

**Item No:** 5.1  
**Application No:** 17/00054/FUL  
**Date valid:** 2 February 2017  
**Target decision date:** 4 May 2017  
**Author:** Julia Dawson  
**☎:** 0191 643 6314  
**Ward:** Whitley Bay

Application type: full planning application

**Location:** Rex Hotel, Promenade, Whitley Bay, Tyne And Wear, NE26 2RL

**Proposal:** Proposed change of use to provide residential care home containing 83 bedrooms and associated dining, leisure, treatment, administration and support facilities. Demolition of extensions and construction of new four storey rear extension and glazed infill extension between the new and existing (COAL MINING RISK ASSESSMENT UPLOADED 11.04.2017)

Applicant: Mr Ian Tubman, C/O Agent

Agent: Space Architects, Mr David Coundon Spaceworks Benton Park Road Newcastle Upon Tyne NE7 7LX United Kingdom

**RECOMMENDATION:** Minded to grant on expiry consultation

## **INFORMATION**

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

#### 1.0 Description of the Site

1.1 The site to which the application relates is the Rex Hotel and Deep Nightclub/Jimmyz Bar on the promenade in Whitley Bay. The hotel, which ceased operating in February 2016, previously had approximately 69 guest bedrooms spread across four stories with the nightclub and bar occupying much of the additional basement area. It is located at the corner junction of Promenade and South Parade and therefore has two street facing frontages with entrances on both elevations. It has been subject to numerous extensions over the years, including a four storey rear extension and single and two storey extensions to the southern part of the site (facing onto the Promenade) and the front elevation.

1.2 Residential flats, a public bar 'Parade', restaurants 'Turknaz' and 'Portobello', and hotels/guesthouse are located to the north west/west of the application site on the opposite side of South Parade. Residential flats are located in Kittiwake House which adjoins the application site to the south east.

1.3 The application site is located within the Whitley Bay Seafront Master Plan area, which sets out plans to regenerate the coastline between St Mary's Lighthouse and Cullercoats Bay. The hotel is also on the Council's register of buildings and parks that are of special local architectural and historic interest.

## 2.0 Description of the Proposed Development

2.1 The proposal relates to the change of use of the site to provide a residential care home containing 83 bedrooms along with associated dining, leisure, treatment, administration and support facilities. The proposal also includes the demolition of existing extensions and the construction of a new four storey rear extension, and a glazed infill extension between the new and existing buildings facing onto the Promenade.

2.2 The applicant has stated that the proposal will restore, remodel, refurbish and extend the existing building to provide state of the art facilities for younger persons with a physical disability (YPD), a specialist dementia nursing unit and general nursing.

## 3.0 Relevant Planning History

78/01361/FUL - Refurbishing of the hotel including modifications to the front elevation at ground floor level – Approved 10.08.1978

79/02456/FUL - First floor - Change of use bedrooms 105-114 to two flats and one bedsit for private use by owner and family. – Approved 24.01.1980

80/01455/FUL - Change of use for part of building from hotel to residential accommodation for old / retired people - 24.10.1980

81/01413/FUL - Outline residential development – Approved 17.09.1981

82/02544/FUL - Demolition and erection of lounge extension – Approved 08.02.1983

82/00977/FUL - Change of use of part of hotel to self contained apartments, with separate entrance foyer – Approved 06.07.1982

84/00557/FUL - 18 no. garages. – Approved 24.04.1984

84/00559/FUL - Plastic canopy over new side entrance. – Approved 20.03.1984

91/01886/FUL - Replacement window and canopy – Approved 30.01.1992

98/01536/FUL - Erection of new plant platform and screening unit for externally mounted airconditioning units – Approved 21.12.1999

06/01167/FUL - Convert a small, existing disused coach parking area into an external raised seating area - 22.06.2006

06/03457/FUL - Lights to be fitted onto large umbrellas on front decking area (2no) – Approved 01.10.2007

11/01891/FUL - Installation of metal screens and gates, and wind screening to existing balustrade. – Approved 28.11.2011

## 4.0 Development Plan

- 4.1 North Tyneside Council Unitary Development Plan (adopted March 2002)
- 4.2 Direction from Secretary of State under Paragraph 1(3) of Schedule 8 to Town and Country Planning and Compulsory Purchase Act 2004 in respect of Policies in the North Tyneside UDP (August 2007)

## 5.0 Government Policy

- 5.1 National Planning Policy Framework (March 2012)
- 5.2 National Planning Practice Guidance (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.

## **PLANNING OFFICERS REPORT**

### 7. Main Issues

- 7.1 The main issues for Members to consider in this case are;
- Whether the principle of a residential care home is acceptable on this site;
  - The impact of the proposal upon the character and appearance of the surrounding area.
  - The impact upon residential amenity (both future residents and neighbouring occupiers)
  - Whether sufficient car parking and access would be provided.

### 7.2 Principle

7.3 The National Planning Policy Framework sets out the Government's commitment to ensuring that the planning system supports sustainable economic and housing growth and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

7.4 Paragraph 50 of National Planning Policy Framework (NPPF) states that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community such as older people and people with a disability. Paragraph 159 also states that local planning authorities should address the need for all types of housing including older people and people with a disability.

7.5 The North Tyneside Older People's Strategy 2011-16 published by North Tyneside Strategic Partnership, which North Tyneside Council is part of, states that the population profile is forecast to change significantly with the 65-69 age group predicted to increase by 27% over the next five years. The over 85 population is predicted to increase by 13% over the next five years.

7.6 NPPF identifies 12 Core Planning Principles for local planning authorities that should underpin decision making. One of which is to encourage the effective use of land by using land that has been previously developed (brownfield land). It is clear that the site in question is previously developed and therefore the proposal would accord with this core planning principle.

7.7 Policy H5 of the UDP states that proposals for housing development on sites not identified for this purpose will only be approved where amongst other matters the proposal is on a previously developed site within the urban area. The proposal is on a previously developed site within the urban area and therefore in this respect the proposal would accord with policy H5.

7.8 The site is not shown for a particular land use in the North Tyneside Unitary Development Plan and currently comprises a vacant hotel and associated nightclub. One objection has been received from a local resident who has questioned the need for a residential care home in this location stating that Whitley Bay has an overprovision of this type of accommodation. The objector considers that the use of the site should remain as a hotel, and that the nightclub could become a restaurant. These points are noted.

7.9 However, Policy H7 of the UDP states that housing provision to meet the requirements of people with special needs including elderly and disabled people will be sought where a need has been identified and the site is suitable in terms of its location and proximity to local amenities including public transport, shops and community facilities. The applicant has stated that the proposal will restore, remodel, refurbish and extend the existing building to provide state of the art facilities for younger persons with a physical disability (YPD), a specialist dementia nursing unit and general nursing.

7.10 DCPS No.13 (Residential Care and Nursing Homes) states that there has been a concentration of such homes in the Whitley Bay area in the past and a more dispersed pattern of care homes will be encouraged. This will also ease pressure on social and medical care in this part of the Borough. As the introduction of intensive residential uses can have a major effect on the character of an area, care must be taken to ensure that there is no adverse effect on nearby family housing or car parking provision in the area.

7.11 The applicant has submitted a Statement of Need which analyses demographic change, care needs and the current supply and demand for care facilities in both Whitley Bay and across North Tyneside, and considers the need for additional specialist care facilities within the Whitley Bay area and at the application site. This concludes the following:

- The number of residents aged 65+ in North Tyneside living in residential care is projected to increase from 1,659 in 2012 to 2,493 in 2030, representing an increase of 834 residents and placing significant pressures on existing care provision
- It is estimated that a total of 2,493 (4.7%) residents aged 65 and over will be living in care homes in North Tyneside by 2030;
- By 2030, an additional 478 residents in North Tyneside could require specialist care facilities;

- This represents a headline shortfall of 1,046 bedspaces, when compared against the current provision of 1,447 bedspaces across the borough (assuming all providers operate at 100% capacity);
- If operators continue to operate at an average of 78% capacity, this figure could increase to around 1,365;
- This shortfall is likely to have the greatest effect on areas in highest demand such as Whitley Bay, with occupancy rates in this area already 16% above average at 96%; and
- Continued demand for high quality services is also evident by the 97% occupancy rates of Prestwick Care's current care offer in North Tyneside.
- The proportion of residents with a disability, who may require residential care prior to age 65 expected to increase, with the number of people aged 18-64 with a moderate or severe learning disability projected to increase by 1.5% between 2014 and 2030, and the number of people with a serious physical disability expected to increase by 3%, representing an increase of approximately 205 residents, or 13 per annum;
- There are no YPD nursing homes located in Whitley Bay and the only other YPD nursing home within North Tyneside is located at Heathfield, Annitsford. This home has a YPD occupancy level of 100% with many on a waiting list .

7.12 The Statement further advises that the proposal (which will provide nursing care to both young and elderly people) will therefore play an important role in meeting both the headline shortfall in bedspaces and in addressing market demand for accommodation within the Whitley Bay area. This, in turn, would also support NHS England's ambition of reducing unnecessary hospital admissions through the delivery of high quality care.

7.13 Policy AS8.16 (Tourism and Visitor Accommodation at the Coast) of the emerging Local Plan states that the change of use of existing visitor accommodation (C1 hotel/guest house) will be permitted where:

- d. There is no proven demand and it can no longer make a positive contribution to the tourist economy, following an active and exhaustive marketing process of:
  - i. a minimum of nine months, for accommodation of thirty individual rooms or less;
  - ii. a minimum of eighteen months for accommodation of more than thirty individual rooms.

7.14 There have been no objections to the above policy and it therefore carries significant weight. However, it is clear that the operation of the site as a hotel has been unsustainable for several years. The applicants purchased the site in January 2015 after the previous owners went into administration and they continued to operate the premises as a hotel and nightclub. However, the hotel continued to suffer losses and finally ceased trading in February 2016. The nightclub continued to operate separately, eventually closing on 31<sup>st</sup> December 2016. Since this time the site has been completely vacant.

7.15 Policy S4.1 of the emerging local plan, which should also be given significant weight, states that the full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, whilst making best use of existing housing stock and reflecting key priorities, which amongst others, include the following:

- Delivering a distribution of new housing that is sustainable, taking account of the environmental impact of development and infrastructure requirements;
- The delivery of brownfield land, whilst taking into consideration the viability of land for development;
- Delivering a range and type of housing that is currently under-provided for in the Borough, in order to meet identified shortfalls in need;
- Ensuring the delivery of specialist stock to meet specific needs such as larger housing, and extra care facilities;
- Ensuring there remains choice and variety of viable housing sites capable of meeting a range of housing needs.

7.16 Whilst the application site is located within the area covered by the Council's coastal regeneration masterplan, there are no specific plans for the application site, which is not within Council ownership.

7.17 Members must balance the need for the proposed facilities against the loss of the hotel in light of the above policies and determine whether or not the principle of the proposed residential care home is acceptable in this location. Officer advice is that the proposed change of use is in accordance with emerging local plan policies, policies H5, H7, and DCPS No. 13 of the Unitary Development Plan and the objectives of the NPPF.

#### 7.18 Character and appearance

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

7.20 Paragraph 129 of NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). NPPF goes on to state that this assessment should be taken into account when considering the impact of a proposal on the heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

7.21 Policy E17/5 of the UDP states that the LPA will maintain a schedule of other buildings of local architectural or historic interest. It will seek to give protection to buildings in this schedule.

7.22 Policy H11 states that in determining application for residential development the local planning authority will require any proposals to amongst other matters take into account the quality of its layout and design, scale, massing, landscaping and materials.

7.23 Supplementary Planning Document (LDD11 Design Quality) states that the historic environment is all around us and creates a sense of place and local identity. It provides continuity with the past, but also accommodates change and helps places adapt for the present and future. The historic environment creates a sense of place and local identity. Contemporary architecture can not only sit successfully alongside

historic buildings, but also enhance whole areas that already have their own distinctive historic value.

7.24 LDD11 also states that new development should not be poor pastiche or attempt to mimic historic styles. High quality design, relevant to context, is the most important factor, and a contemporary solution that provides modern spaces, while at the same time considers the scale, materials, grain and elevational rhythm of its context may provide a better solution. Extensions to existing buildings in the historic environment, should be the stimulus for imaginative high quality design. Listed buildings in particular are sensitive to changes and alterations. Extensions should not dominate the existing building in relation to its scale, position or choice of materials and should, on the whole, remain subservient to the main structure.

7.25 The application site is included on the Council's register of buildings and parks that are of special local architectural and historic interest, which describes the building as having "... a big impact and a good roofscape". As such, the applicant has submitted a Heritage Statement, which considers the impact on the Heritage Asset. The statement asserts that the application site plays a considerable role in contributing to the character of the Whitley Bay sea front area. In recent years the existing building has fallen into disrepair and is currently vacant. It is important that the character and materiality of the existing historical building elements, principally the Rex Hotel building and the adjacent terrace, should be retained and enhanced. The removal of later ad-hoc extensions to the front and rear of the property and the development of a well-considered, contemporary scheme will preserve the existing footprint, façade and massing of the historic asset.

7.26 The statement concludes that there is significant recognised public benefit to be gained from the proposed work in terms of social, economic, and aesthetic benefits supported by the local community and demonstrated financially in the accompanying Statement of Need.

7.27 The submitted Design and Access Statement considers the use, amount of development, layout, scale and access in relation to the proposed development. This states that the proposed works will positively contribute towards the Council's wider aspirations for the sea front area. The scheme proposes the re-discovery of the original elegant building by the removal of later unsympathetic additions/extensions including the austere four storey extension to the rear and the crude extensively glazed ground floor extension and clumsily remodelled entrance area to the main (North) façade.

7.28 The applicant sought pre-planning application advice from the LPA prior to the submission of the current planning application. The Council's Conservation Officer was involved in these discussions and offered his support to the removal of the unattractive later additions to the building as well as the construction of the proposed modern glazed link structure facing onto the Promenade. The Council's Design Officer has also expressed support for the current planning application noting that the submitted plans address concerns raised during pre-application discussions and that the proposed conversion will enhance the appearance of the existing building and remove some insensitive alterations previously made at ground level.

7.29 Policy E14 states that the Council will seek to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development.

7.31 Due to the constraints of the application site there is little existing external amenity space, this is limited to some outdoor paved seating areas. However, the applicant is proposing to provide a formal treatment to the external spaces fronting onto Promenade and South Parade, which are raised up by approximately 1m above road level. Planters and seating will be installed within these areas. The boundary treatments will include a low height brick wall with a combination of cantilevered glass balustrading and metal railings. The entrance/forecourt will be finished using appropriate materials selected using the 'Whitley Bay public realm design and materials guide' To the rear of the development (along the access road), the landscape treatment will be carried out with a 'soft' touch, with new planting. Within the site the different separate areas of 'secure external garden spaces' will be separated by planting and external furniture and seating.

7.32 Members need to consider whether the proposed works are acceptable in terms of their impact on the character and appearance of the host site and the wider street scene. Officer advice is that the proposed works offers an opportunity for regeneration of this currently vacant and decaying building, which is situated in a particularly prominent location, in both a sympathetic and appropriate manner, which will result in a benefit in terms of character and appearance which would accord with NPPF, policies E14, H11 and LDD11 'Design Quality'.

#### 7.33 Impact on Surrounding Amenity and Amenity of Proposed Occupiers

7.34 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

7.35 UDP Policy E3 seeks to minimise the impact of pollution on the environment, including existing land uses and on proposed development and will support and encourage measures including the monitoring of pollution to reduce it to the lowest practicable levels.

7.36 UDP Policy H11 states that in determining applications for residential development, the LPA will take into account the impact of the proposal on its site, local amenity, the environment and adjoining land uses.

7.37 Policy H16 states that in determining applications for the provision of residential care and nursing homes, the local planning authority will take into account the impact of the proposal on the amenity of the residents of adjacent and nearby dwellings.

7.38 The main impact of the proposal, in terms of nearby residents, are the occupiers of the adjacent flats at Kittiwake House, the properties to the rear which face onto South Parade and Esplanade Avenue, and also the flats to the west on the opposite side of South Parade. The proposed rear extensions will largely occupy the same footprint as the existing four storey rear extension. This is very close to flat No's 38-40 of Kittiwake House. However, compared to the existing structure it is considered that any additional impact (in terms of outlook, daylight, sunlight, and



privacy) will be negligible. Any additional impact on properties to the rear on Esplanade Avenue and South Parade in this regard will also be minimal when compared to the existing situation.

7.39 With regard to the use of the site as a residential care home and the impact of this on the surrounding residents, this is considered to be acceptable. It is considered that this will have less impact on neighbouring living conditions (in terms of disturbance from noise and activity at the site) than the previous use as a hotel with a nightclub operating until the early hours.

7.40 The Council's Environmental Health team have raised concerns with regard to noise arising from neighbouring public houses and use of the nearby taxi rank late at night, along with customer noise, e.g raised voices, using the public houses located on South Parade affecting the proposed residential care home. The Environmental Health team have also stated that there will be associated noise from plant and equipment that may affect neighbouring residential properties of Kittiwake House and properties to the rear located in Esplanade Avenue. The concerns are noted.

7.41 The Environmental Health team have acknowledged the content of the submitted noise assessment, which has considered only the external noise affecting the proposed residential habitable rooms within the care home. Noise monitoring was carried out during a weekend over a Friday and Saturday when the external noise environment would be worst case scenario for the facade noise and during the week for the noise exposure arising from road traffic noise on the Promenade. The noise assessment has determined that internal noise levels for good habitable room can be achieved, with level of 30 dB is recommended for the residential bedroom and 35 dB for living rooms.

7.42 However, as per the recommendations of the Environmental Health team it is considered that the attachment of appropriately worded conditions controlling such matters as delivery hours, refuse storage, a construction method statement, a ventilation scheme, a noise scheme and full odour extraction and suppression details, will ensure that adequate levels of amenity of protected for existing nearby residents and future residents of the proposed development.

7.43 In terms of the provision of external amenity space for the future residents of the proposed care home, the applicant has acknowledged that this falls short of the requirements set out in DCPS No.13 of 10m<sup>2</sup> of external amenity space per resident. However, they have maximised external space by extending the existing terrace towards the Promenade, along with the creation of an internal 'winter garden' space and a roof top terrace. Whilst these still only reach 73% of the target, this is considered acceptable in this particular location which is in such close proximity to significant amounts of open space (i.e. the beach, parks, etc.)

7.45 Members need to consider whether the proposal is acceptable in terms of its impact on the amenity of existing nearby residents and future occupiers of the application site, and whether it is in accordance with policies E3, H11 and H16 in this regard.

#### 7.46 Car Parking and Access

7.47 The NPPF states that Transport policies have an important role to play in facilitating sustainable development and also in contributing to wider sustainability and health objectives. The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

7.48 UDP Policy T6 states that the highway network will be improved in accordance with the Council's general objective of amongst other matters improving the safety and convenience of the public highway.

7.49 UDP Policy T8 seeks to encourage cycling by amongst other matters ensuring cyclists needs are considered as part of new development.

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

7.51 UDP 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.

7.52 Development Control Policy Statement (DCPS) 4 'Car and Cycle Parking Standards' has been devised to minimise the impact on the private car by encouraging the greater use of public transport and cycling. This will be achieved by, amongst other matters, adopting a reduced requirement for car parking.

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

7.54 The Manager of New Developments (Highways) has been consulted and has noted that the existing parking area to the front of the site on Promenade is to be formalised and footpath reinstated where necessary. Whilst the parking provided does not meet the maximum requirements in LDD12, the proposed use requires less than the existing hotel, bar and nightclub use. Refuse will be stored within the site and cycle parking has been provided off the rear lane. Furthermore, the site is located on the fringe of Whitley Bay town centre and has reasonable links to public transport and local services. For these reasons he has recommended approval of the application subject to conditions.

7.55 Members need to determine whether sufficient access and parking are proposed, and whether this will accord with policies T4, T6, T11 and LDD12 and weight this in their decision.

#### 7.56 Other Issues

#### 7.57 Contamination and Ground Stability

7.58 NPPF states that the planning system should contribute to remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate.

7.59 UDP Policy E3 states that the LPA will seek to minimise the impact of pollution on the environment including existing land uses and on proposed development.

7.60 The application site falls within a coal referral area, defined Development High Risk Area. Within the application site and surrounding area there are coal mining features and hazards which need to be considered as part of this development.

7.61 The Contaminated Land Officer has been consulted and has noted the location of the site within in an area of known former coal mining. As such, conditional approval is recommended to require a contaminated land survey and further ground investigation works to be carried out.

7.62 The Coal Authority has been consulted, and has raised a fundamental concern as they have not been able to view the Phase 1 Geo-Environmental and Coal Mining Risk Assessment. However, the Case Officer has re-consulted The Coal Authority on the submitted document and the response will be reported to the Planning Committee in an addendum. If The Coal Authority is satisfied with the findings of the submitted document, the proposal will be considered acceptable in this regard.

7.63 Members need to consider whether the ground conditions of this site are suitable for future residential use and if this is in accordance with the guidance in NPPF and policy E3 of the UDP.

#### 7.64 Biodiversity

7.65 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment.

7.66 The application site is located within a Wildlife Corridor and the applicant has submitted a Bat Survey in support of the application. The Council's Biodiversity Officer has raised no objection to the proposed development, but has advised that a condition is attached to the grant of approval to ensure that all works are carried out in accordance with Section E3 of the report.

7.67 Members need to consider whether the proposed development would be acceptable in terms of its impact upon biodiversity and whether it would accord with the advice in NPPF and weight this in their decision. Subject to the imposition of the suggested condition it is officer advice that it is acceptable.

#### 7.68 Archaeology

7.69 NPPF states that heritage assets are an irreplaceable resource and therefore should be considered in a manner appropriate to its significance.

7.70 UDP Policy E19/6 states "Where an assessment and evaluation have established that proposed development will affect a site or area of archaeological interest the applicant will be required to preserve archaeological remains in situ unless this is clearly inappropriate or destruction of the remains is demonstrably unavoidable, in which case a programme of archaeological works will be required to be submitted and agreed with the Local Planning Authority before the start of the development".

7.71 The Tyne and Wear Archaeology Officer has been consulted. She has raised no objections.

#### 7.72 Flooding

7.73 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.

7.74 Drainage design needs to be conducted so that surface waters are directed away from vulnerable components of the site. In accordance with NPPF drainage should be designed so that flood risk is not increased elsewhere as a result of the development.

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

7.76 The Lead Local Flood Authority (LLFA) has been consulted. They have recommended approval.

7.77 Northumbrian Water has been consulted. They have raised no objections.

7.78 Members need to determine whether the proposed development is acceptable in terms of its impact on flood risk. It is officer advice that the subject to conditions the proposal would accord with NPPF and Members should weight this in their decision.

#### 7.79 Financial Considerations

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

7.81 Economically there would be benefits in terms of the provision of the equivalent of 30 full time jobs associated with the proposed residential care home.

#### 7.82 Conclusions

7.83 In reaching their decision, Members need to balance the issues regarding this proposal. The proposal will regenerate a now vacant and prominent sea front building, ensuring it continues in an active use. It will provide additional much needed residential care and will provide the full time equivalent of 30 jobs. Members therefore need to balance all of the issues and decide whether the proposal is acceptable.

**RECOMMENDATION: Minded to grant on expiry consultation**

**It is recommended that members indicate they are minded to approve the application subject to the comments of the Coal Authority, and the conditions set out below and the addition or omission of any other conditions considered necessary, subject to the receipt of any additional comments received**

**following expiry of the consultation period and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application providing no further matters arise which in the opinion of the Head of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.**

## **Conditions/Reasons**

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications:
  - Application Form 10.01.2017
  - Site Location Plan, dwg.no. A(90)GAP001, Rev.2, 09.01.17
  - Basement Floor Proposed, dwg.no. A(00)GAP100, Rev.6, 09.01.17
  - Basement Floor Strip Out and Demolition Plan, dwg. No. A(00)EXP201, Rev.1, 09.01.17
  - First Floor Proposed, dwg.no. A(00)GAP102, Rev.6, 09.01.17
  - First Floor Strip Out and Demolition Plan, dwg.no. A(00)EXP203, Rev.1, 09.01.17
  - Third Floor Proposed, dwg.no.A(00)GAP104, Rev.6, 09.01.17
  - Third Floor Strip Out and Demolition Plan, dwg.no.A(00)EXP205, Rev.1, 09.01.17
  - Fourth Floor Proposed, dwg.no. A(00)GAP105, Rev.7.09.01.17
  - Fourth Floor Strip Out and Demolition Plan, dwg.no. A(00)EXP206, Rev.1, 09.01.17
  - Ground Floor Proposed, dwg.no. A(00)GAP101, Rev.9, 09.01.17
  - Ground Floor Strip Out and Demolition Plan, dwg.no. A(00)EXP202, Rev.1, 09.01.17
  - North & West Demolition Elevations, dwg.no. A(00)EXE201, Rev.1, 09.01.17
  - Outdoor Amenity Space, dwg.no. A(90)GAP103, Rev.2, 09.01.17
  - Proposed Elevations North & West, dwg.no. A(00)GAE001, Rev.4, 09.01.17
  - Proposed Elevations South & East, dwg.no. A(00)GAE002, Rev.4, 09.01.17
  - Roof Plan Demolitions, dwg.no. A(27)EXP101, Rev.1, 09.01.17
  - Roof Plan Proposed, dwg.no. A(27)GAP001, Rev.5, 09.01.17
  - Second Floor Proposed, dwg.no. A(00)GAP103, Rev.6, 09.01.17
  - Second Floor Strip Out and Demolition Plan, dwg.no. A(00)EXP204, Rev.1, 09.01.17
  - Section AA + BB, dwg.no. A(00)GAS001, Rev.2, 09.01.17
  - Site Plan Landcape, dwg.no. A(90)GAP101, Rev.2, 09.01.17
  - South & East Demolition Elevations, dwg.no. A(00)EXE202, Rev.1, 09.01.17
  - Third Floor Proposed, dwg.no. A(00)GAP104, Rev.6, 09.01.17
  - Third Floor Strip Out and Demolition Plan, dwg.no. A(00)EXP205, Rev.1, 09.01.17
  - Bat Survey (Dendra Consulting, August 2016)
  - Noise Assessment (NVA, 29.06.2016, report no.749.1/1)
  - Flood Risk Assessment (3e Consulting Engineers Ltd, report ref. 16628/FRA, 15.09.2016)
  - Heritage Statement (Space Architects, Jan 2017)
  - Design and Access Statement (Space Architects, rev.01, Jan 2017)

- Phase I Geo-Environmental and Coal Mining Risk Assessment (3e Consulting Engineers, report ref. 16628/DS, 19.09.2016)  
- Statement of Need (NLP, 23221/HE/AFa)  
- Planning Statement (NLP, 23221/HE/CSm, December 2016)  
Reason: To ensure that the development as carried out does not vary from the approved plans.

- |    |                                       |       |   |
|----|---------------------------------------|-------|---|
| 2. | Standard Time Limit 3 Years FUL       | MAN02 | * |
| 3. | Restrict Hours No Construction Sun BH | HOU04 | * |
| 4. | Restrict Hours No Demolition Sun BH   | HOU05 | * |

5. Prior to occupation of any part of the approved development a noise scheme, which shall provide details of the window glazing in accordance with noise report reference 749.1/1 , to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of LMAX of 45 dB(A), and to ensure that living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines, shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and permanently retained.

Reason: To ensure that an acceptable standard of residential amenity is provided for occupants of the approved development in accordance with policies H11, H16, DCPS No.13 and the NPPF.

6. Prior to occupation of the approved development a ventilation scheme for all habitable rooms which are to front onto the Promenade and South Parade must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development must be carried out in accordance with the approved details and permanently retained. The scheme shall ensure that an appropriate standard of ventilation, which meets System 4 of Table 5.2 of Approved Document F as a minimum, is provided.

Reason: To protect residents against external noise sources e.g. raised voices and road traffic noise in accordance with policies H11, H16, DCPS No.13 and the NPPF.

7. Prior to the installation of any plant or equipment at the approved development a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme must be in accordance with BS4142 and shall determine the current background noise levels for daytime, evening and night. Thereafter, all plant and equipment shall be installed in accordance with the approved details and the rating level for all plant and equipment shall not exceed the agreed current background noise levels at any time.

Reason: In order to protect residential amenity in accordance with policies H11, H16 and DCSP No.13 and the NPPF.

8. Within one month of the completed installation of plant and equipment at the approved development, acoustic testing shall be undertaken. The results of this shall be submitted to and approved in writing by the Local Planning Authority. The acoustic testing must verify compliance with condition 7 of this approval. Thereafter, the plant and equipment must be operated in accordance with these details and maintained in working order at all future times.

Reason: To protect residential amenity in accordance with policies H11, H16 and DCPS No.16 of the UDP and the NPPF.

9. Noise No Tannoys Externally Audible                      NOI02      \*H11

10. Prior to the installation of any plant or equipment, full details including height, position, design and materials, shall be 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: In order to safeguard residential amenity having regard to policies H13 and H16 of the North Tyneside Unitary Development Plan 2002.

11. Prior to the installation of any air ventilation system at the site, full details shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policies H13 and H16 of the North Tyneside Unitary Development Plan 2002.

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

Reason: To protect residential amenity having regard to policies H13 and H16 of the North Tyneside Unitary Development Plan 2002.

13. Prior to occupation of the approved development full details of an odour suppression system for the arrestment of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the use commences in accordance with the approved details, and shall be maintained in accordance with the details provided by the manufacturer and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policies E3, H16 and DCPS No.13 of the North Tyneside Unitary Development Plan 2002.

14. Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the

development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include a site plan illustrating the location of facilities and any alternative locations during all stages of development, and must show the trees and shrubs earmarked for retention within the site. The site storage or parking of (plant) vehicles should not be located within the root protection and/or canopy area of any tree, shrubs and hedgerow(s) within the construction area or adjacent to the external boundary of the proposed development area including street trees. 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 and residential amenity having regard to Policies H11, H13, E3, E14 and DCPS No.6 of the North Tyneside Council Unitary Development Plan 2002

15. Facilities for the storage of refuse at the premises shall laid out in accordance with approved plan 'Site Plan Landcape dwg. no.A(90)GAP101, Rev.2, 09.01.2017'. These facilities, which should also include the provision of wheeled refuse bins, shall be provided in accordance with the approved details prior to first occupation of the approved development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

16. Altered Access Access Alt Before Devel ACC14 \*H11

17. Veh Parking Garaging before Occ PAR04 \*H11

18. Contaminated Land Investigation Housing CON01 \*

19. Gas Investigate no Development GAS06 \*

20. There shall be no deliveries to the premises or collections from the premises outside of the hours of 07:00 and 23:00 on any day.

Reason: To safeguard residents from undue noise or other associated disturbance having regard to policy E3, H13 and H16 of the North Tyneside Unitary Development Plan 2002.

21. All works will be carried out in accordance with Section E3 of the Bat Survey Report.



Reason: In order to protect and enhance all existing habitat in accordance with policy E12/6 of the North Tyneside Unitary Development and the NPPF.

22. Prior to first occupation of the approved development the site shall be landscaped and planted in accordance with the landscape scheme detailed on approved drawing 'Site Landscape Plan, dwg. no.A(90)GAP101, Rev.2, 09.01.2017'. All planting, seeding or turfing comprised in the approved details of 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 E14 and DCPS No.6 of the North Tyneside Unitary Development Plan 2002.

23. Materials Building Schedule Before Devel      MAT03      \*H11, H16 and E17/5

24. Materials Surfaces Schedule Before Devel      MAT04      \*H11, H16 and E17/5

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

Coal Mining Standing Advice (FUL,OUT) (I44)

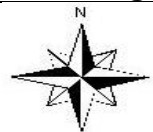


**Application reference: 17/00054/FUL**  
**Location: Rex Hotel, Promenade, Whitley Bay, Tyne And Wear**  
**Proposal: Proposed change of use to provide residential care home containing 83 bedrooms and associated dining, leisure, treatment, administration and support facilities. Demolition of extensions and construction of new four storey rear extension and glazed infill extension between the new and existing**

Not to scale

Date: 12.04.2017

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**Appendix 1 – 17/00054/FUL  
Item 1**

**Consultations/representations**

**1.0 Representations**

1.1 One objection has been received from a resident of Whitley Bay, this is set out as follows:

1.2 There are more than enough Residential Homes in Whitley Bay to sink a ship. The Rex Hotel Building lends itself to being another Hotel which Whitley Bay desperately needs including the new Premier Inn to bring people to Whitley Bay. It was built as a hotel and it should remain a hotel and Deep would make an amazing restaurant. Wetherspoons or similar who love to take over all buildings and make good use of them would be far better than what is planned. More residential homes is the last thing we need in Whitley Bay.

**2.0 Internal Consultees**

**2.1 Environmental Health (Pollution)**

2.2 I have concerns with regard to noise arising from neighbouring public houses and use of the taxi rack late at night which is located close to the Rex Hotel, and customer noise e.g. raised voices using the public houses located on South Parade affecting the proposed residential care home. The Rex Hotel is located in a mixed use area comprising commercial public houses and restaurants. Complaints have historically been received with reference to noise from the public houses affecting neighbouring residential properties. Potential noise arising from the neighbouring restaurants, public houses and taxi rank will affect the amenity of the proposed residential care home. This could be mitigated through the provision of air conditioning.

2.3 There will also be associated noise from plant and equipment that may affect neighbouring residential properties of Kittiwake House adjacent to the site and to the rear properties located in Esplanade Avenue. The noise assessment provided as part of the application has considered only the external noise affecting the proposed residential habitable rooms within the care home. Noise monitoring was carried out during a weekend over a Friday and Saturday when the external noise environment will be worst case for the facade noise and during the week for the noise exposure arising from road traffic noise on the Promenade.

2.4 The noise assessment has determined that internal noise levels for good habitable room can be achieved, with level of 30 dB is recommended for the residential bedroom and 35 dB for living rooms. A number of enhanced insulation options are provided for the building envelope. Due to the high external noise levels full details on the ventilation will be required, which will need to include for mechanical ventilation. A noise scheme will be necessary to address any plant and equipment installed at the care home and the applicant needs to demonstrate that noise from plant and equipment can be kept to a level to prevent no further increase in the ambient background noise levels for the evening and the night.

2.5 The care home plans indicate the provision of a kitchen, this will need to include for odour abatement. The location of the extraction flue needs to be indicated on the plans to mitigate against kitchen cooking odours.

2.6 If minded to approve I would recommend the following:

2.7 HOU04

2.8 Submit and implement on approval of the local Planning Authority a noise scheme providing details of the window glazing, in accordance to noise report reference 749.1/1, to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of  $L_{MAX}$  of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq as described in BS8233:2014 and the World Health Organisation community noise guidelines.

2.9 Prior to development, the ventilation scheme for habitable rooms located fronting onto the Promenade and South Parade must be submitted for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 4 of Table 5.2 of Approved Document F, to protect against external noise sources e.g. raised voices and road traffic noise.

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

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

2.12 NOI02; EPL01; EPL02; EPL03; EPL04 The applicant shall maintain the odour suppression system as approved in accordance with the details provided by the manufacturer and submitted by the applicant for the purposes of demonstrating compliance with Standard Condition EPL04.

2.13 Garden areas of the residential housing may experience noise levels in excess of the WHO organisation guidance level of 55 dB(A) for outdoor areas in which case mitigation may be required.

2.14 Deliveries and collections must not be permitted to the care home between 23:00 and 07:00 hours.

2.15 HOU05; REF01; REF02; SIT03

2.16 Highway Network Manager

2.17 This application is for a proposed change of use to provide residential care home containing 83 bedrooms and associated dining, leisure, treatment,

administration & support facilities, demolition of extensions and construction of a new four storey rear extension and glazed infill extension between the new and existing.

2.18 The existing parking area to the front of the site on Promenade is to be formalised and footpath reinstated where necessary. Whilst the parking provided does not meet the maximum requirements in LDD12, the proposed use requires less than the existing hotel, bar & nightclub use. Refuse will be stored within the site and cycle parking has been provided off the rear lane. Furthermore, the site is located on the fringe of Whitley Bay town centre and has reasonable links to public transport and local services.

2.19 For the reasons outlined above and on balance, conditional approval is recommended.

2.20 Recommendation - Conditional Approval

2.21 Conditions:

ACC14 - Altered Access Access Alt Before Devel

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT05 - Construction Management

2.22 Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

2.23 Local Lead Flood Authority

2.24 Recommendation – Approval. No objections in principle to this proposal.

2.25 Contaminated Land Officer

2.26 The following should be applied to this application: GAS 06 and CON 01.

2.27 Biodiversity Officer

2.28 All works will be carried out in accordance with Section E3 of the Bat Survey Report.

2.29 E3 Works to be Undertaken by Developer/Landowner

2.30 E3.1 If bats, or evidence of bats, are found at any stage during works the following procedures will be adopted:

- All works will stop.

- Dendra Consulting will be contacted immediately: 0191 371 9636 or 07900 894160.

If Dendra cannot be reached, the Bat Conservation Trust will be contacted on their emergency helpline 0845 1300 228.

- If the roost is still intact, or can be repaired, this should be done immediately with bats left in situ.

- Any injured bats, and bats which cannot be returned to the roost and may be vulnerable to inclement weather and/or predation, should be collected using gloved hands and placed into a suitable container with breathing holes. Anyone bitten by a bat should seek immediate medical attention.

- In all cases where bats are found, the Senior Nature Conservation Organisation (SNCO) must be informed: In this instance the appropriate body is Natural England. Telephone: 0300 060 2219.

### 2.31 Design and Layout

2.32 The proposed change of use and conversion of the Rex Hotel to a residential care home is supported. The conversion will enhance the appearance of the existing building and remove some insensitive alterations previously made at ground level. The submitted plans address concerns raised during pre-application discussions.

## 3.0 External Consultees

### 3.1 Northumbrian Water

3.2 No comments to make at this stage.

### 3.3 Tyne and Wear Archaeology Officer

3.4 I am pleased that this locally listed building is proposed for a new use.

### 3.5 Northumbria Police Architectural Liaison Officer

3.6 Having looked at the available documents in principle I have no objection to it progressing.

### 3.7 Care Quality Commission

3.8 Our remit is defined by the Health and Social Care Act (HSCA) 2008, and gives us the responsibility for checking that every care provider registered with us meets important standards of quality and safety. We do not have any involvement in planning applications.

### 3.9 The Coal Authority

3.10 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

3.11 Our information indicates that the application site is in the zone of influence of underground coal mining which has taken place at shallow depth and that further historic unrecorded underground coal mining is likely to have taken place at shallow depth beneath the site. In addition, the plotted position of a recorded mine entry (shaft, CA ref.435572-024) is located approximately 7m to the west of the application site with its associated zone of influence extending into the site. Due to potential plotting inaccuracies the actual position of the mine entry could deviate from its plotted position by several metres. We hold no details of any treatment of this mine entry.

3.12 Paragraph 1.7 of the supporting Planning Statement (December 2016, prepared by Nathaniel Lichfield & Partners) suggests that a Phase 1 Geo-Environmental and

Coal Mining Risk Assessment has been prepared in support of the planning application. Unfortunately this document has not been published on the LPA website and does not appear to have been submitted with the planning application. The Coal Authority therefore **objects** to this planning application, as the required Coal Mining Risk Assessment Report has not been submitted as part of the application.

3.13 It is a requirement of the National Planning Policy Framework, paragraphs 120-121, that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. In addition, the National Planning Practice Guide in section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment.

3.14 In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application. Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.

3.15 If the applicant ultimately fails to demonstrate to the LPA that the application site is safe and stable to accommodate the proposed development then the LPA may refuse planning permission, in accordance with the National Planning Policy Framework, paragraphs 120-121.

3.16 The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.