with the protection and enhancement of the built and natural environment, in particular the area's heritage assets at Tynemouth, Cullercoats, Whitley Bay and St. Mary's Island and the protected nature conservation sites of the Northumbria Coast SPA/Ramsar site, Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSI, and; (d) promote the revitalisation of the adjoining Spanish City and seafront area, providing a high quality public realm.

7.7 Policy DM4.5 'Criteria for New Housing Development'

Proposals for residential development on sites not identified on the Policies Map will be considered positively where they can:

- a. Make a positive contribution to the identified housing needs of the Borough; and,
- b. Create a, or contribute to an existing, sustainable residential community; and,
- c. Be accessible to a range of sustainable transport modes; and,
- d. Make the best and most efficient use of available land, whilst incorporating appropriate green infrastructure provision within development; and,
- e. Be accommodated by, and make best use of, existing infrastructure, and where further infrastructure requirements arise, make appropriate contribution to its provision; and,
- f. Make a positive contribution towards creating healthy, safe, attractive and diverse communities; and,
- g. Demonstrate that they accord with the policies within this Local Plan.

7.8 The application site is a brownfield site located within a predominantly residential area in the designated town centre. The principle of the proposed development of the application site for residential purposes is in accordance with policies S1.4, S4.3, AS8.15 and DM4.5 in that it will make effective and efficient use of this site, which will assist in the ongoing regeneration of the seafront, whilst making a positive contribution to the identified housing needs of the borough and contributing to an existing sustainable residential community.

### 8.0 North Tyneside 5-Year Housing Land Supply

8.1 Paragraph 74 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling five-year supply of deliverable housing land. This includes an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.2 The most up to date assessment of housing land supply informed by the five-year housing land summary included within the Housing Land Availability Assessment, November 2022. It identifies the total potential 5-year housing land supply in the borough at 4,008 additional dwellings, a total which includes delivery from sites yet to gain planning permission. This represents a shortfall against the Local Plan requirement or approximately a three-year supply of housing land. It is important to note that this assessment of five-year land supply includes over 1,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is not included in this assessment. However, the 19no. proposed flats would make a valuable contribution towards the borough achieving a five-year housing land supply.

### 9.0 Residential Amenity

9.1 Paragraph 185 of NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution. 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 quality of life.

9.2 The NPPF states that planning should always seek to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

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 A Noise Assessment and Daylight and Sunlight Assessments have been submitted as part of the application.

9.7 Objections have been submitted by local residents with regard to the impact of the proposed development on their residential amenity in terms of disturbance from noise, increased waste, shading of existing properties, loss of outlook and future maintenance (of the adjacent Seaview residential care home), amongst other matters. These concerns are noted.

9.8 The Environmental Health team have been consulted and have raised concerns regarding noise late at night from both customer noise and amplified music, if provided, from the adjacent restaurant, known as Turknaz. They have also raised concerns in relation to noise from the nearby taxi rank and late night external noise due to the late opening hours of premises on South Parade. However, it is considered that these matters can be adequately controlled via the attachment of the conditions suggested by the Environmental Health Officer with regard to a further detailed noise scheme and mechanical ventilation. Conditions are also suggested to ensure that construction hours are controlled and dust suppression measures are put in place during construction works.

9.10 It is noted that the proposed building is between three and five stories high with the higher levels facing towards the seafront. This results in a loss of a direct sea view from some windows in some surrounding properties, but it is not considered that it will result in such a harmful and significant loss of outlook that planning permission could be withheld on these grounds. In planning terms there is no right to a view.

9.11 The main impact will be on the dwellings to the south west of the access lane on Ocean View and North Parade. However, the side elevations of these dwellings face directly onto the access lane and the main habitable windows are located within their front and rear elevations which will be unaffected by the proposed development. The scheme has been well designed to minimise impact on the privacy of the occupants of these dwellings. The submitted Daylight and Sunlight Assessment (neighbouring properties) concludes that the proposed development will have a low impact on light received by its neighbouring properties, which sufficiently safeguards the daylight and sunlight amenities of these dwellings.

9.12 The standard of accommodation provided for future occupants is also a material planning consideration. It is considered that the proposed town houses will provide an acceptable standard of habitable space, with sufficient incurtilage refuse storage facilities for each dwelling. Furthermore, Policy DM4.9 'Housing

Standards' states that all new homes, both market and affordable, will meet the Government's Nationally Described Space Standard (NDSS). The applicant has provided information which demonstrates that the accessibility, floor area and storage for each dwelling comply with the housing standards and therefore the proposed dwellings would comply with this policy.

9.13 The Design Officer originally raised some concerns with regard to some units of the proposed development receiving limited direct sunlight. However, he recognised that in high-density developments, the BRE guide acknowledges it is not always possible for every dwelling to be well situated to receive direct sunlight. Mitigation was provided for those units with less direct sunlight by way of the provision of outdoor space. The submitted Daylight Assessment concludes that the proposed development satisfies the majority of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'.

9.14 Members need to consider whether the impact on the amenity of the occupiers of nearby residential dwellings is acceptable and whether the proposed development will provide an acceptable standard of amenity for future occupants. It is officer advice that the impact on amenity is acceptable subject to advice from the Environmental Health team and the suggested conditions.

## 10.0 Character and Appearance

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

10.2 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes (NPPF para. 134).

10.3 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.

10.4 The Council's Design Quality SPD states that innovative design and layout will be encouraged, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

10.5 Objections have been received from local residents with regard to the design, scale and massing and these are noted. Concerns have also been submitted by the Newcastle and Northumberland Society and these are also noted.

10.6 The applicant has submitted a Design and Access Statement in which they have described how the overall design concept has been developed. They have advised that they consider that any proposals on the site should respect the street scape and surrounding massing without overpowering the influential Rex hotel. The existing building does not do this, and the proposal could begin to mark the significant corner of North Parade and draw attention to the former Rex. This would in turn develop a more coherent street scape for the prominent sea front position.

10.7 Since the application was originally submitted there have been a number of revisions in response to discussions with the LPA and public consultation responses. This has resulted in the current proposal, which is a reduction in unit numbers (from 21 to 19) and changes to the overall scale, massing and design. The applicant has advised that the design philosophy is to provide active frontage to North Parade parade and surveillance to all areas at upper levels to create a safe and secure public realm. The proposal has been reduced in building footprint terms and aims to follow the building lines of both North Parade and East Parade. Balconies and terraces are incorporated into a significant proportion of apartments to provide amenity for the residents and articulation to the street scene whilst breaking up overall massing. Window positions are carefully engineered to preserve amenity of existing residents and avoid overlooking. The arrangement of apartments within the Westernmost block is such to avoid overlooking of the upper floor towards the residential dwellings opposite.

10.8 Concerns were originally raised regarding the impact of the proposed development on the Rex Hotel. The current plans and submitted visuals were submitted to address this issue. The Council's Design Officer has been consulted and has noted the fifth floor has a reduced footprint and is set back from the building line, as such this would be partially obscured from street level where it would be seen as a four-storey building. Whilst he has noted that the dominant building form in the local area is two or three storey development with pitched roofs and that the height of the proposed building is approximately the same as the ridge height of the former Rex hotel, he has noted that the submitted visuals help to demonstrate that there is a clear separation between the proposal and the Rex Hotel, and the design of the top floor helps to mitigate its impact. Whilst visible from long range views, it would not harm the character and appearance of the sea front and that several changes have been made to the design to address previous concerns.

10.9 In response to the comments by the Design Officer in respect of bike and bin storage and the roof top balustrade the applicant has submitted further plans with small revisions to address these issues. The Design Officer has reviewed these and advised that they address the outstanding issues. He has advised that the proposal is acceptable subject to the conditions as set out.

10.10 Members need to consider whether the proposed development is acceptable and determine whether it would harm the character and appearance of the surrounding area. It is officer advice that, on balance, the proposal is acceptable in terms of design, scale and the relationship with the surrounding area.

## 11. 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 111 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 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 Transport and Highways SPD set out the parking standards for new development.

11.6 The applicant has submitted a Transport Assessment in support of the application.

11.7 Vehicular and cycle access to the undercroft parking area will be from a new opening point on North Parade. The proposed scheme provides for 19no. car parking spaces; 22no.cycle parking spaces and storage provision for 38no. wheelie bins.

11.8 Objections have been received with regard to the impact of the proposed development on highway safety, both in terms of vehicle users and pedestrians, increased congestion, insufficient parking provision and insecure cycle storage within the proposed scheme. These objections are noted.

11.9 The Highway Network Manager has raised no objections to the proposed development and has recommended conditional approval.

11.10 The Sustainable Transport Team have also commented and raised no objection to the proposed development.

11.11 Members need to determine whether the proposed development is acceptable in terms of parking provision and the impact on highway safety. It is officer advice that it is.

## 12.0 Impact on Biodiversity and Landscape

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 by amongst other matters improving biodiversity.

12.2 Paragraph 174 of NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12.3 Paragraph 180 of NPPF states that when determining planning application that if significant harm to biodiversity cannot be avoided, or as a last resort compensated for, then planning permission should be refused.

12.4 Policy DM5.5 of the Local Plan states that all development proposals should amongst other matters protect biodiversity and minimise the fragmentation of habitats and wildlife links.

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

12.7 The application site is within close proximity to the Northumbria Coast Special Protection Area and Ramsar Site, the Northumberland Shore Site of Special Scientific Interest (SSSI) and Tynemouth to Seaton Sluice SSSI. Natural England has raised no objection to the proposed development subject to appropriate mitigation being secured.

12.8 The Council's Biodiversity Officer has reviewed the submitted Ecology Report and noted the location of the application site. She has suggested several conditions to ensure that impact of the construction works will not result in harm to the Northumbria Coast SPA. As per the comments of Natural England, she has also noted the potential of the proposed development to impact coastal designated sites (SPA & SSSI) as the result of an increase in recreational activity at the coast, particularly in relation to cumulative impacts with other residential schemes at the coast and the wider area. In order to mitigate this impact, she has suggested that a financial contribution is agreed with the LPA towards the Council's Coastal Mitigation Service. As such, the applicant has agreed to a financial contribution of £337 per dwelling towards the coastal mitigation service to be secured via legal agreement.

12.9 The Council's Landscape Architect has noted that limited detail has been provided with regard to the landscape proposals for the development and has suggested that a condition is attached to ensure that a fully detailed landscape scheme is submitted to and approved by the LPA within one month of operations starting on site.

12.10 Members need to consider whether the proposed development is acceptable in terms of its biodiversity and landscaping impact. Officer advice is that, subject to the suggested conditions and coastal mitigation contribution, it is not considered that the proposed development will result in harm to the coastal wildlife corridor or designated sites and it therefore does not conflict with policies S5.4, DM5.5, and DM5.6 and is acceptable in this regard.

### 13.0 Other Issues

#### 13.1 Flood Risk and Drainage

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

13.2 Policy DM5.12 Development and Flood Risk states that all new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

13.3 Paragraph 8.51 of the Local Plan advises that whilst increases in flood risk are normally associated with major development proposals, minor developments can cumulatively increase the risks of flooding if left unchecked. The Council will, therefore, encourage small scale proposals to incorporate appropriate sustainable drainage alternatives to offset or minimise the risks of flooding.

13.4 The site falls within Flood Zone 1 and is located within a Critical Drainage Area. In order for the Local Planning Authority to be able to fully consider the impacts of the proposed development the applicant has provided a Flood Risk Assessment. A local resident has raised a concern with regard to the proposed development advising that the car park regularly floods. This point is noted.

13.5 The Council's Local Lead Flood Authority has reviewed the application documents and advised that the proposed surface water drainage for the development is acceptable. He has recommended that a condition is attached to the permission to ensure that the detailed drainage design is provided to the LLFA for approval prior to construction.

13.6 Northumbrian Water have provided comments and raise no objections subject to the attachment of a condition requiring the submission of a detailed scheme for the disposal of foul and surface water from the development.

13.7 Members are advised that the proposed development would have an acceptable impact upon flood risk, subject to the suggested conditions.

#### 13.8 Ground Stability

13.9 Paragraph 184 of NPPF states that where a site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

13.10 Policy DM5.18 'Contaminated and Unstable Land; states that where the future users or occupiers of a development would be affected by contamination

or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report.

13.11 The application site is located within a Coal Authority referral area and a Contaminated Land buffer zone.

13.12 A Coal Mining Risk Assessment and a Contaminated Land Risk Assessment (Phase 1 Desk Top Study) have been submitted in support of the application.

13.13 The Coal Authority has raised no objection to the development, subject to a condition requiring intrusive site investigations prior to development commencing.

13.14 The Contaminated Land Officer has reviewed the submitted report and has raised no objections to the proposed development, subject to conditions.

13.15 Members must determine whether the proposed development is acceptable in terms of contamination and ground stability. Officer advice is that the proposal is acceptable in this regard, subject to the suggested conditions.

#### 13.16 Sustainability

13.17 Section 14 of the NPPF sets out the Government's objectives for the planning system in terms of meeting the challenge of climate change, flooding and coastal change. Para.152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraphs 153 through to 158 set out measures for the planning system to address the climate change challenge, including the planning of green infrastructure, reduction of greenhouse gas emissions and increasing the use and supply of renewable and low carbon energy and heat. A planning application should be approved if its impact is, or can be made, acceptable.

13.18 Policy DM7.6 of the Local Plan states that proposals for development involving the provision of renewable and/or low carbon technologies, including micro-generation technologies, will be supported and encouraged except where the proposal would have unacceptable adverse effects that are not outweighed by the local and wider environmental, economic, social and other considerations of the development.

13.19 Within the submitted Planning Statement the applicant has advised that the proposed development has been carefully designed to incorporate modern construction methods to ensure energy efficiency and sustainability within the development. The structure designed will consider both the immediate and the wider environmental impacts, both in choice of material, construction methods and design. The proposal has been designed to make the most efficient and best

use of this brownfield site to provide new homes, as is emphasised in paragraph 119 of the NPPF.

13.20 Passive solar gain will be generated by creating glazed openings across the southern, eastern and western façades as much as reasonably practicable. Naturally, due to the sites northern boundary relationship with the adjacent care home, glazing on the northern side has been minimised to reduce any solar loss and retain heat where at all possible. The applicant has advised that, overall, the proposals have been designed to minimise the impact on Climate Change through the design of the building and through the encouragement of sustainable modes of transport.

13.20 Members need to determine whether the proposed development is acceptable in terms of its provision of renewable and/or low carbon technologies, incorporation of green infrastructure and measures to reduce greenhouse gas emissions in accordance with Policy DM7.6 and the NPPF.

#### 13.21 S106 Contributions

13.22 Paragraph 55 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

13.23 Paragraph 57 of NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

13.24 Policy S7.1 'General Infrastructure and Funding Statement' states that the Council will ensure appropriate infrastructure is delivered so it can support new development and continue to meet existing needs. Where appropriate and through a range of means, the Council will seek to improve any deficiencies in the current level of provision.

13.25 Policy DM7.2 'Development Viability' states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

13.26 Policy DM7.5 'Employment and Skills' states that the Council will seek applicants of major development proposals to contribute towards the creation of local employment opportunities and support growth in skills through an increase in the overall proportion of local residents in education or training.

13.27 Policy DM4.7 'Affordable Housing' sets out that to meet the Borough wide housing target, the Council will seek provision of 25% affordable homes on new housing developments.

13.28 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

13.29 The following contributions were requested by service providers:  
Affordable housing: financial equivalent to 25% (reduction as a result of vacant building credit).  
Ecology: £4,095  
Parks and green space: £11,181  
Equipped play: £13,300  
Employment and training: £5,000 or 1 apprenticeship

### 13.30 Viability

13.31 National Planning Guidance states that where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return. Viability assessment should not compromise sustainable development.

13.32 Any viability assessment should be supported by appropriate available evidence informed by engagement with developers, landowners, and infrastructure and affordable housing providers. Any viability assessment should follow the government's recommended approach to assessing viability as set out in the guidance and be proportionate, simple, transparent and publicly available.

13.33 The guidance states that an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies.

13.34 The applicant has advised that the provision of affordable housing and S106 contributions would make the development unviable and has submitted a Financial Viability Appraisal (FVA) to evidence this. The FVA highlights the effect that cost inflation is currently having on developments of this nature along with rising costs, which are a concern across the industry. The FVA shows an actual profit return of just 2.68%, which is significantly lower than the assumption of 15-20%.

13.35 An independent assessment of the FVA has been conducted, which analysed information provided by the applicant. The independent assessment calculated the total development value at £5,120,000 which is over £370,000 greater than presented by the applicant. The independent assessment drew upon the significant valuation experience of the Valuer in analysing key comparable evidence including a similar scheme built in the last few years 0.2 miles south of the subject.

13.36 Furthermore, the independent assessment calculated total costs at approximately £146,500 less than identified by the applicant using industry standard cost indices. However, when running the independent appraisal incorporating the greater gross development value and lower costs the proposed scheme was still found to have major viability issues, the conclusion of which was to agree with the applicant that no affordable housing can be provided on site and no S106 obligations could be made.

13.37 The development will be subject to a CIL payment.

13.38 It is officer advice that affordable housing provision and S106 contributions would make the proposed development unviable. The applicant has demonstrated that the site is not viable and that the affordable housing provision and S106 contributions cannot be afforded. It is officer advice that the proposal is therefore in accordance with policies S7.1, DM4.7, DM7.2, DM7.5 of the North Tyneside Local Plan (2017) and the advice in Planning Obligations SPD (2018). Members need to consider whether they agree and weight it in their decision.

#### 13.34 Local Financial Considerations

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

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

#### 14.0 Conclusion

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

14.2 Specifically, NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then

meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

14.3 The Council does not have a 5-year supply of deliverable housing sites. It therefore follows that planning permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits. It is officer opinion that the impacts of the development would not significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission should be granted subject to the conditions as set out and a S106 Legal Agreement to require a contribution of £6,403 towards specific coastal mitigation projects and coastal service.

**RECOMMENDATION: Minded to grant legal agreement req.**

**Members are recommended to indicate that they are minded to grant this application subject to an Agreement under Section 106 of the Town and Country Planning act 1990 and the addition, omission or amendment of any other conditions considered necessary. Members are also recommended to grant plenary powers to the Head of Housing, Environment and Leisure to determine the application following the completion of the Section 106 Legal Agreement to secure the following:**

**Coastal Mitigation: J6,403 towards specific coastal mitigation projects and coastal service**

### **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
    - Existing Site Location Plan, 100-00, rev.1, 27.11.20
    - Proposed Site Plan, 200-00, rev.7, 06.09.22
    - Proposed Ground Floor Plan, 210-01, rev.9, 06.09.22
    - Proposed First Floor Plan, 210-02, rev.9, 06.09.22
    - Proposed Second Floor Plan, 210-03, rev.9, 06.09.22
    - Proposed Third Floor Plan, 210-04, rev.9, 06.09.22
    - Proposed Fourth Floor Plan, 210-05, rev.9, 06.09.22
    - Proposed Roof Plan, 210-06, rev.6, 06.09.22
    - Proposed North East and South East Elevations, 240-01, rev.10, 06.09.22
    - Proposed South West Elevation and Section, 240-02, rev.7, 06.09.22
    - Transport Statement, ref.894-TS, rev.5, 16.12.21
    - Measurement of Environmental Noise, ref. 10734-1, 28.07.20
    - Contaminated Land Risk Assessment (Phase 1 Desk Top Study), ref. SES/NEH/EP/1#1, 02.06.20
    - Coal Mining Risk Assessment, ref. 211218.R.001, January 2022
    - Report to Inform Appropriate Assessment, ref.5977, January 2021
    - Ecological Appraisal and Bat Survey, ref.5977, rev.4, May 2022
    - Flood Risk Assessment and Drainage Strategy, ref.QD1819-FRA, 25.08.22
- Reason: To ensure that the development as carried out does not vary from the approved plans.

3. Prior to commencement of the approved development, the applicant will be required to enter into an appropriate Legal Agreement with the Local Authority for the following works:

- New access
- Upgrade of footpath abutting the site
- Associated highway drainage
- Associated street lighting
- Associated road markings
- Associated signage
- Associated Traffic Regulation Orders

Thereafter, this scheme shall be implemented in accordance with the approved details

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

4. Notwithstanding the details submitted, no part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

5. Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for parking has been laid out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

6. Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for refuse storage has been laid out in accordance with the approved plans and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

7. Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for the provision of secure cycle storage has been laid out in accordance with the approved plans and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

8. No part of the development shall be occupied until details of Electric Vehicle (EV) Charging 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: To accord with Central Government and Council Policy concerning sustainable transport.

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

10. Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

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.

11. Development shall not commence until a scheme, to include detailed drainage design, for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

12. Prior to the commencement of the approved works, the following details shall be submitted to and approved in writing by the Local Planning Authority:  
- samples of all construction materials and hard surfacing finishes

- Location of flues, vents, utility boxes and any other utility equipment  
Thereafter, the works shall be carried out in accordance with the approved details.

Reason: These details are required prior to commencement of the development due to the prominent location of the site in order to ensure that works are carried out in an appropriate manner with the advice in National Planning Policy Framework and Local Plan Policy DM6.1.

13. Prior to occupation of the approved development details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the proposed development does not adversely affect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to Local Plan policies DM6.1 and DM5.19.

14. The development shall not be occupied until a noise scheme for the acoustic glazing system in accordance with noise report no.10734-1 has been submitted to and approved in writing by the Local Planning Authority. The submitted noise scheme shall ensure that internal noise levels can be achieved to meet BS8233 and the World Health Organisation community noise guidelines. All habitable rooms fronting the Promenade and North Parade must meet a noise level of 35 dB LAeq for living rooms and bedrooms a level of below 30 dB LAeq, with no exceedances of the maximum noise levels of 45 dB. Thereafter the development shall only be carried out 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.

15. The development shall not be occupied until a ventilation scheme for all habitable rooms has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that an appropriate standard of ventilation with windows closed is provided. Where the internal noise levels specified in BS8233 are not achievable with windows open due to the external noise environment, an alternative mechanical ventilation system, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR), must be provided to addresses thermal comfort and purge ventilation requirements and reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Thereafter the development shall only be carried out 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.

16. 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 all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

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).

17. Prior to occupation of the approved development a schedule of landscape maintenance for a minimum period of five years including details of the arrangements for its implementation must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: 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).

18. Prior to commencement of the approved development a construction environmental management plan (CEMP) will be submitted to and approved in writing by the Local Planning Authority. This shall include details of the following measures:

- Details of key noise emitting activities that will be undertaken during the summer months to limit disturbance impacts to wintering birds.
- Details of noise emitting activities during the winter months (October to March) including a set decibel level limit that these works will adhere to.
- Details of appropriate screening/acoustic fencing to be installed and maintained throughout the construction phase in order to minimise disturbance through movement/noise or lighting.
- Details of best practice working methods in relation to prevention of pollution/spillage incidents, protection of water quality and limitation of dust emission.

Thereafter, all construction works will be undertaken in accordance with the approved Plan.

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

19. A detailed lighting plan will be submitted to the LPA for approval prior to works commencing on site to ensure there is no additional light spill to the Northumbria Coast SPA. The lighting details shall include the following information:

- a statement of frequency of use, and the hours of illumination.
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;

- details of the number, location and height of the proposed lighting columns or other fixtures.
- the type, number, mounting height and alignment of the luminaires.
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

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

20. 2no. bat roosting features must be incorporated into the building design. Full details, locations and specifications of the bat roosting features must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site. Thereafter, the agreed details shall be installed prior to the completion of the scheme and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

21. 3no. house martin nest boxes must be placed in the eaves of the new building. Full details, locations and specifications of the house martin nest boxes must be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site. Thereafter, the agreed details shall be installed prior to the completion of the scheme and permanently retained.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

22. Demolition works will be undertaken outside of the bird nesting season (March to September inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests immediately prior to works commencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

23. No vegetation removal shall take place during the bird nesting season (March- August inclusive) unless a checking survey by a suitably experienced ecologist confirms the absence of nesting birds immediately prior to works commencing.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

24. Prior to the commencement of the approved development a Bat Method Statement must be submitted to and approved in writing by the Local Planning Authority. Thereafter, all building works will be undertaken in accordance with the approved details.

Reason: To ensure that local wildlife populations are protected in the interests of ecology, having regard to the NPPF and Policies DM5.5 and DM5.7 of the North Tyneside Local Plan.

25. Prior to the commencement of the approved development the following shall be undertaken:

- A scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;

- A report of findings arising from the above intrusive site investigations and any remedial works and/or mitigation measures considered necessary to address land instability arising from coal mining legacy (shallow coal mining / zone of influence of an off-site mine entry) as may be necessary, shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the approved development shall be carried out entirely in accordance with the approved details and all necessary remedial works and/or mitigation measures shall be implemented in accordance with authoritative UK guidance.

Reason: This information is required prior to commencement of the development to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with NPPF.

26. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of land stability, having regard to the NPPF.

27. Site Investigation	CON00 4	*
28. Remediation Method Statement	CON00 5	*
29. Validation Report	CON00 6	*
30. Unexpected Hotspots	CON00	*

31. Gas Investigate no Development GAS00 \*

6

32. Prior to demolition of any buildings on the site an asbestos survey must be carried out and the results submitted to and approved in writing by the Local Planning Authority. Thereafter, all demolition works must be carried out in accordance with the approved details.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken into account having regard to policy DM5.18 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

33. Restrict Hours No Construction Sun BH HOU00 \*

4

34. Restrict Hours No Demolition Sun BH HOU00 \*

5

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

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

**Informatives**

Building Regulations Required (I03)

The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to

pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

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

The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

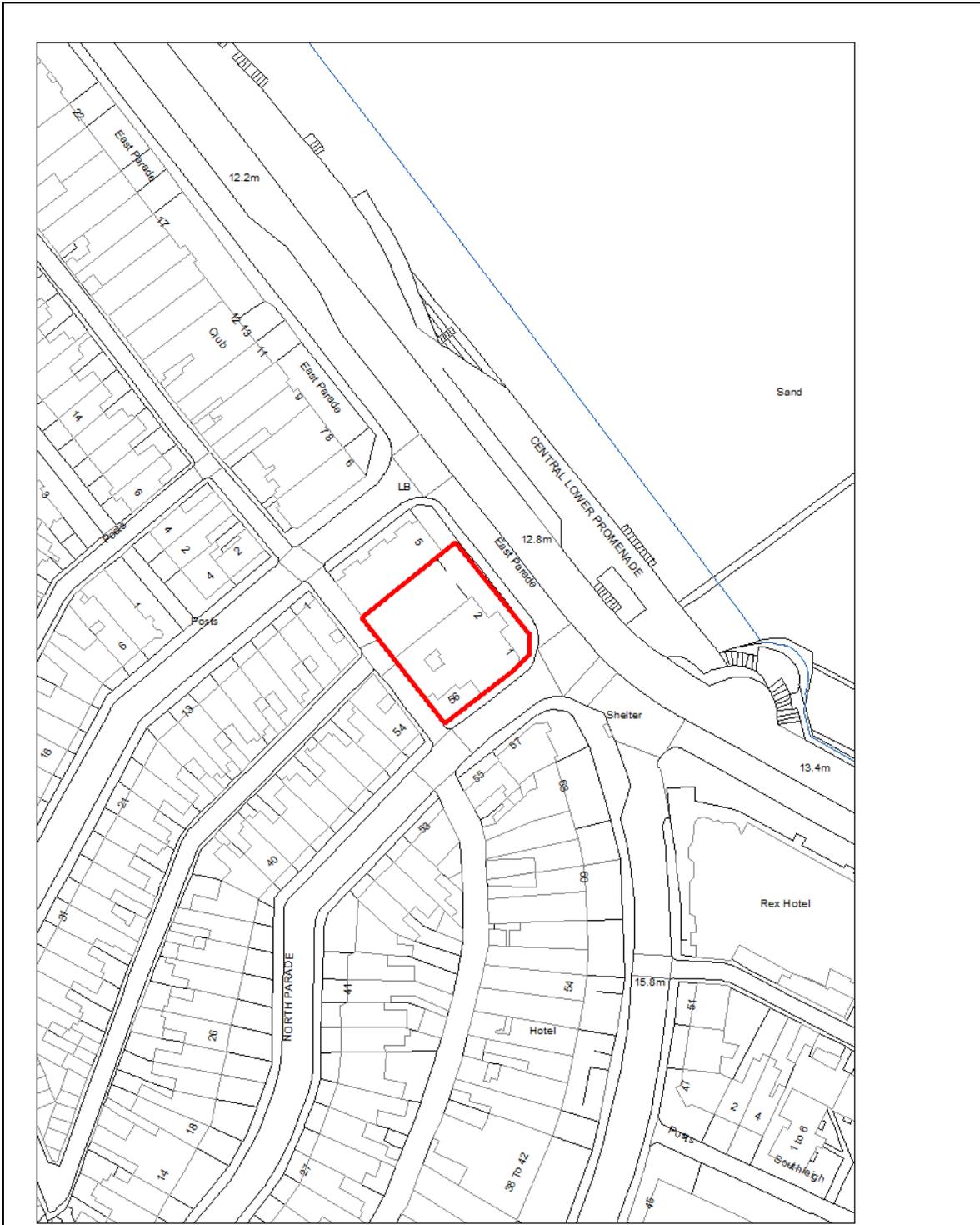
The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

The applicant is advised that occupiers may not be entitled to a parking permit under the council's residential permit scheme. Contact [Parking.control@northtyneside.gov.uk](mailto:Parking.control@northtyneside.gov.uk) for further information.

#### Coal Mining Standing Advice (FUL,OUT) (144)

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:- - Soakaway - Watercourse, and finally - Sewer If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and connection points into the public sewer network. This can be done by submitting a pre planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopmentenquiries.aspx> or telephone 0191 419 6559. A strategic water main runs along the boundary of the site and may be affected by the proposed development. Northumbrian Water does not

permit a building over or close to its apparatus. NWL will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. This informative is included so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>



**Application reference: 21/00174/FUL**

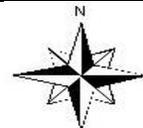
**Location: 1 - 2 East Parade, Whitley Bay, Tyne And Wear, NE26 1AW**

**Proposal: Demolition of existing building and erection of residential development comprising 19no. 2-bed apartments, with associated vehicular access, landscaping and other associated works**

Not to scale

Date: 14.09.2023

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## **Appendix 1 – 21/00174/FUL Item 1**

### **Consultations/representations**

#### **1.0 Representations**

52no. objections to the public consultation. Summarised below:

#### **1.1 Objections:**

#### **1.2 Character and Appearance:**

- Proposal is too big, overbearing, out of scale.
- Design is out of keeping with other properties in the area/eyesore.
- Building will dominate.
- The building is too tall and unattractive.
- Another ugly development that will be a blot on the seafront look of Whitley Bay.
- No sustainable or innovative design here.
- Revised plans are so similar to the previous one that I objected to that I struggle to see any difference. Whole scheme needs to be reduced to fit in with its surroundings.
- The development sits in front of the street line on the East Parade. This will overburden East Parade and impact the view travelling down the promenade.
- Poor relationship with existing properties on North Parade.
- Blank elevation on North Parades misses the opportunity to include passive surveillance from an active frontage.
- The design doesn't represent a high level of attractiveness or exemplar design solutions.
- The setback top storey this will still be visible along key sightlines, including along the promenade.
- Inappropriate materials.
- Looks awful totally out of keeping with the lovely Victorian sea front.
- Development is incongruous and overbearing and constitutes over development of the site, particularly with the incorporation of the uppermost floor.
- The side street will become a characterless blank brick wall.
- A smaller development, with space for visitors and greater visual appeal would be preferable to an out of scale oversized block of residential flats.
- We don't want an ugly, unsympathetic, overdeveloped, sea-view blocking, brutalist monstrosity bringing extra traffic to an already congested and unsafe road. All of our objections and concerns have been completely ignored.
- The building is too high, will dominate the coast and detract from the view of the Rex. It will block light and result in loss of view of skyline from nearby homes.
- Side street will become a characterless brick wall.

#### **1.3 Highway Impact**

- Not enough parking spaces for the number of proposed residents in an area that has limited street parking.
- Inadequate parking provision proposed.
- Proposal will exacerbate existing parking, congestion and access problems.
- The cycle storage is not secure, discouraging its use.
- Has provision been made for charging points to encourage lower emission cars.
- No meaningful changes have been made. All of our original concerns regarding parking have been completely ignored.

- Increased traffic flow. Insufficient parking provision and no visitor parking. Impact on pedestrian/cycle safety. Available space for bin collection? Has provision been made for electric car charging points?

#### 1.4 Amenity

- There will be a problem with waste.
- Too many occupants.
- Building will shade neighbouring dwellings.
- Four storey building will block light from at least 54 North Parade and 1 Ocean View, especially in the mornings.
- Will block views of existing residents.
- Very limited outdoor amenity space. Instead, the development focusses on maximising the number of units rather than providing adequate amenity space.
- Noise pollution.
- Chemical pollution.
- Proposed scheme pays no regard to future maintenance that may be required to existing vents, rainwater pipes/gulley's and incoming gas main of adjacent site, all of which are currently located on the south elevation (facing towards application site). At the very least an access corridor between the two buildings should have been included in the proposals.
- No space between development and care home – how will care home maintain downcomers?
- Part of the area is currently a car park and regularly floods. Will the development lead to any back up to other properties if the water is unable to egress?
- There is no space for rubbish bins to be put out.
- Loss of privacy for neighbouring residents.
- Site has become an unsecure eyesore and an environmental hazard since the demolition of the building. Dust and dirt result in negative impact on health. Appalling smell and it is filthy.
- Possible impact on other amenities, such as Internet and TV signal in nearby homes.

#### 1.5 Other

- Lack of demand for this type of accommodation.
- There are already a significant number of similar new properties remaining unsold in the area.
- Given the amount of unsold and overpriced properties along our small piece of coast it would be ridiculous to add more.
- It looks like someone wants to make as much money as possible at the detriment of the local community.
- The council have been selective when sending out letters regarding the development. Only a handful of residents in each street have been notified.
- Unacceptably high density and over-development of the site
- Development does not represent a design which will contribute to a zero-carbon standard.
- Has the possible impact on other amenities, such as Internet and TV signal in nearby homes been considered. eg BRE assessment?
- Property devaluation.

- Non-compliance with policy. S106 and affordable housing provisions - these need to be as in the first application.
- Adverse effect on wildlife.
- Lack of public consultation.
- If developer cannot afford S106 provision is there a risk that they will be unable to afford to complete the build?
- Social housing would be more appropriate.

#### 1.6 Ward Councillors

#### 1.7 Councillor John O'Shea (Whitley Bay) – Support

1.8 I wish to support the above application. In the event that planning officers are not able to recommend approval of the application I would request that I be allowed to make representations to the Planning Committee.

#### 1.9 Internal Consultees

#### 1.10 Highway Network Manager

1.11 This application is for the demolition of the existing building and erection of a residential development comprising 19 two-bed apartments with associated vehicular access, landscaping, and other associated works.

1.12 The site will be accessed via North Parade and an appropriate level of parking will be provided. Cycle storage has been incorporated into the design and refuse will be stored on site. Conditional approval is recommended.

1.13 The applicant will be required to enter into an appropriate legal agreement with the Local Authority for the following works:

#### New access

Upgrade of footpath abutting the site

Associated highway drainage

Associated street lighting

Associated road markings

Associated signage

Associated Traffic Regulation Orders

#### 1.14 Conditions:

1.15 Notwithstanding the details submitted, no part of the development shall be occupied until the new means of access has been laid out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.16 Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for parking has been laid out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.17 Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for refuse storage has been laid out in accordance with the approved plans and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.18 Notwithstanding the details submitted, no part of the development shall be occupied until the scheme for the provision of cycle storage has been laid out in accordance with the approved plans and retained thereafter.

Reason: In the interests of highway safety and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

1.19 No part of the development shall be occupied until details of Electric Vehicle (EV) Charging 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: To accord with Central Government and Council Policy concerning sustainable transport.

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

1.21 Notwithstanding Condition 1, no development shall commence until a scheme to show wheel washing facilities and mechanical sweepers to prevent mud and debris onto the public highway has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the location, type of operation, maintenance/phasing programme. Construction shall not commence on any part of the development other than the construction of a temporary site access and site set up until these agreed measures are fully operational for the duration of the construction of the development hereby approved. If the agreed measures are not operational then no vehicles shall exit the development site onto the public highway.

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.

#### 1.22 Informatives:

1.23 The applicant is advised that a license must be obtained from the Highways Authority before any works are carried out on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

1.24 The applicant is advised that it is an offence to obstruct the public highway (footway or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Local Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a hazard to those who are disabled, either by lack of mobility or impaired vision. Contact [Highways@northtyneside.gov.uk](mailto:Highways@northtyneside.gov.uk) for further information.

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

1.26 The applicant is advised that a license must be obtained from the Highways Authority for any scaffold placed on the footway, carriageway verge or other land forming part of the highway. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information

1.27 The applicant is advised that requests for Street Naming & Numbering must be submitted and approved by the Local Highway Authority. Any complications, confusion or subsequent costs that arise due to non-adherence of this criteria will be directed to applicant. Until a Street Naming and Numbering & scheme been applied for and approved by the Local Highway Authority it will not be officially registered with either the council, Royal Mail, emergency services etc. Contact [Streetworks@northtyneside.gov.uk](mailto:Streetworks@northtyneside.gov.uk) for further information.

1.28 The applicant is advised that no part of the gates or garage doors may project over the highway at any time. Contact [New.Developments@northtyneside.gov.uk](mailto:New.Developments@northtyneside.gov.uk) for further information.

1.29 The applicant is advised that occupiers may not be entitled to a parking permit under the council's residential permit scheme. Contact [Parking.control@northtyneside.gov.uk](mailto:Parking.control@northtyneside.gov.uk) for further information.

#### 1.30 Sustainable Transport Team

1.31 This application is looking at the revised plans submitted July 2022 for the demolition of existing building and erection of residential development comprising 19no. 2-bed apartments, with associated vehicular access, landscaping and

other associated works. Due to the low number of properties on the site, the requirement for a Travel Plan will not be required for the development.

Recommendation – Approval

### 1.32 Local Lead Flood Authority

1.33 I can confirm that the proposed surface water drainage for the development is acceptable. I will require a condition to be placed on the application requiring the detailed drainage design to be provided to the LLFA for approval prior to construction.

### 1.34 Design Officer (final comments provided on 22<sup>nd</sup> September 2022)

Following comments dated 17th February 2021, 14th March 2022 and 19th August 2022, which raised concerns with the application, the scheme has been revised and further information submitted. Comments on the outstanding issues are set out below:

#### a) Bike and bin stores

Bike and bin stores have now been removed from the front gardens of units facing onto East Parade. This is acceptable.

#### b) Roof top balustrade

The glass and metal balustrades associated with the roof top is now set back to reduce its visibility from street level. The set back is also now clearly shown on the floor plans. This is acceptable.

### 1.35 Conclusion

The application has addressed the outstanding issues and is acceptable subject to the recommended conditions below.

### 1.36 Suggested Conditions:

#### a) Materials of construction

#### b) Boundary walls and fences

#### c) Hard surfacing

#### d) Landscape works implementation

#### e) Location of flues, vents, utility boxes and any other utility equipment

### 1.46 Environmental Health

1.47 Please refer to previous comments, dated 17.02.2021. These are set out below:

1.48 I have concerns regarding noise late at night from both customer noise and amplified music, if provided, from the adjacent restaurant, known as Turknaz. It is noted that the site is in close proximity to South Parade and the taxi rank for the area is located adjacent; this will result in noise such as loud voices from people waiting for taxis in this area. The licensed premises in South Parade have operating hours until 03:00 hours and this will result in customers congregating in the vicinity of the taxi rank until early hours of the morning, especially at weekends. Noise from customer loud voices may also arise from the external seating area to the front of the Turknaz restaurant.

1.49 I have viewed the noise report that refers to the noise monitoring carried out on a Saturday during July 2020, which should have ensured that the external

noise environment for the busier summer months, although it is noted that monitoring was during a period when customer levels may have been lower due to the Covid 19 restrictions. Noise levels for the area were assessed as 59 dB for the daytime period and 52 dB during the night period. the only reference to noise in the area was that it is within an area subject to high traffic serving the Promenade. The report indicates that external noise transmission from the external noise environment can be addressed through mitigation and use of alternative mechanical ventilation. The noise report does not make any reference to other noise sources such as potential live music from the adjacent restaurant or loud voices of people in the street. Associated noise from the restaurant such as plant and equipment is also not considered within the report. This would need to have been assessed in accordance to BS412. Noise arising from the restaurant may have the potential to cause nuisance as Statutory nuisance legislation is more onerous than Building Regulations. It is therefore important that if planning consent is to be given mechanical ventilation is provided for habitable rooms located to the front of the development to ensure adequate ventilation without recourse to open windows.

1.50 The National Planning Policy Guidance indicates the aim under Section 123 is "avoid noise from giving rise to significant adverse impacts on health and quality of life" and that businesses "should not have unreasonable restrictions put on them". The noise assessment has outlined that external noise to the front of the development due to the existing noise arising from the street will give rise to adverse impacts. Sound attenuation measures are necessary including use of mechanical ventilation to prevent the need to open windows to ensure that the proposed development will not lead to potential restrictions on the activities of the adjacent restaurant as the introduction of residential houses will cause a potential nuisance to arise.

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

1.52 Prior to occupation submit and implement on approval of the local Planning Authority a detailed noise scheme to be provided in accordance with noise report reference 10734-1 to show that all habitable rooms fronting the Promenade and North Parade are provided with good standards of glazing and sound attenuation to give a resultant noise level of below 30 decibels and maximum noise level of 45dB for bedrooms and 35 dB for living rooms is achieved as described in BS8233 and the World Health Organisation community noise guidelines.

1.53 Prior to occupation, submit details of the ventilation scheme for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation, with windows closed, is provided. Where the internal noise levels specified in BS8233 are not achievable, with window open, due to the external noise environment, an alternative mechanical ventilation system must be installed, equivalent to System 4 of Approved Document F, such as mechanical heat recovery (MVHR) system that addresses thermal comfort to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels.

1.54 The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

1.55 Prior to the development commencing a detailed scheme to prevent the deposit of mud and other debris onto the highway and to suppress dust arising from construction activities shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of a) mechanical street cleaning brushes and b) the provision of water bowsers to be made available to spray working areas due to dry conditions. Thereafter development shall not be carried out other than in accordance with the approved details and the approved measures shall be retained on site for the duration of the works and used on all occasions when visible dust emissions are likely to be carried from the site eg during dry, windy conditions.

#### 1.56 Landscape Architect

1.57 Following earlier comments in February 2021 March 2022, the scheme has been revised and further information submitted that refers to 'additional landscaping detail provided on plans' (email dated 27th July 2022 Lichfields). However, the recently submitted plans only show landscaping as graphic visuals, with no species type, numbers, method of support and/or other ancillary management and maintenance information. Therefore, should approval be granted the following conditions should be applied:

1.58 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 all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

#### 1.59 Biodiversity Officer

1.60 Additional information has been submitted to support the above application following previous comments and changes to the design. The following additional ecological information has been submitted to support the application:

- Ecological Appraisal and Bat Survey (E3 Ecology May 2022)

1.61 Ecological Appraisal and Bat Survey (2022)

1.62 A single dusk presence/absence survey in August 2019 recorded a very low level of common pipistrelle commuting activity and no roost emergences. An updating dusk survey in May 2022 found similar results, with no roosts identified and only occasional common pipistrelle passes.

1.63 With regard to other protected or otherwise notable species, the surveys recorded feral pigeon and house martin nesting within the building. No other protected or otherwise notable species are anticipated to be impacted by the proposals.

1.64 Potential impacts of the development are:

- The loss of potential crevice roost sites within the buildings to be demolished.
- Very low residual risk of harm/disturbance to a small number of bats that may be using the buildings at the time of works.
- Loss of a building currently being used by breeding feral pigeon and house martin.
- Harm/disturbance to nesting birds if works are carried out during the bird breeding season (March to August inclusive).

1.65 Key mitigation measures recommended within the Report include:

- Two bat roosting features will be incorporated into the design proposals, in the form of either incorporated bat boxes or crevices created through careful pointing within walls.
- Two bird boxes designed for house martin will be placed in the eaves of the new building.
- Demolition works will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.
- As a precaution works will be undertaken to a method statement; loose slates, ridge tiles, hanging tiles, fascias, soffits and barge boards will be removed carefully by hand, being aware that bats may be present beneath slates or ridge tiles, within mortise joints, cavity walls, between loose bricks, between lintels and in gaps around window frames.
- If bats are found during works, works will stop in that area and the ecological consultant will be contacted immediately. If it is necessary to move the bats for their safety, this will be undertaken by a licensed bat handler.

1.66 Coastal Designated Sites

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

1.68 The 'Report to Inform an Appropriate Assessment' (E3 Ecology Jan 2021) states there is potential for disturbance impacts resulting from the construction phase of the development including dust, noise, and light spill which could disturb qualifying and special interest features of the SPA and SSSI sites. To mitigate these impacts the report states that a Construction Environmental Management Plan (CEMP) should be agreed with the LPA prior to works commencing and will include the following measures:-

- Timing restrictions with regard to key elements of work based on noise levels that will avoid the sensitive winter period
- Use of screening/acoustic fencing to minimise disturbance resulting from movement noise and light

1.69 These measures are considered adequate to address the potential for construction phase impacts and will need to be conditioned as part of the application.

1.70 With regard to operational impacts, the scheme will result in an increase in residential units that may impact designated sites due to an increase in recreational disturbance. It is, therefore, recommended that an appropriate financial contribution is secured towards the delivery of a Coastal Mitigation Service in accordance with the Councils Coastal Mitigation SPD, to mitigate these recreational impacts. This contribution should be agreed with the LPA prior to the determination of the application.

1.71 The scheme also has the potential to impact the SPA/SSSI as a result of lighting impacts associated with the operation of the building. Lighting details will therefore need to be submitted to and agreed with the LPA prior to development commencing on site, to ensure there will be no additional light spill to the Northumbria Coast SPA.

1.72 The following conditions should be attached to the application:

1.73 Conditions:

1.74 A Construction Environmental Management Plan (CEMP) will be submitted to the LPA for approval prior to works commencing on site. Thereafter, all construction works will be undertaken in accordance with the approved Plan. The CEMP will include details of the following measures:

1.75 Details of key noise emitting activities that will be undertaken during the summer months to limit disturbance impacts to wintering birds.

1.76 Details of noise emitting activities during the winter months (October to March) including a set decibel level limit that these works will adhere to.

1.77 Details of appropriate screening/acoustic fencing to be installed and maintained throughout the construction phase in order to minimise disturbance through movement/noise or lighting.

1.78 Details of best practice working methods in relation to prevention of pollution/spillage incidents, protection of water quality and limitation of dust emission

1.79 A detailed lighting plan will be submitted to the LPA for approval prior to works commencing on site to ensure there is no additional light spill to the Northumbria Coast SPA. The lighting details shall include the following information:

- a statement of frequency of use, and the hours of illumination.
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures.

- the type, number, mounting height and alignment of the luminaires.
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

1.80 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 all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (trees to be a minimum 12-14cm girth). The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

1.81 2 no. bat roosting features will be incorporated into the building design proposals. Details of the roost feature specification and locations will be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans

1.82 3no. house martin nest boxes will be placed in the eaves of the new building. Details of nest box specification and locations will be submitted to and approved in writing by the Local Planning Authority within 4 weeks of development commencing on site and will be installed in accordance with the approved plans

1.83 Demolition works will be undertaken outside of the bird nesting season (March to September inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.

1.84 A Bat Method Statement will be submitted to the LPA for approval prior to works commencing on site and all building works will be undertaken in accordance with the approved Plan.

1.85 No vegetation removal shall take place during the bird nesting season (March- August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

1.86 Contaminated Land Officer

1.87 This application is for the Demolition of existing building and erection of residential development comprising 19no. 2-bed apartments, with associated vehicular access, landscaping and other associated works.

1.88 I note that the Phase 1 report states:

1.89 No significant plausible pollutant linkages or significant uncertainties are considered to exist other than that potentially from asbestos and therefore no further investigation is considered to be needed. An asbestos survey should be undertaken and any identified asbestos should be removed and disposed of by a licenced contractor.

1.90 There has been precedent in the borough where contamination has been found in on a site that was deemed not to be affected by contamination. Due to the proposed sensitive end use and the Coal Mining Report stating that the site is at risk of shallow mine workings, there may be a risk to the site from mine gas.

1.91 The site lies within a coal referral area. Due to the proposed sensitive end use the following must be attached to any application:

1.92 Con 004; Con 005; Con 006; Con 007; Gas 006

1.93 An asbestos survey should be carried out prior to demolition and any findings acted upon accordingly.

#### 1.94 External Consultees

#### 1.95 Natural England

1.96 Natural England has previously commented on this proposal and made comments to the authority in our letter dated 08 February 2021 NE reference number 341811. The advice provided in our previous response applies equally to this amendment. (Comments set out below):

1.97 No objection, subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would:

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

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

- A Construction Environmental Management Plan should be agreed between the applicant and LPA to prevent construction phase impacts.
- A financial contribution to the Local Planning Authority's (LPA) Coastal Mitigation Service to mitigate the impacts of recreational disturbance.

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

## 2.0 The Coal Mining Authority

2.1 I can confirm that the Coal Authority has no specific comments to make on the revised Proposed Site Layout Plan (Drawing No. 200-00 Revision 6), and our previous comments dated 24 February 2022 remain valid and relevant to the decision making process. (Comments set out below).

2.2 Coal Authority recommends the imposition of the following conditions:

1. No development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;  
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy (shallow coal mining / zone of influence of an off-site mine entry) as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

2.3 This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made. The Coal Authority withdraws its objection to the proposed development subject to the imposition of the conditions to secure the above.

2.4 The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

### 2.5 Northumbrian Water

2.6 I refer you to our original response to the application, dated 10th February 2021, and can confirm that at this stage we have no additional comments to make. (Comments set out below):

2.7 In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess

the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

2.8 It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

2.9 Having assessed the proposed development against the context outlined above we have the following comments to make:

2.10 The planning application does not currently provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

2.11 **CONDITION:** Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

**REASON:** To prevent the increased risk of flooding from any sources in accordance with the NPPF.

#### 2.12 Northumberland and Newcastle Society

2.13 No further comments on revised plans. Original comments set out below:

2.14 The committee considered that the proposed apartment block is far bigger than is appropriate for the site. The Design and Access Statement, page 17, speaks of the wish or intent to maintain the dominance of the former Rex Hotel, now Waverley House. The main montage photos on page 24 of the Statement clearly show that because of its size and bulk this has not been achieved. In the view from the south it appears as an oversized building of block like proportions overtopping its neighbours and made up of disparate elements which do not cohere into a satisfactory design. The extra storey of facing brick at the south end robs the block of all visual balance and symmetry; if the height cannot be reduced to match its neighbours it would be better to extend the setback glazed storeys over the whole building, giving the brick clad floors the appearance of a plinth of uniform height. This would reduce the overbearing effect of this corner and at least introduce some balance into the design.

2.15 On the same page, viewed from the north, the building is shown to be on a building line some three or four metres in front of that of its northern neighbour, the recently permitted and built Seaview care home (this is confirmed on plan). So it will present a large, unattractive expanse of dead brick gable end and adversely affect Seaview's outlook and daylighting, belying its name. This surely cannot be acceptable. Though the building is said to step down towards the four

storey Seaview it is still clearly much taller. Are there no design policies governing the height of buildings along the sea front? The number of units has been reduced to 21 from 37 but even this smaller number makes the building far too tall. As the montages show, the partial setback of the top storeys designed to counter this appearance has proved to be visually unsatisfactory. The North Parade montage shows the equally bad effect of the new construction on that street, with the intervening lower western block visually totally at odds in design and materials with the street scene to which it “contributes”.

2.16 The U-shaped plan of the building we assume was necessitated to fit in the number of units required, but it seems to create a number of problems of daylight, sunlight and outlook for the north and west ranges. These will be overshadowed for a large part of the day by the taller eastern range, even in summer. The Sunlight and Daylight Report seems to address only the effect of the building on the adjacent existing properties and concludes (paragraph 7.1) that there will be no adverse effect on these. Contrary to this the elevational drawings show overshadowing of the internal courtyard (proposed south east elevation); this should not be ignored as it will affect the properties in the north and west ranges, which already suffer from a very poor limited outlook.

2.17 The living rooms of apartments G and M are perhaps the worst examples of less than acceptable outlook on to what is very much the rear elevation of the eastern block. The offsetting of the windows in bedrooms 2 in apartments B, C, I and O on the east elevation seems unjustified as the rooms they light are identical. It is visually more disruptive than aligning them vertically. Also this arrangement is unbalanced with the corresponding bay on the right of the elevation, which has windows vertically aligned. We are not convinced by the use of brick, particularly yellow brick to construct the projecting bays. The comparison we believe should in any case be made not with “yellow hued local stone” (Design and Access Statement p.32) but with the terra cotta used on the neighbouring terrace.

The necessity to include parking spaces and access to them has resulted in a most unsatisfactory street elevation on North Parade, with the cube-like block of pierced yellow brickwork intruding on the street scene.

2.18 We found that the elevations are an unresolved mix of visual elements, unharmonious within themselves, and within the building’s setting. The elevation to the sea front with its drop from five to four storeys is not resolved visually. The brickwork simply seems to stop and does not even appear to have a decorative or practical coping. The documents talk of this being a “gateway development” but where we might hope for an architectural treatment that would mark and turn the corner from North to East Parade, taking a cue from the Rex across the street and adding a strong positive visual element to the street scene, there are simply lengths of flanking brickwork with no visual termination or detailing. The west range on North Parade bears little resemblance to the east range in appearance and choice of materials and its cube-like appearance; all make it wholly alien to the street.

2.19 In summary we believe the proposal is too large and an overdevelopment of the site, and that this has led to major unresolved design issues in the upper floors, and also its severe effect on Seaview. The use of heavy brick vertical bays

is unpleasing. There seems to have been little or no attempt to achieve what might be called a seaside spirit, or harmony with its location, or any particular individuality of design which would make it acceptable. As a consequence we would wish to see the application refused.

#### 2.20 Tyne and Wear Archaeology Officer

2.21 No further comments on revised plans. Original comments set out below:

2.22 I have checked the site against the HER and historic Ordnance Survey maps. The applicant is proposing the demolition of the existing buildings on the site. Historic maps indicate that East Parade, a short terrace of five houses, was built in the later 19th century. By the early 20th century, numbers 1 and 2 were in use as a Temperance Hotel. The remainder of the terrace was demolished in the later 20th century. Most recently the building has been in use as a public house with modern interiors.

2.23 Whilst the building has some historic interest, it has been considerably altered from its original form, and I consider that no historic building recording work is required prior to demolition.

#### 2.24 Police Architectural Liaison Officer

2.25 No further comments on revised plans. Original comments set out below:

2.26 We do not have any objections to this application, however we would like to make the following comments and recommendations mainly around the proposed undercroft parking. It is essential to ensure that criminal opportunities is minimised, ensuring the day to day access does not undermine the security of the residential building above, this is especially important given that from the car park there is direct access to the apartments via a lift and internal staircase.

- Can it be clarified if there is or will be access control systems installed on all internal doors and lifts giving access to communal areas of the building, preventing unlawful access to the floors and apartments above.
- Communal parking facilities should be lit to the relevant levels as recommended by BS 5489-1:2013
- There are two cycle stands located to the vehicle entrance and exit doors, these could be vulnerable to opportunistic theft. Therefore the cycle storage should reflect this and should facilitate the locking of both wheels and the crossbar to prevent theft.