

ADDENDUM 19.04.16

Item No: 5.5

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

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

Additional comments have been received as follows;

Biodiversity Officer

A bat survey undertaken in 2014 (in respect of the previous application 14/00687/FUL) identified that further emergence survey work needed to be undertaken to adequately determine the presence/absence of bat roosts. I am concerned that this survey has not been carried out and submitted as supporting information for this application, despite adequate time between initial survey and submission of the application of almost 2 years.

The initial report recommended the following:-

'Although the site has been assessed as having low potential for bats it is advised, based on best practice guidance that one dusk emergence survey together with a pre-dawn re-entry survey is conducted between May – August in the year that the works are proposed to be undertaken to adequately determine the presence/absence of bat roosts. Surveyors would need to target those areas where access points have been noted. This is in line with

best practice guidance on surveying for bat roosts to ensure developers take an appropriately precautionary approach and avoid offences protecting bats and their roosts. If bat roosts are found to be present and the proposed works will result in the loss or disturbance of a roost, works must not proceed until a European Protected Species (EPS) License is in place and a suitable mitigation strategy has been drawn-up. This will include reasonable avoidance measures, for example sensitive timing, hand removal of suitable features and a watching brief by a licensed bat worker.'

The lack of additional bat survey information leaves the Council at risk if the application is approved and bats are found through the demolition process because adequate survey effort was not undertaken, as initially advised. Bats are a European Protected Species, protected through European Legislation (Habitats Directive), transposed through the Conservation of Habitats and Species Regulation 2010. This legislation states that it is an offence to deliberately disturb European protected species or damage or destroy a breeding site or a resting place of such an animal.

I would therefore advise, as stated on the Bat Survey Report above, that one dusk and pre-dawn survey recommended in the report, based on best practice guidelines, are undertaken and submitted prior to the application being approved to ensure that an offence will not be committed under the above legislation.

With regard to the landscaping plans for the site, this site is within the coastal wildlife corridor, therefore I would like to see some native coastal planting in keeping with the surroundings of the site and of benefit to biodiversity. All of the planting shown at present is ornamental and the proposed trees are Swedish Whitebeam (non-native) and Whitebeam. A condition should be placed on the application to ensure a detailed landscape plan is submitted for approval by the Local Authority.

Conditions

- A detailed landscape plans to be submitted to the Local Authority for approval prior to the development commencing.
- No vegetation removal or demolition to take place within the bird nesting season (March-August) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds prior to works commencing.

Officer Comments

The submitted Bat and Nesting Bird Survey states that when the inspection was carried out no evidence of bats was noted. The building does offer some opportunity for bats with potential access points being noted. However, taken in isolation, in a landscape context, the site is considered to be of negligible value.

It is also important to note that planning permission has previously been granted for the restoration of the Dome under planning application 14/00687/FUL). This application is still capable of being carried out and therefore represents the 'fall-back' position of what could be done without any further planning permission. Members need to have regard to the 'fall-back' position when considering this application. This previous planning permission recommended a condition (28) for a Bat Method Statement to be submitted prior to works commencing. It is recommended to re-impose this condition and as a result there will be no need for this work to be undertaken prior to granting consent.

In terms of landscaping, the Council's Landscape Architect has been consulted and states that the General Landscape Layout is acceptable in principle, subject to conditions relating to the final details. Therefore the exact species can be controlled to ensure that they are native and appropriate to the site and its location.

In terms of the impact on birds a condition (27) is already recommended to ensure that works shall not be undertaken during the bird breeding season (March – August inclusive) unless a checking survey by a suitable qualified ecologist has confirmed by the absence of nesting birds. Therefore this condition will ensure that the proposal would not adversely affect any nesting birds that may be present.