

Item No: 5
Application No: 16/00149/FUL Author: Aidan Dobinson Booth
Date valid: 1 February 2016 ☎: 0191 643 6333
Target: 2 May 2016 Ward: Whitley Bay
decision date:

Application type: full planning application

Location: Spanish City Dome, Marine Avenue, Whitley Bay, Tyne And Wear, NE26 1BG

Proposal: Change of use and refurbishment of the dome, including two extensions to the east and west elevations to include a new visitors entrance. First floor extension to the ground floor roof. Reinstatement of previously removed 1910 historic features, including new cupolas to the existing towers, loggias to both terraces at first floor level. Reinstatement of shopfronts, doors and windows

Applicant: North Tyneside Council, FAO Mrs Julie Bews Business And Economic Development First Floor Left, Quadrant The Silverlink North Cobalt Business Park North Tyneside NE27 0BY

Agent: ADP LLP, Miss Cassie Burgess-Rose First Floor Cathedral Buildings Dean Street Newcastle Upon Tyne Tyne And Wear NE1 1PG

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. Background

1.1 Members will recall previous applications for planning permission (14/00687/FUL) and listed building consent (14/00686/LBC), which were both approved in 2014. These applications represented a 'minimum restoration' approach of what could be delivered without the Heritage Lottery Funding and were required in order progress with the Compulsory Purchase of Carlton Bingo's remaining interest in the Dome. The Compulsory Purchase Order was confirmed in 2015 and the Heritage Lottery Funding Bid progressed. The Dome has been successful in securing £3.5M of Heritage Lottery Funding and this allows for a 'maximum restoration' scheme which includes additional restoration works and hence the need for this application.

2. The Main Issues

2.1 The main issues in this case are:

- Whether the proposed uses and associated development are acceptable in principle.
- The impact of the proposal upon the character and appearance of the Dome and the surrounding area.
- The impact upon neighbours living conditions, with particular regard to the noise and disturbance and;
- Whether sufficient car parking and access would be provided.

3. Description of the Site

3.1 The Spanish City is situated on Promenade in Whitley Bay overlooking The Links and the North Sea. There is a link road to the rear of the Dome. The Dome is a Grade II listed building. Immediately adjacent to the Dome is Carlton Bingo, which is a large red brick building with a pitched roof. To the south west lies Marine Park First School and to the south lies Whitley Park. To the north of the site and on the northern side of the link road are residential properties, which include flats and the houses of Elmwood Grove.

3.2 The Spanish City Plaza which is an area of paving and public realm improvements is situated to the north of the Dome.

3.3 Construction work is still ongoing regarding providing a new surface level car park that is to be provided to the south east of The Dome.

3.4 The site is located within, but on the edge of Whitley Bay Town Centre as defined by the North Tyneside Unitary Development Plan (UDP). The Spanish City site is designated as being appropriate for leisure uses within the UDP by policy LE2/1(4).

4. Description of the Proposed Development

4.1 The application seeks full planning permission for change of use and refurbishment of the Dome, including two extensions to the east and west elevations to include a new visitors entrance. First floor extension to the ground floor roof. There would be the re-instatement of the previous removed 1910 historic features, including new cupolas to existing towers, loggias to both terraces at first floor level. The proposal also seeks to re-instate the shopfronts, doors and windows.

5. Relevant Planning History

06/03647/FUL – Alterations and extensions to provide for D1 (Non-residential Institutions) D2 (Assembly and Leisure) Use Class (visual and performing arts hub) comprising;

Two storey rear extension to provide for new level DDA compliant access.

Demolition of side extension to ballroom to reveal 1920's extension.

Renovation of external fabric of wings and Dome including new fenestration.

Demolition of rear extension to reveal original rotunda and replacement fenestration.

Internal alterations and renovations to provide for visual and performing arts facility.

Permitted 22.02.07.

06/03648/OUT – Extensions and alterations to Whitley Bay Leisure Pool to create new access/foyer – siting and access only.
Extensions and alterations to Whitley Bay Playhouse to create new foyer, studio space, siting and access only.
Provision of skate park facility on land at former Panama Café – access only
Library and Joint Service Centre on site of existing library Park Road – siting and access only.
On land adjacent to Spanish City Dome and Empress Ballroom, wither 65 bed hotel or 56 apartments on the site of the hotel and a site to the south of the Dome should hotel not proceed – siting and access only.
Development of 85 apartments with 85 car parking spaces and 117 space public car park at Bournemouth Gardens and Eastbourne gardens car park – siting and access only.
Development of 94 dwellings comprising 16 town houses and 78 apartments with 94 car parking spaces on the site of the former Marine Park and Coquet Park schools – siting and access only.
Development of 15 apartments with 15 car parking spaces on site of Brook Street Gardens.
Associated public realm improvements and extension to Whitley Park, including toddlers and children’s play area, public art and outdoor events areas.
Associated public realm improvements to The Links and Panama Gardens.
Associated junction improvements and traffic calming to Promenade.
Permitted 05.03.07.

12/00143/OUT – Full planning permission for refurbishment of Spanish City Dome building and outline planning permission with all matters reserved except for landscaping for a new build mixed use development, site landscape works, public open space and promenade. Mixed uses include family activity centre, gymnasium, shops, restaurant, food outlets, managed workspaces, offices, hotel carehome, townhouses/apartments and associated parking (Amended Description 17.05.12)
Permitted 21.08.13.

13/01199/LAREG3 – Development of derelict land adjacent to the Spanish City Dome to produce 125 car parking spaces with associated landscaping.
Development will include accessible spaces and motorcycle parking space.
Permitted 09.09.13.

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

14/00686/LBC – Reinstatement of previously removed 1910 historic features, including new tower tops, loggias to first floors of both wings, shopfronts, doors and windows to all elevations. Removal of 1924 ground floor extension to West elevation of West Wing and removal of modern fire escape staircase from first floor of rotunda over the West Wing.
Consent 02.07.14.

6. Development Plan

6.1 North Tyneside Unitary Development Plan (adopted March 2002).

6.2 Direction from Secretary of State under Paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside Unitary Development Plan (August 2007).

7. Government Policy

7.1 National Planning Policy Framework (NPPF) (2012)

7.2 National Planning Practice Guidance (NPPG) (As Amended).

7.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is material consideration in the determination of this application. It requires local planning authorities to apply a presumption in favour of sustainable development in determine development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the National Planning Policy Framework.

PLANNING OFFICERS REPORT

8. Main Issues

8.1 The main issues in this case are;

- Whether the proposed uses and associated development are acceptable in principle.
- The impact of the proposal upon the character and appearance of the Dome and the surrounding area.
- The impact upon neighbours living conditions, with particular regard to noise and disturbance and;
- Whether sufficient car parking and access would be provided.

8.2 Principle

8.3 At the heart of National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which seeks to approve development that accords with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date granting planning permission, unless any adverse impacts of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

8.4 NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

8.5 NPPF states that planning policies should be positive and promote competitive town centre. The planning application site is within Whitley Bay town centre and therefore would contribute toward achieving this aim.

8.6 Policy LE2 supports proposals for the development of tourist and leisure facilities provided that they are acceptable in terms of their impact on the natural and built environment and on surrounding land uses.

8.7 The Spanish City, which includes the Dome is identified as being appropriate for leisure development according to policy LE2/1(4) of the North Tyneside UDP.

8.8 The Council has published a Local Plan Pre-Submission Draft, which will in due course replace the current UDP. It has still not been formally submitted to the Planning Inspectorate and therefore remains draft and subject to change. Therefore it can only be afforded little weight in the determination of this planning application. The Pre-Submission Draft does indicate Whitley Bay as one of the town centres within the borough in need of regeneration. This application would help towards achieving this aim.

8.9 The Background Paper: Town Centres and Retail (November 2013) is part of the Pre-Submission Draft of the North Tyneside Local Plan and identifies Spanish City as being appropriate for a mixture of cultural, leisure and hotel uses as part of its refurbishment. However, this is only draft and therefore may also be subject to change. It therefore can only be afforded little weight in the determination of this planning application.

8.10 Policy S3 states that the town centres of Wallsend, North Shields and Whitley Bay will continue to be maintained and enhanced as the main focus for retail provision and associated facilities by amongst other matters identifying development, redevelopment and refurbishment opportunities. This proposal would refurbish the former retail units on the ground floor of the Dome and therefore in this respect the proposal would accord with policy S3.

8.11 Policy S11 states that new retail development will be expected to provide a range of facilities for the shopping public/ Although there would be retail development, it is officer advice that it would not be such a scale as to divert trade away from Park Road, and will add rather than detract from existing retail offer available in Whitley Bay.

8.12 The uses proposed within the Dome are as follows;

8.13 Promenade Level

Use Class A3 – Café/Restaurant Units

Unit 5B - 130.72 sq m

Unit 3 – 75.63 sq m

Use Class A5 – Hot Food Takeaway

Unit 4 – 35.81 sq m

Use Class A1 – Retail

Unit 1 – 52.45 sq m

Unit 2 – 55.97 sq m

8.14 Mezzanine Level (This is a cellar level to serve the A3 (Café/restaurant uses)

Unit 1 – 42.86 sq m

Unit 2 – 54.74 sq m

8.15 Ground Floor

Use Class A3 (café/restaurant units)

Unit 5A – 134 sq m

Use Class A3 (Café/restaurant) or D1 or D2 (Multi-use Restaurant including community and or leisure)

Unit 8 478.90 sq m

8.16 First Floor

Use Class A3 (or D2/D1) Multi use restaurant including community and/ or leisure

Upper Dome 299.68 sq m

Unit 9A 140.57 sq m

Unit 9B (loggia) 118.02 sq m

Use Class A3 (Café/restaurant) units

Unit 7A 154.73 sq m

Unit 7B 100.06 sq m (or A1) retail.

8.17 It is understood that the building will employ 76 members of staff. 40 of these will be full time and 36 part time.

8.18 The proposed leisure, retail and food uses will accord with the designated uses in the UDP and would be appropriate within a town centre in accordance with policies LE2/1(4) and S11.

8.19 Biodiversity

8.20 The National Planning Policy Framework states that the planning system should do everything it can to contribute to and enhance the natural and local environment.

8.21 The Dome is within a Wildlife Corridor as defined in policy E12/6, which states that the development which would adversely affect the contribution of a wildlife corridor will not be permitted unless no alternative site is reasonably available or appropriate measures or mitigation, or compensation for all of the adverse effects are secured.

8.22 The wildlife corridor runs along the coast and it is officer advice that this proposal would not adversely affect the contribution this wildlife corridor makes.

8.23 The applicant has submitted Bat and Nesting Bird Surveys, which confirms that there was no evidence of roosting bats and no active bird nests.

8.24 The Council's Biodiversity Officer has noted previously that the building is in an exposed and isolated position from a landscape context and of negligible

value. She therefore had no objections. Nothing has changed since to alter this view.

8.25 Subject to conditions, the proposal would not adversely affect biodiversity and therefore would accord with the guidance in NPPF and policy EW12/6 of the North Tyneside UDP.

8.26 Flooding

8.27 The National Planning Policy Framework states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and only considers development appropriate in areas at risk of flooding when informed by a site specific flood risk assessment.

8.28 The applicant has submitted a Flood Risk Assessment, which concludes that the application site is within Flood Zone 1, the lowest risk.

8.29 The applicant states that with regards to surface water, agreement has been reached with Northumbrian Water that surface water can continue to discharge unrestricted provided that the existing connection are used. This has been modelled, without attenuation and produces no flooding for the 1 in 30 years events and flooding does not affect the building for 1 in 100 year events as per the sewers for adoption and the flood risk assessment.

8.30 The Council as Local Lead Flood Authority has been consulted and states whilst the area is prone to flooding Northumbrian Water have agreed discharge rates and connection into the infrastructure subject to detailed design, conditional approval is recommended.

8.31 Members need to consider whether the proposal would void increasing flood risk in accordance with the advice e in NPPF and weight this in their decision.

8.32 Fall-Back Position

8.33 A previous full planning permission and listed building consent were both granted in 2014 and represents the fall-back position of what could be done without any further planning permission. The previous planning permission, which is still capable of implementation represents the fall-back position and already allows a wide mix of uses. The current proposal seeks further flexibility on the proposed uses to make the units more attractive to potential future occupiers. All of the uses identified in this application are appropriate for a town centre site such as The Dome.

8.34 Members need to consider whether the principle of the proposed uses are acceptable in principle and whether it would accord with the advice in NPPF, policies LE1, LE2, LE2/1(4), S3 and S11 and weight this in their decision.

8.35 Character and Appearance

8.36 The National Planning Policy Framework (NPPF) states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and indivisible from good planning and should contribute to making places better for people.

8.37 The Dome is a grade II listed building and therefore is a heritage asset. It is currently vacant following significant restoration works carried out several years ago.

8.38 NPPF seeks to conserve and enhance the historic environment. Paragraph 131 of NPPF states that in determining planning applications local planning authorities should take account of amongst other matters the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

8.39 Paragraph 132 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.

8.40 UDP policy E17/3 states that development resulting in alteration or addition to a listed building, which would adversely affect its special architectural or historic interest will not be permitted.

8.41 Conservation Plan

8.42 The North East Civic Trust produced a Conservation Plan in 2004, to help protect the significance of the Spanish City and also set the scene for a healthy conservation led future for the building. The Plan remains relevant despite now being 12 years as the Conservation Principle for the building have not changed. The Plan has been used during the previous refurbishment works in order to help guide the development and ensure a conservation led approach.

8.43 The Conservation Plan states that Spanish City has high architectural significance at a local, regional, and national level as a prominent high quality piece of architecture in the Edwardian Baroque style.

8.44 The Conservation Plan goes onto state Spanish City is crucial to understanding the history of Whitley Bay, as it stands shoulder to shoulder with other seaside pleasure buildings around the country giving it high significance as the local, regional and national scale.

8.45 Spanish City also has high social/community significance at a local level. It provides a notable identity for the community, being used throughout the decades to promote and identify the town.

8.46 Spanish City has a high townscape significance at the local level, its landmark design and coastal setting provides a focal, locally distinctive destination.

8.47 The Dome remains one of the most recognisable buildings on the North East Coast. This proposal seeks its restoration with a linked listed building consent being submitted in tandem.

8.48 The Spanish City is a collection of seaside pleasure buildings and grounds built in 1910. It comprised a theatre, shops, various leisure and amusement rooms, outdoor pleasure grounds with rides and amusements, and a large

rotunda hall with the dome at the central point of orientation. The Dome was listed as Grade II in 1986.

8.49 The proposal seeks to restore many original features in order to return the building back to its original splendour. The proposal seeks restoration of the external facade details, including the loggias and the tower tops. Restoration of the existing facade window fenestration will also be secured. The shop fronts will also be restored with a traditional design approach. This accords with the general conservation principles that have been applied to date, which seeks to restore the building to the original 1910 design.

8.50 New modern and contemporary extensions are proposed to either end of the wings. These would be used to house the heating and cooling facilities to control the temperature of the Dome. This will also mean that less of the facilities need to be accommodated within the original part of the Dome, which means that it will be less intrusive.

8.51 A new modern and contemporary extension is also proposed to the rear which will provide level access. This will also help preserve the original entrance to the front of the Dome, which otherwise would need to be altered to provide level access.

8.52 Historic England has been consulted and state the scheme is very welcome as a major step forward towards the rescue and re-use. They go on to state that they are delighted that a restorative approach is being taken to some of the most significant lost features of the buildings, including the loggias and the tower tops. In particular, removal of the inserted rotunda first floor will be a triumph, restoring one of the most remarkable Edwardian architectural spaces on Tyneside and reinforcing the building original status as 'a peoples palace.'

8.53 The provision of modest replacement extensions to a design which is clearly of its time is a neat way of adding the services and facilities needed to bring the building back into use in such a comprehensive way without putting pressure on the complex and significant internal layout of the building.

8.54 The Tyne and Wear Historic Building Officer has been consulted and following the submission of amended plans that address his previous concerns has no objections subject to conditions.

8.55 Members need to consider whether the proposals for the restoration of the Dome are acceptable and whether they would accord with the guidance in NPPF and policy E17/3 of the UDP.

8.56 Impact on Neighbours

8.57 NPPF states that planning decisions should aim to avoid giving rise to significant adverse impacts on health and quality of life as a result of new development.

8.58 Policy E3 seeks to minimise the impact of pollution on the environment, including existing land uses and on proposed development.

8.59 Policy H13 states that applications for non-residential development within or adjacent to residential areas will only be approved where the local planning authority consider that they would not adversely affect residential amenity.

8.60 The National Planning Policy Framework supports sustainable development. Development that would have an adverse impact upon neighbours would not be sustainable. Policies E3 and H13 are consistent with the guidance in National Planning Policy Framework and therefore Members can give these policies full weight in their determination of this application.

8.61 The neighbours most likely to be directly affected by the refurbishment of The Dome are those living to the west in Elmwood Grove and Marine Park First School to the south west and the adjoining building of the Empress Ballroom, which is occupied by Carlton Clubs Limited.

8.62 It is officer advice that subject to conditions that the proposal would not have an adverse impact upon neighbouring occupiers. In terms of the impact upon Carlton Clubs, there will inevitably be some degree of noise and disruption caused by the building works. Conditions are suggested to ensure that this impact is not adverse. The impact of the proposals must also be balanced against the public benefit of bringing back into use a currently vacant grade II listed building. The Dome is an important building which is important to the history of Whitley Bay. Securing the building's reuse will help towards the on-going regeneration of Whitley Bay and the benefits of the proposal outweigh the impacts.

8.63 Members need to consider whether the proposal would avoid having an adverse impact upon neighbouring properties, whether the proposal would accord with NPPF, policies E3 and H13 and weight this in their decision.

8.64 Car Parking and Access

8.65 The National Planning Policy Framework states that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives. All development that generate significant amounts of movements should be supported by a Transport Assessment or Transport Statement. The guidance states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

8.66 Policy T8 seeks to encourage cycling by amongst other matters ensuring that cyclist's needs are considered as part of new development and where appropriate requiring that facilities including parking are provided.

8.67 Policy T9 states that the needs of pedestrians, including those people with disabilities and special needs will be given a high priority when considering transport and development issues.

8.68 Policy T11 states that parking requirements will in general be kept to the operational maximum and should include adequate provision for people with disabilities and special needs.

8.69 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

8.70 Policies T8, T9, T11 and LDD12 all accord with the guidance in the National Planning Policy Framework and therefore Members can give them full weight in terms of their consideration.

8.71 The Highway Network Manager has been consulted and states a Transport Statement (TS) was submitted as part of this planning application which is linked in with the previously approved Transport Assessment (TA) for the 2012 application (12/00143/OUT). He goes on to consider that the proposed uses are compatible with the previously approved uses in terms of traffic generation and that no further works are required.

8.72 Whilst the amount of parking proposed does not meet the maximum standards set out in LDD12 it is likely that some of the parking demand will be of a short term nature and that there will be a number of linked trips associated with people visiting two or more of the uses. Furthermore, parking surveys in the area have been carried out that identify spare capacity in the nearby streets and car parks.

8.73 In addition, the site has good links to public transport and is within reasonable walking distance of the town centre. The Highway Network Manager concludes on balance by recommending conditional approval.

8.74 Members need to consider whether the proposed car parking and access arrangement are acceptable and whether the proposal would accord with NPPF and policies T8, T9, T11 and LDD12 and weight this in their decision.

8.75 Conclusion

8.76 Planning permission and listed building consent have already been granted for a scheme in 2015. This scheme would have resulted in the minimum restoration that was required to bring the building back into use. However, the Council has been successful in securing a grant of £3.5M from the Heritage Lottery Fund. This allows a fuller and more comprehensive restoration scheme restoring more of the original fabric of the building. The Dome has been vacant for over 19 years now and this application will secure full restoration, which will return the building back to its original 1910 splendour. Members need to decide whether this latest scheme is acceptable and whether or not to grant planning permission.

RECOMMENDATION: Application Permitted

Members are recommended to authorise the Head of Law and Governance to undertake all of the necessary procedures under Section 247/257 of the Town and Country Planning Act 1991 and Agreement under Section 278 of the Highways Act to secure the following;

Stop up the highway within the site that is no longer required.

Upgrade footpaths surrounding the site and the former Promenade to the frontage of the site.

Conditions/Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans;

SBCMM - L1206 4 Site Elevation West

SBCMM-ADP-00-00-DR-A-1000-S2-P1_GA - Demolition - GF & LGF Plan

SBCMM-ADP-00-00-DR-A-1025-S2-P2_GA - Proposed GF & LGF Plan

SBCMM-ADP-00-00-DR-A-1030-S2-P2_GA - Proposed GF & Mezzanine

Plan

SBCMM-ADP-00-01-DR-A-1010-S2-P2_GA - Demolition - FF Plan

SBCMM-ADP-00-01-DR-A-1035-S2-P2_GA - Proposed - FF Plan

SBCMM-ADP-00-02-DR-A-1020-S2-P2_GA - Demolition - RF Plan

SBCMM-ADP-00-02-DR-A-1040-S2-P2_GA - Proposed - Roof Plan

SBCMM-ADP-00-XX-M3-A-1220-S2-P1_Elevation - Proposed North

SBCMM-ADP-00-ZZ-DR-A-1230-S2-P1_Elevation - Proposed East

SBCMM-ADP-00-ZZ-DR-A-1240-S2-P1_Elevation - Proposed South

SBCMM-ADP-00-ZZ-DR-A-1250-S2-P1_Elevation - Proposed West

SBCMM-ADP-00-ZZ-DR-A-1355-S2-P1_Section - Proposed BB

SBCMM-ADP-00-ZZ-DR-A-1356-S2-P1_Section - Proposed BB-1

SBCMM-ADP-00-ZZ-DR-A-3300-S2-P1_Window Type Drawing

SBCMM-ADP-00-ZZ-DR-A-3400-S2-P1_Ornate Plasterwork - Dome Bay

SBCMM-ADP-00-ZZ-DR-A-3410-S2-P1_Historic Cornicing and Ceiling to

Dome

SBCMM-ADP-00-ZZ-DR-A-4502-S2-P1_Plaster work - Dome d1 Grid

Cornice

SBCMM-ADP-00-ZZ-DR-A-4501-S2-P1_Windows - First Floor - Casement & Sash Reinstatement and Refurbishment

2. Standard Time Limit 3 Years FUL MAN02 *

3. Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy LE2/1(4) of the North Tyneside Unitary Development Plan 2002.

4. The building shall not be occupied until a fully detailed landscaped scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping scheme shall be implemented in accordance with the approved details.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy LE2/1(4) of the North Tyneside Unitary Development Plan 2002.

5. All planting, seeding or turfing comprised in the approved details of

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landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy LE2/1(4) of the North Tyneside Unitary Development Plan 2002.

6. No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In the interest of visual amenity and/or highway safety having regard to policy T6 of the North Tyneside Unitary Development Plan 2002.

7. The new means of access shall be sited and laid out in accordance with the approved drawing prior to first occupation of the Dome.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy T6 of the North Tyneside Unitary Development Plan 2002.

8. Within 6 month(s) of the new/altered access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb/removing the existing bellmouth and reinstating the footway verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user having regard to policy T6 of the North Tyneside Unitary Development Plan 2002.

9. No part of the development shall be occupied until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate visibility between the access and the existing public highway for the safety and convenience of the users of the highway and of the access having regard to policy T6 of the North Tyneside Unitary Development Plan 2002.

10. No part of the development shall be occupied until an area has been laid out within the site for refuse vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.

Associated Drainage;
Associated street lighting
Associated road markings
Associated signage

Thereafter this scheme shall be implemented in accordance with the approved scheme.

Reason: To improve pedestrian and cycle routes to the front of the site in accordance with policies T8 and T9 of the North Tyneside Unitary Development Plan 2002.

18. No development shall commence until a scheme for surface water management has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In order to ensure adequate drainage in accordance with the advice in NPPF. This needs to be pre-commencement to ensure that the details are submitted and approved prior to the units being occupied in order to protect them from flooding.

19. 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.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside unitary Development Plan 2002 and National Planning Policy Framework.

20. There shall be no demolition activity or vehicle movements to, from or within the site outside of the hours of 0800-1800 Monday to Friday, 0800-1400 Saturday with no working on Sundays or Bank Holidays.

Reason: To safeguard the amenities of neighbouring residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

21. No part of the Dome shall be occupied until details of the air ventilation systems for that part of the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of the residential accommodation in the vicinity having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

22. No part of the Dome shall be occupied until details of any refrigeration plant to be installed for that part of the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of the residential accommodation in the vicinity having regard to policy H13 of the North Tyneside

Unitary Development Plan 2002.

23. No part of the Dome shall be occupied until details of any odour suppression system for the arrestment of odours for that part of the building have been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of the residential accommodation in the vicinity having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

24. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

25. Deliveries to and from the loading bays shall be restricted to 07:30 hours and 22:00 hours.

Reason: In order to protect the amenities of neighbouring residential properties in accordance with policy H13 of the North Tyneside Unitary Development Plan 2002.

26. Prior to works commencing a bat method statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall only proceed in accordance with the approved details.

Reason: In the interests of biodiversity in accordance with policy E12/6 of the North Tyneside Unitary Development Plan 2002.

27. Works to the Dome shall not be undertaken within the bird breeding season (March - August inclusive) unless a checking survey by a suitably qualified ecologist has confirmed the absence of nesting birds has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity in accordance with policy E12/6 of the North Tyneside Unitary Development Plan 2002.

28. No part of the Dome shall be occupied until details of a taxi rank have been submitted to and approved in writing by the Local Planning Authority. Thereafter the taxi rank shall be installed in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety in accordance with policy T6 of the North Tyneside Unitary Development Plan 2002.

29. Prior to the commencement of the use, a noise scheme must be submitted to and approved in writing by the Local Planning Authority providing details of the mitigation measures to be carried out to prevent noise breakout particularly with regard to amplified or live music. The scheme must include details of an appropriate air conditioning system to protect against windows being opened during live, amplified music activities and other leisure activities giving rise to impact noise.

Reason: In order to protect the amenity of nearby residents, having regard

to Policy H13 of the North Tyneside Unitary Development Plan.

30. The development hereby permitted shall be carried out in accordance with the Report on Preliminary (Phase 1) Investigation dated September 2015 and prepared by Ian Farmer Associated limited and Report on Ground Investigation, dated September 2015 and prepared by Ian Farmer Associates Limited.

Reason: To address the coal mining legacy issues present on the application site in accordance with the advice in NPPF.

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

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

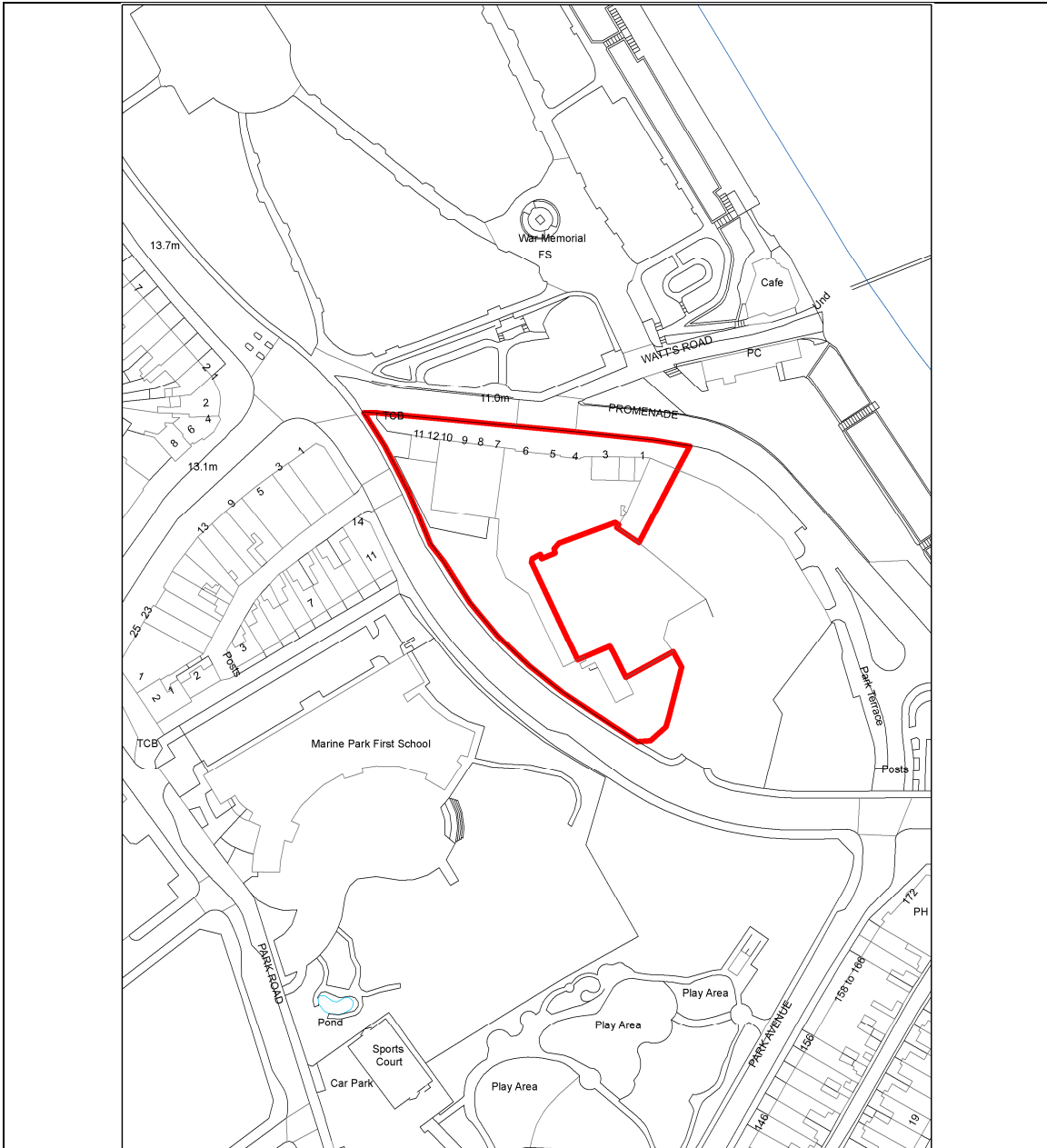
No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Coal Mining Referral Area , (FULH) (I43)



Application reference: 16/00149/FUL

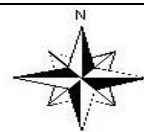
Location: Spanish City Dome, Marine Avenue, Whitley Bay, Tyne And Wear

Proposal: Change of use and refurbishment of the dome, including two extensions to the east and west elevations to include a new visitors entrance. First floor extension to the ground floor roof. Reinstatement of previously removed 1910 historic features, including new cupolas to the existing towers, loggias to both terraces at first floor level. Reinstatement of shopfronts, doors and windows

Not to scale

Date: 07.04.2016

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**Appendix 1 – 16/00149/FUL
Item 5**

Consultations/representations

Internal Consultations

1. Highway Network Manager

1.1 The application is for a change of use and refurbishment of the dome, including two extensions to the east and west elevations to include new visitor's entrance, first floor extension to the ground floor roof reinstatement of the previously removed 1910 historic features including new cupolas to the existing towers, loggias to both terraces at first floor level, reinstatement of shop fronts, doors and windows.

1.2 A Transport Statement (TS) was submitted as part of this planning application which linked in with the previously approved Transport Assessment (TA) for the 2012 application (12/00143/OUT). It is considered that that the proposed uses are comparable with the previously approved uses in terms of traffic generation and no further works are required.

1.3 Whilst, the amount of parking does not meet the maximum standards set out in LDD12 it is likely that that some of the parking demand will be of a short term nature and that there will be a number of linked trips associated with people visiting two or more is the uses. Furthermore, parking surveys in the area have been carried out that identify spare capacity in nearby streets and car parks.

1.4 In addition the site has good links to public transport and is within a reasonable walking distance of the town centre. For the reasons outlined above and on balance, conditional approval is recommended.

1.5 Recommendation – Conditional Approval

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

1.7 Conditions:

ACC10 - New Access: Access before Devel

ACC14 - Altered Access Access Alt Before Devel

ACC17 - Exist Access Closure: Misc Points, By *6 months

ACC20 - Visibility Splay: Detail, Before Devel (*2.4m by 43m by 0.6m)

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT05 - Construction Management

1.8 Prior to occupation of the development a car park management strategy for the site shall be submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the site and in the interests of highway safety.

1.9 Prior to occupation of the development a service management plan for the site shall be submitted to and agreed in writing by the Local planning Authority. Thereafter this service management plan shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the district centre and in the interests of highway safety.

1.10 Prior to occupation of the development a scheme for covered, secure cycle parking shall be submitted to and agreed in writing by the Local planning Authority. Thereafter this scheme shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the district centre and in the interests of highway safety.

1.11 Prior to occupation of the development a scheme for the provision of taxis shall be submitted to and agreed in writing by the Local planning Authority. Thereafter this scheme shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the district centre and in the interests of highway safety.

1.12 Notwithstanding the Framework Travel Plan submitted, the Travel Plan shall be developed as set out and implemented in accordance with the details submitted.

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

1.13 Prior to occupation of the development a scheme for the upgrade of roads & footpaths on the Promenade to the frontage of the site has been submitted to and agreed in writing by the Local planning Authority. This scheme shall include:

1.14 Upgrade of existing road & footpaths

Associated drainage

Associated street lighting

Associated road markings

Associated signage

1.15 Thereafter this scheme shall be implemented in accordance with the approved scheme

Reason: To improve pedestrian & cycle routes to the front of the site

1.16 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

2. Public Rights of Way Officer

2.1 NCN 1 runs alongside and I am keen to make sure we make best use of possible and well placed cycle parking to the sea front end.

3. Landscape Architect

3.1 The General Landscape Layout is acceptable in principle subject to conditions relating to final details submitted for the landscape planting and details of hard landscaping/surface materials.

4. Local Lead Flood Authority

4.1 This application is for a change of use and refurbishment of the dome, including two extensions to the east & west elevations to include a new visitor's entrance, first floor extension to the ground floor roof, reinstatement of previously removed 1910 historic features including new cupolas to the existing towers, loggias to both terraces at first floor level, reinstatement of shop fronts, doors & windows.

4.2 A Flood Risk Assessment (FRA) was submitted as part of the planning application that analysed various flooding scenarios that could be associated with the site. Whilst the area is prone to flooding NWL have agreed discharge rates and connections into their infrastructure subject to detailed design, conditional approval is recommended.

4.3 Recommendation - Conditional Approval

4.4 Condition:

No development shall commence until a scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety

5. Tyne and Wear Historic Buildings Officer

5.1 This application follows pre-application discussions with the architects ADP.

5.2 The most informative drawings area in the Listed Building Consent file, the others are mainly axonometric of the extensions and cut through views through the building.

5.3 Drawings SCBMM, A4501 Rev 2

This drawing shows 2 sections through the Dome. Section 2 is titled Indicative Section – however the plaster cornice reinstatement is not shown, nor any mechanical heating or ventilation systems. How is this being handled generally throughout the whole building. I have not seen any design drawings included.

5.4 Sections of architectural plaster cornices were set aside by Chris Baglee of Spence and Dower. These sections were labelled and referenced to the specific location –the reinstatement of the plaster cornices. It is an important element of the overall scheme we need plans showing this work as part of this application.

5.5 Drawing SCBMM, C3002m Rev 1 – Shopfront details

Note that the shopfronts are to be double glazed – generally in the case of listed buildings we do not support double glazing. Through my work in Newcastle City Centre, we do not support installation of double glazing.

5.6 Looking at the drawings in the LBC file

5.7 Drawing SCBMM – L/200 Rev 4 – Proposed North Elevation

1. STO over-coating is referred to. What is this material?
2. Perforated copper mesh – sample/details available?
3. Curtain walling/windows/glazing – reference is made to Schuco – we require details at this stage. This is to the southern elevation. I thought Chris Baglee had determined that the frames were originally timber?
4. Capless structural glass to loggias. We require details at this stage.
5. Louvres – we require details at this stage.
6. Timber windows –this is to the southern elevation and seems to conflict with item

5.8 Balustarde

The note on the drawing states reinstated to match original in hard wood. I thought they would have been metal.

5.9 Cupola windows

Reference is made to the festoons – decorative plaster company salvaged, repaired and have it at their workshop – reference should be made to this.

5.10 Fire baskets

These are not shown to the front elevation. I feel that they are important and will not be an expensive feature to re-instate.

5.11 Sash Timber Windows

Reference is made to installing double glazing.
We do not support double glazing on listed buildings

5.12 Stall risers to shop fronts

P.C. concrete is described. We require further information – a natural material may be better say granite – depends what can be seen in the photographs.

5.13 Lunette windows over doors – towers

2 oriel windows are described – I would call them lunette – an original frame survived until recently – does it still survive. I thought it was metal>

5.14 Entrance

The note described reconstructing the frames using double glazing - the approach should be to retain and repair.

6. Tyne and Wear Archaeology Officer

6.1 No comments.

External Consultees

7. Environment Agency

7.1 No objections to the proposed development. The application is outside of the flood zones and coastal erosion should not present a risk since the policy in this area is to hold the existing defence line.

7.2 However, there does appear to be surface water risk and we would encourage the local authority to ensure that this risk has been appropriately assessed and mitigated.

8. Historic England

8.1 Spanish City is nationally important as a Grade II listed building primarily because of its technical innovation in construction and as an illustration of popular entertainment in the early 20th century. At a regional level, its importance is as a much loved landmark which holds memories for many people from Whitley Bay and far beyond.

8.2 In the round, the scheme is very welcome as a major step forwards towards rescue and re-use which has been debated for many years. We are delighted that a restorative approach is being taken to some of the most significant lost features of the building, including the loggias, the tops of the flanking towers and the colour scheme. In particular, removal of the inserted rotunda first floor (whilst clearly of some significance as an early and high quality alteration) will be a triumph, restoring one of the most remarkable Edwardian architectural spaces on Tyneside and reinforcing the building's original status as a 'people's palace.' Care should be taken to ensure restorations are as accurate as possible, taking the advice of your in-house conservation expertise. We are equally pleased that many significant features have been retained, such as the stage steps in the rotunda, and the notion of the original connection to the former ballroom to the south.

8.3 The demolitions are acceptable. The provision of modest replacement extensions, to a design which is clearly of its time, is a neat way of adding the services and facilities needed to bring the building back into use in such a comprehensive way and without putting pressure on the complex and significant internal layout of the building. The substantial alterations in the former cinema area, one of the most altered parts, are acceptable. Other amendments such as enclosing the loggia spaces, providing new lifts and using double-glazing in reinstated shop fronts are sensitive solutions as part of the building's constructive conservation. Careful consideration of rooftop plant, signage and canopies will be needed to ensure additions do not cumulatively overpower the restored appearance.

8.4 As a simple interpretive device, the landscape design could be slightly amended to include a representation in surface materials of Spanish City former water chute (1910; one of the original rides), the tip of which was sited where the drop-off/entrance area of the A193 is now proposed. See pp37-38 of the Conservation Plan. This could be a dramatic hint of the scale of the pleasure grounds once laid out in the building's lee.

8.5 To conclude, the proposals offer a future for Spanish City in a way which utilises and supports the most important characteristics of the place, whether that be the restoration in detail and spaces or its use as a public venue. In turn, the

listed building's value to the life and economy of Whitley bay and the region is re-invented potentially making the proposals a good example of constructive conservation. In planning policy terms, the proposal strongly accords with paras 131 and 137 of the NPPF by making a positive contribution to sustainable communities and by enhancing the listed building's significance.

8.6 Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice please contact us.

9. The Coal Authority

9.1 The Coal Authority is satisfied that the remedial measures proposed by the applicant following intrusive site investigation works set out in the Report on Ground Investigation are appropriate to address the coal mining legacy issues present on the application site. The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

9.2 The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development, to ensure that these works are undertaken on site prior to the commencement of development.

10 Northumberland & Newcastle Society

10.1 The Committee greatly appreciated the time and effort put into preparing the conservation plan and other documentation attached to this application. They were pleased to be able to support the plans, including the design of the new service wings.