



South Tyneside Council

Fitz Architects Limited
FAO Mr C Fitzakerly
6 Pier Point,
Marine Walk
Sunderland
SR6 OPP

Date: 08/02/2016
Our ref: ST/0611/15/FUL
Your ref:

This matter is being dealt with by:
Helen Lynch on 0191 4247408
e-mail address:
planningapplications@southtyneside.gov.uk

Dear Mr Fitzakerly

Screening Opinion of the Local Planning Authority

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Proposal: Conversion of existing public toilets and former bandstand into bar/restaurant development with take away element.

Description: Bandstand
Sea Road
South Shields

With reference to the planning application for the above received by the Council on the 29/06/2015 and registered as valid on 10/07/2015, I hereby notify you of the Council's screening opinion as to whether the proposed development requires an Environmental Impact Assessment to be carried under the above regulations and the submission of an Environmental Statement.

The consideration of whether a particular development requires an Environmental Impact Assessment depends upon whether it is classed as Schedule 1 or Schedule 2 development, as defined by the regulations. I am satisfied that the development is not a development that falls within Schedule 1 and as such would not automatically require the submission of an Environmental Statement.

With respect to Schedule 2 development the Council, as Local Planning Authority, is duty bound to consider whether any part of the development falls within a 'sensitive area', as defined by the regulations, or whether any applicable threshold or criterion in the corresponding part of Column 2 of Schedule 2 is exceeded, or met, in relation to the development proposed.

The proposed development falls within '10. (b) Urban Development Projects' of Schedule 2 of the regulations. It does not exceed the threshold of more than 1 hectare of urban development which is not dwelling house development and the overall area of development doesn't exceed 5 hectares, which are stipulated in Column 2, and the proposed development does not lie within a sensitive area, as defined by the regulations. However it is in close proximity to sensitive areas - European and national designated sites. In terms of the European designated sites, the application site is positioned over 500 metres from the Durham Coast Special Area of Conservation (SAC), and 500 metres from the Northumbria Coast Special Protection Area (SPA) (also designated under the worldwide Ramsar Convention). In terms of national designated sites, the application site is positioned within 100m from the Durham Coast Site of Special Scientific Interest (SSSI).

National Planning Practice Guidance (NPPG) provides guidance to Local Planning Authorities as to when Environmental Impact Assessment may be required. Paragraph: 018 Reference ID: 4-018-20140396 of NPPG states that it should not be presumed that developments falling below the indicative thresholds within Column 2 of Schedule 2 of the regulations could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Instead each development must be considered on its merits. Paragraph: 032 Reference ID: 4-032-20140306 states that an assessment is more likely to be required if the proposal would affect the features for which the sensitive area was designated. It is necessary to judge whether the likely effects on the environment of that particular development would be significant in that particular location. It further states that special considerations apply to SSSIs, especially those that are also European sites (as is the case here). In practice, the likely environmental effects of Schedule 2 development would often be such as to require an Environmental Impact Assessment if it is located in or in close proximity to sensitive areas.

Therefore, given the close proximity to sensitive areas the Council must adopt a screening opinion and consider whether there would be any significant effects on the environment, be they positive or negative and Schedule 3 of the regulations outlines the three criteria that must be taken into account in making this decision.

1. The characteristics of the development

The application site is approximately 0.09ha in area. It is proposed to convert the existing public toilets and former bandstand into a bar/restaurant development with takeaway element. The application also includes the extension of the building. The proposed development would have a maximum height of 7.4 metres. As part of the proposal external decking / seating areas are proposed a new vehicle layby to service the building is required.

The proposed development would produce waste in the form of the debris from redevelopment of the site.

Potential pollution (noise and air quality emissions) and nuisance would be associated with all stages of the proposal through to the construction process and then to the impacts of the long term end use.

The construction methods used could give rise to the risk of accidents.

2. The location of the development

The site is situated on Sea Road adjacent to and located in-between the Sand Dancer Public house and Gypsies Green Recreational Ground. The existing land use is as public toilets and a former bandstand. The former bandstand built in the 1930's is a landmark structure on the South Shields Foreshore. The bandstand is not a listed structure but is a locally Significant Heritage Asset. The site is positioned in an area designated within the South Tyneside Local Development Framework (LDF) Core Strategy as 'Developed Coast', and in close proximity to environmentally sensitive areas that could be affected by the development. These include the natural environment areas as listed in Schedule 3 (2) of the regulations, namely:

(i) Wetlands

The Northumbria Coast SPA is also a Ramsar site. These are wetlands of international importance designated under the worldwide Ramsar Convention.

(ii) Coastal zones;

The application site is located within the coastal zone, a strategic, trans-boundary corridor for transport, biodiversity, open space, leisure and tourism. It includes the 'Undeveloped Coast, including the Leas, which is a major environmental asset.

(v) Areas designated by Member States pursuant to Council Direction 2009/146/EC on the conservation of wild birds and Council Direction 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

As mentioned above, European designated site namely the Durham Coast SAC and the Northumbria Coast SPA are located in close proximity.

(viii) Landscapes of historical and cultural significance.

For the reasons stated under (ii) coastal zone, the application site is located in an area of cultural significance. As details above, the application site (the bandstand) is not a listed structure but is a locally Significant Heritage Asset as detailed within SPD21.

3. Characteristics of the potential impact

In relation to points 1 and 2 above the potential impact of the development is considered to be isolated to the site and its immediate surroundings. This represents both a limited geographical area and affected population. Potential impacts are not anticipated to extend to a wider area or population.

Natural England and the Council's Countryside Officer have been consulted on the planning application and have offered no objection. An Ecological Appraisal and Habitats Regulations Assessment have been submitted and concluded that no likely significant impacts are anticipated on the Durham Coast Special Area of Conservation for the proposed development. The reports conclude that likely significant impacts are not anticipated from the land take of the proposed development, or from the nature and number of visitors likely to be attracted to the proposed use. The reports have considered the potential impacts on the qualifying bird species for the Northumbria Coast Special Protection Area, and concluded that there is a risk that the construction activity may cause noise disturbance to SPA birds. This risk is avoided by timing the construction activity to the period April – October, thereby avoiding the overwintering period when the qualifying species may be present. It has been recommended that a condition restricting construction activity is attached to any grant of planning permission.

The potential impacts of the development in terms of waste, dust, noise, vibration or potential disturbance during construction (except in relation to qualifying species as detailed above) are not anticipated to be any different to those experienced on other development sites (for similar development). The same assessment applies in relation to the risk of accidents occurring. The duration of these potential impacts would be limited to a period starting with the commencement of development through to its completion.

In terms of contaminated land issues a site investigation in relation to the site has been submitted with the detailed application. This matter will be considered as part of the detailed planning assessment.

The site as detailed above is within the Local List and the Tyne and Wear County Archaeologist has advised that the building should be recorded prior to its conversion and extension. This recording work has been undertaken and is acceptable to and in accordance with a specification provided by the Tyne and Wear County Archaeologist.

The proposed highways and transportation demands of the proposed development will be considered and assessed through the detailed planning application. Servicing requirements have been addressed through an amended scheme.

The domestic waste associated with the end use of the site is not considered to be either unusual or complex in nature and would not give rise to significant environmental effects.

As such it is considered that the proposal would have no significant environmental effect on any sensitive location, existing land use, natural resource, or natural environment. The potential impacts are not significant to the extent that they would trigger the undertaking of an EIA.

Conclusion

It is the Council's opinion that the proposed development, whilst being a Schedule 2 development under the above regulations, **would not**, on the basis of all the information provided, have significant environmental impacts for it to require the carrying out of an Environmental Impact Assessment and the submission of an Environmental Statement.

You should be aware that the comments made regarding the likely environmental impacts of the proposed development relate only to the Council's need to issue a screening opinion under the above regulations. They do not represent the Council's views as to the planning merits of any planning application, or its conformity with development plan policies within the Regional Spatial Strategy, South Tyneside Unitary Development Plan or Local Development Framework.

A copy of this Screening Opinion has been placed on the planning register.

Yours faithfully



 George Mansbridge
Head of Development Services

We aim to make letters easy to understand. If you found this letter difficult to understand please let us know. Call 0845 145 0100 or email feedback@southtyneside.gov.uk