

Item No: 5.2
Application No: 17/00093/FUL Author: Julia Dawson
Date valid: 8 February 2017 ☎: 0191 643 6314
Target: 10 May 2017 Ward: Whitley Bay
decision date:

Application type: full planning application

Location: 20 - 24 South Parade, Whitley Bay, Tyne And Wear, NE26 2RG,

Proposal: Change of use and conversion of the three storey buildings to provide 10no quality residential apartments, with associated external alterations and rear roof extension (Updated Noise Assessment submitted 25.05.2017)

Applicant: S Feldman & M Kaufman, c/o 72 Windermere Street NE8 1TX

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

Main Issues

The main issues in this case are:

- Whether the principle is acceptable;
- The impact on amenity of future residents and adjoining occupiers;
- Design and Layout; and
- Whether sufficient car parking and access would be provided.

1.0 Description of the Site

1.1 The site to which the application relates is a three storey terraced property (third floor located within the roof space) located within Whitley Bay town centre. The application site is vacant but was last officially in use as the Ocean Inn and Hush Lounge. It adjoins the former Avalon Hotel to the north east (which is now vacant and subject to planning application 17/00092/FUL) and a residential dwelling to the south west. The host premises are south eastern facing onto the western side of South Parade. The front curtilage of the application site is paved with a vehicular access point (Ocean Inn) and partly tarmac with artificial grass to the former Hush Lounge. The rear of the host site is characterised by two storey offshoots and rear yard areas enclosed by brick walls. Beyond the rear boundary there is an access lane and the rear of residential properties facing onto North Parade. Opposite to the application site on South Parade is Easy Street.

2.0 Description of the Proposed Development

2.1 Change of use and conversion of the three storey buildings to provide 10no. residential apartments with associated external alterations and rear roof extension.

3.0 Relevant Planning History

3.1 Application Site (Ocean Inn):

14/01607/FUL - Change of use from hotel to house of multiple occupation (retrospective) – Refused 08.04.2015

3.2 Adjoining Site (26 – 32 South Parade):

17/00092/FUL - Change of use and conversion of the three storey buildings to provide 12no quality residential apartments, with associated external alterations and rear roof extension – Pending Decision

3.3 Southlands Hotel, 12 South Parade:

16/01822/FUL - Change existing flat and hotel into 3no apartments and associated external alterations – Approved 09.01.2017

3.4 Former Shaggys Bar, 3 South Parade:

16/01228/FUL - Conversion of upper floors to four apartments – Approved 16.11.2016

3.5 Argyll Hotel And Guest House, 21 South Parade

74/00813/FUL - Alterations and extensions to provide a hotel – Approved 17.10.1974

79/02694/FUL - Change of use from derelict nursing home to residential use (dwelling house) – Approved 04.03.1980

84/01528/FUL - Change of use from dwellinghouse to hotel and erection of internal staircase - Approved 17.09.1984

16/00044/FUL - Change of use from hotel to 3 apartments. 2no pitched roof dormer to south and west elevations – Approved 07.03.2016

3.6 Bar Vegas, 38 - 42 South Parade:

12/01747/FUL - Change of use from Ambassador hotel and bar with 28 bedrooms to a daycare centre and offices – Approved 21.12.2012

3.7 Former Breeze And Pier 39, 60 - 68 South Parade:

13/00235/FUL - Change of use from pub/night club, office and storage buildings into 14no residential apartments, including external alterations to the front and rear elevations and associated parking – Approved 16.05.2013

3.8 Aald Northville Guest House, 23 South Parade:

13/00986/FUL - Conversion of 10 bedroom guesthouse into 5no residential units including relocation of external fire escape, demolition of single storey rear

extension and external alterations to elevations (revised description 31.07.2013)
– Approved 31.07.2013

3.9 Waverley Hotel, 44 South Parade

14/00305/FUL - Change of use of ground floor bar to two bedroom flat including external alterations to form entrance to flat – Approved 17.04.2014

3.10 10 South Parade

15/00048/FUL - Conversion of property into three apartments including the addition of rear external staircase and external alterations – Approved 10.03.2015

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

6.0 Main Issues

6.1 The main issues in this case are:

- Whether the principle is acceptable;
- The impact on amenity of future residents and adjoining occupiers;
- Design and Layout; and
- Whether sufficient car parking and access would be provided.

7.0 Principle of development

7.1 The NPPF sets out the core planning principles which should underpin decisions and that planning should amongst other matters proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

7.2 The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity. 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.

7.3 The development plan is out of date. The North Tyneside Unitary Development Plan was adopted in March 2002, over 15 years ago. The plan period ran until 2006 and we are now significantly (11 years beyond this). Following the advice in paragraph 14 of NPPF, it states that where the development plan is out of date, the presumption is that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole, or specific policies in the Framework indicate that development should be restricted. Given that the development plan is out of date, the presumption in favour of sustainable development applies.

7.4 In relation to housing, the NPPF states that the Government's key housing objective is to increase significantly the delivery of new homes. Paragraph 47 requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

7.5 The most up to date assessment of housing land supply, informed by the December 2016 SHLAA Addendum identifies the total potential 5-year housing land supply in the borough at 5,174 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 5.56 year supply of housing land). However, North Tyneside Council remains dependent upon approval of further planning permissions to maintain its housing land supply and achieve the level of delivery anticipated.

7.6 Policy H5 of the UDP states that proposals for housing development on sites not identified for this purpose will only be approved where all of the following criteria can be met: (i) The proposal is on a previously developed site and is within the built up area; (ii) It is acceptable in terms of its impact on its site, local amenity, the environment, and adjoining land uses; (iii) It can be accommodated within the existing infrastructure; (iv) It does not have an adverse impact on open space provision.

7.7 Policy H9 states that housing will be encouraged within to close to existing shopping centres providing it will support the regeneration of those centres and minimum environmental standards can be met.

7.8 DCPS No.10 provides material planning considerations to be taken into account when considering proposals for flat conversions.

7.9 Policy DM4.5 of the emerging Local Plan sets out the criteria for assessing residential development on sites not identified on the Policies Map.

7.10 The application site is located on South Parade, which was previously the long established location of the night time economy within Whitley Bay in terms of drinking establishments and associated hotels/guesthouses. However, in recent years many of the drinking establishments in this locality have closed down and a number have been converted into residential apartments and other uses (e.g. Pier 39, Breeze, and Bar Vegas).

7.11 The proposal is for a residential use in a town centre location where there are existing residential properties in close proximity. The Council's Regeneration team have offered their support to the proposal.

7.12 The application site is a rundown site, and it is considered that the proposed change of use would assist in the regeneration of the coast and the town centre. No objections have been received from any local residents, however an objection has been received from a nearby bar owner (Havana). It is considered that the proposal would bring economic benefits to the town centre and would revitalize the existing building into a long term sustainable use in accordance with the Council's objectives for the regeneration of this area.

7.13 The principle of the proposed conversion to 10no. flats is considered to be acceptable and in accordance with the objectives of the NPPF, and UDP Policy H5, Policy H9 which encourages new housing in shopping areas where it would support regeneration, and DCPS No.10, in that the property is large enough to provide an acceptable size of accommodation to future occupiers. However, the proposal must also be acceptable in terms of its impact on existing occupants (surrounding businesses and residents) and its ability to provide an acceptable standard of accommodation for future residential occupiers. These matters will be dealt with in the following sections.

7.14 In summary, whilst the principle of housing in this town centre location is acceptable there are concerns about the impact of the existing uses surrounding the site (public bars) on the residential amenity of future occupiers of the proposed flats, and the impact on the existing businesses. Members must determine whether the principle of the proposed development is acceptable.

8.0 Housing Supply

8.1 North Tyneside 5-Year Land Supply

8.2 Paragraph 47 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

8.3 Planning Committee will be aware that following submission of the emerging Local Plan in June 2016 an independent Planning Inspector held hearings as part of an Examination in Public during November and December of 2016. The

Inspector's report has now been received and considers the Local Plan to be sound and capable of adoption subject to a series of recommended Main Modifications.

8.4 One of the Inspector's recommended Main Modifications to the Local Plan alters the housing requirement for North Tyneside and the calculation of the Borough's Five Year Land Supply. Taking those Main Modifications into account the most up to date assessment of housing land supply informed by the December 2016 SHLAA Addendum identifies the total potential 5-year housing land supply in the borough at 5,174 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 5.56 year supply of housing land).

8.5 It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the emerging Local Plan. The potential housing land supply from this proposal is not included in the assessment that North Tyneside has a 5.56 year supply of housing land. However, North Tyneside Council remains dependent upon approval of further planning permissions to maintain its housing land supply and achieve the level of delivery anticipated.

8.6 Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range of housing. Paragraph 49 of NPPF makes it clear that housing applications should be considered in the presumption in favour of sustainable development. '

8.7 It is considered that the proposed 10no.flats will make a contribution, albeit small, towards the five year housing land supply. This proposal for new housing accords with the Government's objectives, as set out in the NPPF, and should be considered on the basis of the presumption in favour of sustainable development.

9.0 Impact on Amenity of Future Occupants of the Proposed Development and Adjoining Occupiers

9.1 The NPPF states that there are three dimensions to sustainable development; economic, social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

9.2 The NPPF outlines 12 core planning principles which should underpin decision taking. It states that local planning authorities should contribute to conserving and enhancing the natural environment and reducing pollution. It goes on to state that new and existing development should be prevented from contributing to unacceptable levels of air or noise pollution. To prevent unacceptable risks from pollution local planning authorities should ensure that new development is appropriate for its location. The effects (including cumulative

effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

9.3 Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

9.4 The NPPF defines pollution as 'anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.'

9.5 Planning policies and 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; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

9.6 The objective of Section 123 of the NPPF is to avoid noise from giving rise to significant adverse impacts on health and quality of life and that businesses should not have unreasonable restrictions put on them.

9.7 Policy H11 seeks to resist proposals that would have an adverse impact on the amenities of the occupiers of surrounding land and property. Other matters that are taken into account are the scale and mass of the proposal and the relationship to its site and surroundings.

9.8 DCPS No.10 sets out the material planning considerations to be taken into account when considering proposal for flat conversions.

9.9 Policy E3 seeks to minimise the impact of pollution on the environment and on proposed development. Policy DM5.19 of the emerging Local Plan states that development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources.

9.10 The Manager of Environmental Health has raised concerns regarding the updated noise report and the impact of the noise generated by the local pubs and bars in the immediate vicinity. Several bars, including the adjoining Avalon Hotel/Bar continue to have planning permission to operate as a bar although some are currently not trading. The fact that these premises could be brought back into active use at any time is a material consideration and must be taken into account in determination of the current planning application.

9.11 The Environmental Health Manager has advised that there will be external noise from the frontages of the bars which are operating (including the nearby Havana bar), including raised voices, and noise break out from inside the bars. This will lead to potential restriction on the activities of those public houses, such as Havana, as the introduction of residential housing will cause a potential nuisance to arise. Environmental Health historically have received complaints about the customer noise and loud amplified music.

9.12 It is appreciated that the application site does not immediately adjoin Havana Bar and the impact of this bar on the future residents of the proposed development will be slightly less/different than the proposed development, which is subject to planning application 17/00092/FUL (Avalon Hotel and Avalon Bar). However, this application is recommended for refusal as the submitted noise assessment has not taken into account all of the noise sources which may affect the future occupiers, and has therefore failed to demonstrate that mitigation can be provided for these. The Avalon Hotel and Bar therefore retains its existing use and, as set out in paragraph 9.10 of this report, this could be brought back into active use and the impact of this on the future residents of the application site (20-24 South Parade) has not been taken into account.

9.13 The Manager of Environmental Health has recommended refusal of the application.

9.14 Whilst regard must be had to the increasingly residential nature of South Parade, and that fact that planning permission has been granted for residential uses in close proximity to the application site, each case must be judged on its individual merits. In this case, despite being given the opportunity to address the concerns, the applicant has failed to provide evidence that adequate noise mitigation measures can be incorporated into this site. As such, it is considered that a condition requiring a further noise assessment would not adequately overcome the concerns raised and this would in turn lead to an unacceptable standard of residential amenity for the future occupants of the proposed flats and unreasonable restrictions would then be placed on the existing businesses, particularly Havana.

9.15 The layout of the rear street scene at the current time is relatively tight with overlooking between windows and across yard areas. Whilst the proposal will introduce new windows these will largely be in similar locations to the existing and will not result in direct and significantly increased overlooking to the habitable rooms of existing dwellings, or between new facing windows. DCPS No.14 accepts reduced separation distances on restricted/infill sites and it is considered that the application site meets this exception and will provide an acceptable standard of outlook and privacy for existing and future occupants. It is considered that the proposed flats would be able to provide an acceptable standard of accommodation for the future occupiers in terms of layout, size and outlook, in accordance with DCPS No.10.

9.16 Members need to determine whether the proposed development is acceptable in terms of its impact on residential amenity and the existing businesses with particular reference to Havana. Officer advice is that the applicant has failed to accurately demonstrate the existing noise levels and the impact this would have on the future residential amenity of occupants of the proposed flats, and has failed to demonstrate that this could be adequately mitigated. In turn this will lead to unreasonable restrictions on the way in which Havana, and other surrounding businesses, currently operate, which is contrary to advice set out in paragraph 123 of the NPPF, which seeks to protect existing businesses.

10.0 Design and Layout

10.1 The National Planning Policy Framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, it is indivisible from good planning, and should contribute positively to making places better for people. Local Planning Authorities should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials. Architectural styles or particular tastes should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

10.2 The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

10.3 Policy H11 of the UDP seeks to ensure a high standard of design for residential development, including extensions and alterations. It seeks to resist proposals that would have an adverse impact on the amenities of the occupiers of surrounding land and property. Other matters that are taken into account are the scale and mass of the proposal and the relationship to its site and surroundings.

10.4 Development Control Policy No.9 'Residential Extensions' states that any decision has to take into account the affect upon the amenity of neighbouring occupiers, eg. Loss of sunlight, daylight, outlook or privacy, or the effect of the proposal on the street scene and the character of the area and the extent to which works have a high quality of design that respects the character and materials of the existing building.

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

10.6 The Council has produced a SPD on design quality. It states that the Council will encourage innovation in design and layout provided that there the

existing quality and character of the immediate and wider environment are respected and enhances and local distinctiveness in generated

10.7 The proposed external alterations relate to the removal of a number of single storey rear elements of the existing building, the replacement of some rear dormer windows with a new third floor extension (which is to project from the rear roof slope similar to a flat roofed dormer). Also included is general refurbishment, the alteration of the placement of windows and the introduction of several new windows as well as a new external fire escape.

10.8 The Council's Design and Layout Officer has offered his broad support for the proposed external works, stating that the conversion will enhance the appearance of the existing buildings and remove some insensitive alterations. He has suggested that the existing entrances to should be retained with one door providing direct access into the ground floor flats.. He has also recommend that a more sensitive canopy is considered for the entrances, and that hard surfacing for car parking to the front should include landscaping behind the boundary wall to soften the appearance at street level. Such matters, along with building materials/finishes could be controlled by planning condition.

10.9 The layout of the rear street scene at the current time is relatively tight with overlooking between windows and across yard areas. Whilst the proposal will introduce new windows these will largely be in similar locations to the existing and will not result in direct and significantly increased overlooking to the habitable rooms of existing dwellings, or between new facing windows. DCPS No.14 accepts reduced separation distances on restricted/infill sites and it is considered that the application site meets this exception and will provide an acceptable standard of outlook and privacy for existing and future occupants.

10.10 Members must determine whether the proposed external alterations are of an acceptable standard of design for this location, and are in accordance with the objectives of the NPPF local planning policies, including LDD11.

11.0 Car Parking and Access

11.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

11.2 The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

11.3 Policy T11 states that parking requirements will in general be kept to the operational maximum.

11.4 LDD12 'Transport and Highways' sets out the Council's adopted car parking standards.

11.5 One objection has been received in relation to the proposed parking provision, the content of which is noted. However, Highway Network Manager has raised no objection to the proposed development at this site within Whitley Bay town centre, noting that the site is in a sustainable location in accordance with the objectives of the NPPF. The property is located within Whitley Bay Town Centre with good public transport links and is in an area with parking control measures in place. It is also noted that the existing use requires more parking than the proposed use.

11.6 A condition could be attached to the grant of planning approval to ensure that refuse storage facilities are provided within the rear yard area prior to the occupation of the flats.

11.7 Members must have regard to the above and determine whether the proposed development is acceptable in terms of its impact on existing on street parking and highway safety, subject to the suggested conditions.

12.0 Other Issues

12.1 Flood Risk

12.2 NPPF states that when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere.

12.3 Northumbrian Water Limited has been consulted and raise no objections to the development.

12.4 The Lead Local Flood Authority (LLFA) has noted that surface water will be dealt with by existing NWL infrastructure and approval is recommended.

13.0 Planning Obligations

13.0 Policy DC4 of the UDP identifies the need for developers to enter into a planning obligation or to make a financial contribution where necessary to facilitate the impact of new development on infrastructure or other essential elements including, amongst other things, access roads, open space, community facilities and affordable housing. Any contribution must fairly and reasonably be related to the scale of the proposed development, as well as being reasonable in all other respects. More recent Council policy is set out in Supplementary Planning Document LDD8 Planning Obligations (2009).

13.1 Regulation 122 Community Infrastructure Levy Regulations 2010 came into force in April 2010 and makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet the three tests of whether an obligation is:

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

13.2 Following on from consultation with the relevant service areas, contributions relating to neighbourhood/borough parks, informal play areas/local

amenity/greenspace, and strategic and local semi natural greenspace, have been requested.

The applicant has agreed to the following contributions:

13.4 Neighbourhood/Borough Parks: £4,580

13.5 This will be primarily for improvements to Whitley Park, the Park is local to the proposed development providing recreational space. The increase in the number of residencies in the North East area of North Tyneside continues to put increased pressure on the local infrastructure of Parks. These funds are required to mitigate against the increase in footfall, improvements will include small infrastructure improvements such as improvements to planting, grassed areas which become worn from use, street furniture and other infrastructure improvements. Without these improvements the increase in footfall from this development will cause accelerated deterioration to the infrastructure of the park and result in a decline of quality for the existing residents of the area.

13.6 Informal areas for Play/Local Amenity Greenspace: £6,070

This will be utilised to make improvements to the local infrastructure and provide improved spaces for recreational activity within the area to accommodate the needs of the new development.

13.7 Strategic and local semi natural green space: £975

Towards biodiversity improvements at Marden Quarry Local Nature Reserve approximately 750m away from this site. The development will increase pressure on sites such as Marden Quarry that are in close proximity to this site. The contribution will be used to create additional habitat and improve sections of footpath within the reserve that will help mitigate this additional pressure.

13.8 Consultation with Ward Councillors is currently being undertaken and the outcome will be presented in an addendum at committee.

14.0 Financial Considerations

14.1 The proposal involves the creation of 10no dwellings. The Government pays New Homes Bonus to local authorities to assist them with costs associated with housing growth and payments were first received in the financial year 2011/12. The payments are based on the net addition to the number of dwellings delivered each year, with additional payments made to encourage bringing empty homes back into use, and the provision of affordable homes. Granting consent for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive.

14.2 As the system currently stands, for North Tyneside, for the new increase in dwellings built in 2016/17, the Council will receive funding for the six years from 2018/19. It should be noted, however, that the Government are currently reviewing the operation of the New Homes Bonus Scheme, including reducing the numbers of years for which payments are made. This was outlined in the Government Consultation paper "New Homes Bonus: sharpening the incentive:

technical consultation”, which they issued in December 2015. This Consultation closed on 10 March 2016, and the Government are yet to report their findings.

14.3 In addition, the proposed dwellings will bring in revenue as a result of Council tax.

15.0 Conclusion

15.1 Members need to determine whether the principle of the residential development in this location is acceptable, and whether the impact on residential amenity, the character of the area and highway safety is also acceptable.

14.2 Officer advice is the principle of the proposed development is acceptable. However, the applicant has failed to demonstrate that an acceptable level of residential amenity can be provided at the application site for the future residents of the proposed development and that the proposal will not result in unreasonable restrictions being placed on the existing surrounding businesses. This is contrary to the objectives of the NPPF and unitary development plan policies. Refusal is recommended.

RECOMMENDATION: Application Refused

Conditions/Reasons

1. The applicant has failed to demonstrate that the application site can provide an acceptable standard of residential amenity for future occupiers of the proposed flats in terms of disturbance from noise, and that the proposed development will not therefore result in unreasonable restrictions on the operation of the nearby businesses. This is contrary to Development Control Policy Statement No.10 'Flat Conversions' and policies H13 and E3 of the North Tyneside Unitary Development Plan 2002, and DM5.19 of the emerging Local Plan and the National Planning Policy Framework.

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

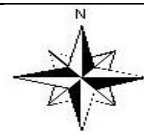
The Local Planning Authority provided the applicant with opportunities to demonstrate that the development could be acceptable. However, the applicant was unable to demonstrate this via the information submitted. As such, it has not been demonstrated that the proposal would improve the economic, social and environmental conditions of the area and therefore it does not comprise sustainable development. In the absence of amendments or conditions which could reasonably have been imposed to make the development acceptable it was not possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.



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Location: 20 - 24 South Parade, Whitley Bay, Tyne And Wear, NE26 2RG
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Not to scale
 Date: 01.06.2017

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**Appendix 1 – 17/00093/FUL
Item 2**

Consultations/representations

1.0 Representations

1.1 One objection has been received from the owner of Havana Bar, this is summarised below:

- I have examined the plans and I know the site well. I wish to object to the development of these apartments in this location.
- The proposed siting of the development is particularly ill-considered: it is on a predominantly commercial street with a high percentage of hotels and licensed premises.
- In his response to his failure to Conduct a Noise Assessment, the applicant has referred to the number of closed licensed premises on the street. It should be noted, however, that there are a number of licensed premises continuing to trade successfully and that those that are closed remain licensed and would be suitable for reopening in the future - particularly with the impetus gained from the redevelopment and impending completion of the Spanish City site. A vibrant, commercial, night time economy attracts people to the Coast who spend in the town centre and fill the hotels and B&Bs
- It has been shown that there is viability in accommodation businesses at the coast with the opening of a new Travel Lodge at the Spanish City site and the development of a boutique hotel and South American restaurant at what was formerly the Newquay Hotel on South Parade. Both due to open very soon.
- I also consider the undertaking of a Noise Assessment is imperative for such a development in this area and such assessment should be carried out on a Saturday evening (not raining) during the peak hours of 10 – 2.30am. (Saturday evening/Sunday morning). There are large numbers of people moving from the top of South parade to the bottom of the street entering the bars and restaurants and a similarly large number moving towards the town centre for food and taxis. It should also be noted that taxis are often backed up the street from the rank at the bottom in front of the applicants premises.
- Our patio area to the front of the premises is popular with our customers and is approx 2 meters from the window of a proposed ground floor apartment. A Noise Assessment should be taken from the inside of this window, with the window open and any potential noise impact should be mitigated by the developer.
- I would also urge a further Noise Assessment be carried out internally on the first floor in that part of the building that abuts our premises.
- There should be no detrimental impact to the amenity of our property and business
- The Parking provision is inadequate for the number of dwellings and will have a detrimental effect on the adjacent highway safety with it being necessary to reverse onto the street for lack of turning space within the curtilage of the properties. A full and proper Parking Plan should be presented outlining proposals including Disabled parking provision. Parking is already a big problem in this immediate area and the lack of provision will merely exacerbate this.

2.0 Internal Consultees

2.1 Environmental Health (Pollution)

2.2 Final Comments (provided after submission of updated noise assessment 31.05.2017)

2.3 Thank you for consulting the pollution team in relation to this application. The application refers to the change of use from a former hotel/bar to residential flats.

I note that the submitted noise report has been updated.

2.4 I have concerns in relation to the noise generated by the local pubs and bars in the immediate vicinity. Several bars continue to have planning permission to operate as a bar although some are currently not trading. There will be external noise from the frontages of the bars operating, including raised voices, and noise break out from the pubs and bars. This will lead to potential restriction on the activities of those public houses as the introduction of residential housing will cause a potential nuisance to arise. Environmental Health historically have received complaints about the customer noise and loud amplified music.

2.5 The LA_{max} of 80-85dB(A) at 01:30 is of particular concern. This may only be once per week, but this level is likely to give rise to statutory nuisance in habitable rooms.

2.6 As a result I recommend refusal.

2.7 Additional Comments (provided after submission of Noise Assessment) 28.04.2017

2.8 I have concerns with regard to potential noise arising from the various public houses located on south Parade. A change of use from hotel to residential apartments will result in residents residing at the premises for a longer period of time compared to a hotel, where the occupancy is usually of a very short duration. The site adjoins on one side with existing residential flats at 18 South Parade and on the other side the former Avalon Hotel, which is currently closed with an application submitted to Planning for change of use and conversion to 12 residential apartments. Easy Street, opposite the site is currently closed. The Zynk Bar and the Caprice Hotel consisting of the Echo Bar and Havana Bar are close to this development and will give rise to noise from customers in the street using the outside drinking areas and noise breakout from live and amplified music. There are a number of other public bars further down the street that are operating, currently on Thursdays through to Saturdays and are permitted to open through to the early morning.

2.9 A noise assessment has been provided to assess noise arising from public bars on South Parade. The noise monitoring location used was in the adjacent property but sufficiently close to be representative of the development site. I have concerns that the noise monitoring was carried out from Thursday 16th February to Saturday 18th February, but did not include for worst case noise arising from the Havana Bar, which is Saturday nights until the early hours of Sunday mornings. Noise monitoring was also carried out during the winter months, when external noise would be lower as there would be fewer customers

using in the external seating areas of the bars. I therefore do not consider that the noise assessment is fully representative of potential noise arising from the Havana Bar and other public bars located on South Parade.

2.10 I would also be concerned about potential internal noise transmission if the Avalon Hotel Bar reopened. If the application for change of use to residential apartments was to proceed and planning consent granted then this would negate this requirement.

2.11 There are also external plant consisting of extraction plant, air conditioning units and chiller units located to the rear of the public bars. This may give rise to noise transmission to the habitable rooms located to the rear.

2.12 I am concerned that the noise assessment has not fully considered all noise arising from the public bars on South Parade, especially the Havana Bar, and that this may lead to potential restrictions on the activities of the public houses as the introduction of residential housing will cause a potential nuisance to arise. Environmental Health has historically received complaints about customer noise and loud amplified music from the Caprice Hotel affecting neighbouring residential flats. Recent complaints have been received regarding loud amplified music and plant noise from the Havana Bar and loud amplified music from Parade affecting neighbouring residential properties. It is therefore important that the noise assessment is fully inclusive of all noise sources to ensure external and internal noise is sufficiently mitigated and I would therefore recommend refusal of this application.

2.13 Original EH Comments (20.02.2017)

2.14 I have concerns with regard to potential noise arising from the various public houses located on south Parade. A change of use from hotel to residential apartments will result in residents residing at the premises for a longer period of time compared to a hotel, where the occupancy is usually of a very short duration. The site adjoins on one side with existing residential flats at 18 South Parade and on the other side the former Avalon Hotel, which is currently closed with an application submitted to Planning for change of use and conversion to 12 residential apartments. Easy Street, adjacent to the site is currently closed. The Zynk Bar and the Caprice Hotel consisting of the Echo Bar and Havana Bar are close to this development and will give rise to noise from customers in the street and using the outside drinking areas. There are a number of other public bars further down the street that are operating, currently on Thursdays through to Saturdays and are permitted to open through to the early morning.

2.15 No noise assessment has been provided to assess the external noise impacts on the proposed residential apartments. There will be external noise from South Parade frontage due to the existing street noise from use of the public bars and outside drinking areas from raised voices and noise breakout from the public houses. This will lead to potential restrictions on the activities of the public houses as the introduction of residential housing will cause a potential nuisance to arise. Environmental Health have historically received complaints about the

customer noise and loud amplified music from the Caprice Hotel affecting neighbouring residential flats and therefore it is important that a noise assessment is provided to ensure external noise is sufficiently mitigated.

2.16 I would therefore recommend refusal of this application as no noise assessment has been provided to enable the determination of this application.

3.0 Highway Network Manager

3.1 This application is for a change of use and conversion of the three storey buildings to provide 10 quality residential apartments with associated external alterations and rear roof extension. Whilst parking has not been provided in accordance with the maximum standards, the site is located in Whitley Bay town centre with good links to public transport & local services. Furthermore the current use would have required more parking than the existing use.

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

3.3 Conditions:

ACC14 - Altered Access Access Alt Before Devel

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT05 - Construction Management

3.4 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

4.0 Design Officer

4.1 The proposed change of use and conversion of the buildings on South Parade is supported. The conversion will enhance the appearance of the existing buildings and remove some insensitive alterations.

4.2 The existing entrances to number 26 and 28 should be retained with one door providing direct access into the ground floor flat. I would encourage this access arrangement to be repeated for the other units as well. I would also recommend that a more sensitive canopy is considered for the entrances.

4.3 The hard surfacing for car parking to the front should include landscaping behind the boundary wall to soften the appearance at street level.

4.4 The alternations to the rear are supported in terms of design; however I have not considered privacy distances as part of my comments.

4.5 Boundary treatments, surface materials and details for rendering and cladding should be conditioned.

5.0 Regeneration

5.1 The Regeneration Team supports this proposal to convert a number of buildings on South Parade into residential apartments.

6.0 Contaminated Land Officer

6.1 No objection.

7.0 Local Lead Flood Authority

7.1 This application is for a change of use and conversion of the three storey buildings to provide 10 quality residential apartments with associated external alterations and rear roof extension. Surface water will be dealt with by existing NWL infrastructure and approval is recommended.

7.2 Recommendation - Approval

8.0 External Consultees

8.1 Police Architectural Liaison Officer

8.2 No objections.

9.0 Northumbrian Water

9.1 No comments to make at this stage.