

Application Number: ST/0501/22/FUL**Date Received:** 31/05/2022**Application Date:** 01/06/2022**Applicant's Name and Address**

Beaumont and Partners Ltd
 F.A.O. Mr R Beaumont
 2 South Walk
 West Whickham
 Whickham
 BR4 9JA

Agent's Name and Address

Origin Planning Services Ltd
 FAO: Miss C Wilson
 3B Evolution
 Wynyard Business Park
 Wynyard
 TS22 5TB

LOCATION **Former Buzzers Bar**
Victoria Road
South Shields
NE33 4NL

PROPOSAL Change of use and redevelopment of former Buzzer's Bar and Social Club and Institute (use class sui generis) to 6 self-contained residential apartments (use class C3/C4) and 2x 8-bedroom HMO apartments (Sui generis) with proposed construction of an exterior stairwell. External works to include new windows, cedar timber panels, walls and railings to cycle and bin storage area and new canopy.

RECOMMENDATION: Mindcd to Grant Permission, subject to:

- (1) The Head of Legal Services being authorised to complete the section 106 legal agreement in relation to:
 - A financial contribution of up to £5,000 [to be index linked], to be used in relation to the provision of a Traffic Regulation Order (in respect of parking restrictions).
- (2) The Senior Manager – Planning being authorised to issue the planning permission, on completion of the section 106 legal agreement, subject to the recommended planning conditions (and subject to any minor drafting or typographical amendments to these, if necessary).

SUMMARY OF NEIGHBOUR REPRESENTATIONS:

107B Beach Road, South Shields (x2)
 15 Bolingbroke Street, South Shields
 8 Derby Terrace, South Shields (x3)
 98 Hutton Row, South Shields
 100 Hutton Row, South Shields (x2)
 161 Hyde Street, South Shields
 2 Ladysmith Street, South Shields
 1 The Bridges, Spohr Terrace, South Shields
 4 The Bridges, Spohr Terrace, South Shields (x3)
 6 The Bridges, Spohr Terrace, South Shields
 103 Westoe Road, South Shields (x2)

x1 no address give (despite being requested)

All of the issues raised are summarised in the body of the report

REASON FOR PRESENTATION TO PLANNING COMMITTEE

This application is brought to the committee for determination because:

- Cllr Francis (Beacon and Bents Ward) has requested in writing (with reasons) that it be determined by Planning Committee.
- Former Cllr Flynn (Hebburn South Ward), who opted to stand down as a Cllr at the recent local elections, had requested in writing (with reasons) that it be determined by Planning Committee.

1.0 The Proposal

- 1.1 The proposal relates to a change of use and associated works to the former Buzzers Bar, Victoria Road, South Shields.
- 1.2 The application property is a freestanding / detached building that was formerly a bar / social club, and that has not been operating for some time. The proposal seeks to convert it to provide six apartments (four with 1-bedroom and two with 2-bedrooms) and two HMO (each 8-bedroomed) apartments (sui generis use – meaning not in any planning use class), alongside the construction of stairwell and other external works to include new windows, cedar timber panels, walls and railings to cycle and bin storage area and new canopy. In relation to apartments, the applicant has included that these may be Use Class C3 (dwellings) or Use Class C4 (use of a dwellinghouse by not more than six residents as a “house in multiple occupation”). It should however be noted here that officer's are of the view that it would not be possible for the one-bedroom apartments to be capable of being a C4 use.
- 1.3 Plan 1 at the rear of this report shows the location of the application property. Plan 2 shows the proposed site layout. Plan 3 shows the proposed basement layout, Plan 4 the proposed ground floor layout and Plan 5 the proposed first floor layout. Plan 6 shows the proposed elevations. Plan 7 includes model massing images of the proposal.
- 1.4 The following has also been provided, alongside existing and proposed plans:
 - Planning Statement
 - Highways Technical Note
 - Noise Assessment
 - Model massing images - existing and proposed
- 1.5 Additionally, the applicant has provided some information about their business and how they manage their properties and tenancies of them, requesting that Planning Committee was made aware of this; and that included:
 - As developers with a sizable portfolio we manage all of our own stock in house with our lettings team who have over 10 years experience in the property management sector

- Our objective with every project is to hold the assets for the long term thus we are heavily incentivised to make sure our tenant offering is of a high quality to ensure longer tenancy durations and low void periods.
- We make sure our end product is the best in the market by providing large living and bedroom spaces with ample amenities including a large shower tray in all bathrooms which tenants care deeply about.
- All of our tenants across the portfolio are working professionals who have to pass a screening process to prove they are employed and receiving a minimum income 30x monthly rent, we verify this by calling their employers and receiving a written reference and payment slips. Additionally they need to provide previous landlord references and credit searches. This whole process is to ensure we are creating an environment where working professionals can live frugally by sharing facilities and also collaborate with other like minded individuals.
- We have our own cleaning staff who clean the communal areas twice a month to ensure the accommodation is kept in good condition and to keep in regular contact with tenants sorting any maintenance issues that may arise.
- All of our units have large en-suites to ensure tenants get their own privacy within their bedrooms and to reduce any friction amongst tenants for untidy bathrooms etc.
- See attached a PDF document with photos from our most recent apartment block project we've finished in Darlington. *These photos are provided at the report of this report at Attachment 1.*
- Additionally we document everything we do on YouTube where all of our projects can be found, we will be doing the same with Buzzers Bar documenting the process of the development, this is to motivate others in our field to do the same as well as attracting further investment to our target areas such as Darlington and South Shields. YouTube Link: <https://www.youtube.com/watch?v=rpEvqMkyMiw&t=6s>
- I believe we are good people trying to advocate for good developments and it would be a shame to be penalised based on misinformed opinions.

2.0 Responses to Publicity and Consultations

Cllr Francis

2.1 Cllr Francis requested that this planning application be considered by Planning Committee, for the following reasons:

- I am concerned that if this application were approved, the development would have an adverse affect on the residential amenity of neighbours, primarily through disturbance. I also believe that the application could have a negative impact on the character of the neighbourhood, which at present houses a mix of families with young children, retired people and some vulnerable individuals with complex additional needs.
- While HMO accommodation is a necessary part of the overall housing picture in any given area, there is currently an over concentration of such accommodation concentrated in a small area of South Shields.
- We have often seen that vulnerable individuals with complex needs are housed in the nearby HMO properties without the necessary support. This causes issues for those residents, while also leading to tensions between residents which we have seen manifest itself in violence and antisocial behaviour. This has become a

frequent draw on council and Police resources, while also causing concern for other neighbouring properties.

- I believe that this application, if approved, would benefit neither the eventual residents of the development itself, nor the residents of nearby properties and would therefore argue that it should be refused on the grounds of:
 - 1) Adverse affect on the residential amenity of neighbours, primarily through disturbance.
 - 2) Negative impact on the character of the neighbourhood.

Former Cllr Flynn

2.2 Former Cllr Flynn requested that the application be considered by Planning Committee for the following reasons:

- Place Select Scrutiny Committee have discussed Houses of Multiple Occupation for some 5 years. The linked Anti-Social Behaviour issues, occupants coming from out of the Town, because of various officers advice/views we never actually culminated in any final decision on curtailing HMOs.

Neighbour Notification Responses

2.3 For Planning Committee's information, the proposal under consideration in this report materially differs from the one that was originally submitted. This is because the applicant chose to amend it, by removing an additional floor that had originally been proposed and that would have contained 6 apartments.

2.4 The publicity responses are therefore set out below as to whether they related to the original proposal, or the proposal being considered by this report. It is however acknowledged that the summaries of the objections are near identical, whether for the original or amended proposal.

Original proposal

2.5 The application as originally submitted was initially publicised by 40 neighbour notification letters, site notices and a notice in the press (and it was also available online for comment). Neighbour re-notifications (to those originally notified by letter or had submitted representation as a result of the other publicity) were also undertaken, and to advise to of a change to the wording description of the original proposal to make it clear that an additional floor was being proposed.

2.6 In terms of responses to these, there were 14 objection responses from 11 addresses, plus 1 objection where no address was supplied (despite an address being requested). The responses may be collectively summarised as:

- Visual impact of the development, its appearance (choice of facing materials) would be out of keeping.
- Overdominance / overshadowing / loss of privacy, including impacts from an extra floor being proposed.
- Effect of the character of the area, due to the housing mix of HMOs and 1 bed flats; and their potential occupants.
- There is already a high proportion of flats and HMOs in the area, so no need for more.

- It would add to existing issues associated with anti-social behaviour and substance dealing in the area.
- The proposal does not accord with SPD4 in relation to affordable housing.
- Transient nature of the potential occupants would undermine community cohesion, in an area with already high levels of rental properties.
- It would make existing car parking problems worse.

Amended proposal (being considered by this report)

- 2.7 In terms of the amended proposal that is under consideration by this report, 43 neighbour notification letters were issued.
- 2.8 In terms of responses to this publicity, objections were received from the following four addresses:
- 8 Derby Terrace (2 responses)
 - 100 Hutton Row (1 response)
 - 2 Ladysmith Street (1 response)
 - 4 The Bridges, Spohr Terrace (1 response)
- 2.9 Their objections may be collectively summarised as follows:
- Visual impact of the development, its appearance (choice of facing materials) would be out of keeping.
 - Overdominance / overshadowing / loss of privacy (and where some comments had referenced the additional floor but that is no longer proposed)
 - Effect of the character of the area, due to the housing mix of HMOs and 1 bed flats; and their potential occupants.
 - There is already a high proportion of flats and HMOs in the area, so no need for more.
 - It would add to existing issues associated with anti-social behaviour and substance dealing in the area.
 - The proposal does not accord with SPD4 in relation to affordable housing.
 - Transient nature of the potential occupants would undermine community cohesion, in an area with already high levels of rental properties.
 - It would make existing car parking problems worse.

External Consultees

Northern Powergrid

- 2.10 No objection. Copies of apparatus records supplied.

Northumbrian Water

- 2.11 No objection / no further comments to make.

Northern Gas Networks

- 2.12 No objection. Copies of apparatus records and safe working guidance supplied.

Police Designing Out Crime Officer

- 2.13 Since we [initially] contributed to the consultation on the above planning matter, the Applicant and the Agent got in touch to talk through our [initial] concerns. We had a meeting on the 9 February 2023 during which the Applicant offered some reassurances as to the design intent, mitigation for noise created by the layout, the management of the building and the likely market for the scheme.
- 2.14 Whilst we do have some concern regarding large HMO's because of the current focus on poor quality facilities in the Beach Road area, we acknowledge that the Applicant is targeting a slightly different market sector and is taking an approach which should mitigate some issues.
- 2.15 We do of course recognise that ownership of such facilities can change post planning and that can take a project in a different direction, but on balance we withdraw our previous objection.

Internal Consultees

Transport Development Officer (Highway Authority)

- 2.16 No objection. Various planning conditions and informatives suggested.

Environmental Health (Noise)

- 2.17 No objection. Noise attenuation related planning condition suggested, having regard to the submitted noise assessment.

Environmental Health (HMO licencing)

- 2.18 The HMO elements of the proposal will require an HMO licence.

Environmental Protection (LFFA / drainage)

- 2.19 No objection. The site is at a low risk of flooding and the proposal would use existing drainage connections that serve the building.

Environmental Protection (contaminated land)

- 2.20 No objection / no comments to make.

Housing Strategy

- 2.21 No objection. The proposal is below the local affordable housing policy threshold. Management of the HMO will be important. There needs to be consideration of noise separation between the flats and HMO elements. Good external design.

Community Safety

- 2.22 No objection. However, concerns regarding HMOs being historically known as a source of disproportionate levels of criminal behaviour and tend to generate a lot of anti-social behaviour complaints from other residents; and where the Victoria Road Estate has significant and ongoing issues with anti-social behaviour and criminality.

Community Protection

- 2.23 No objection. However, concerns regarding lack of parking for the proposal, proximity to hot food takeaways and other HMOs and Registered Social Landlords in the area would potentially increase anti-social behaviour [ASB] in the area. The area is already an ASB hotspot, another large HMO might add to the existing problems.

3.0 Planning Assessment

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.
- 3.2 The statutory development plan is the Council's adopted Local Development Framework development plan documents. These are in **bold** text below. Adopted supplementary planning documents are capable of being material considerations in planning decisions. These are in *italic* text below.
- 3.3 As a consequence of the Council not having a 5 year housing land supply and the Council's Housing Delivery Test results [February 2022] showing that the delivery of housing was substantially below the housing requirement over the previous three years the tilted balance in NPPF [issued July 2021] paragraph 11d) [with associated footnotes] applies which states that relevant development plan policies in such circumstances are considered out-of-date and that planning permission should be granted unless:
- i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 3.4 This means that very significant weight should also be given to the NPPF as a material consideration in deciding this application.
- 3.5 In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.
- 3.6 To assist in the assessment of the application, development plan policies have been grouped together under the main themes of the LDF.

Delivering Sustainable Communities

SC1 Creating Sustainable Urban Areas (LDF Core Strategy) says that to deliver sustainable communities, development proposals will be focused and promoted within the built-up area.

SC3 Sustainable Housing Provision (LDF Core Strategy) promotes the renovation of existing housing stock where viable and managed redevelopment in order to create sustainable residential communities and manages the phased release of land for new housing developments.

SC4 Housing Needs, Mix and Affordability (LDF Core Strategy) seeks to ensure a range and choice of good quality affordable homes to meet identified housing needs.

DM1 (B) Management of Development-Residential Amenity (LDF Development Management Policies) is to ensure that developments are acceptable in relation to any impact on residential amenity.

DM4 Intensive Housing Uses (LDF Development Management Policies) provides criteria for the provision of guest and boarding houses, hostels and larger houses in multiple occupation.

ST2(F) Sustainable Urban Living (LDF Core Strategy) seeks to ensure that the need to design out crime and fear of crime has been addressed.

SPD5 Planning Obligations and Agreements - provides guidance on the planning obligations and agreements that will be required to ensure that new development can be accommodated in the Borough.

Planning obligations and agreements

- 3.7 A planning obligation is proposed, and where it relates to the delivery of a Traffic Regulation Order. This is further explained in the "Improving Accessibility, Highway Capacity, Highway Safety" section of this report.

The principle of re-development

- 3.8 The application property is currently vacant, it is located within a built-up area of South Shields with good access to local services and public transport; and the proposal involves its re-use. As such, there is not considered to be any material conflict with either LDF Policy SC1 or SC3. Furthermore, and importantly, the NPPF (in its section 11) supports the re-use of the brownfield land and the development of underutilised buildings, especially where this would provide housing.

Housing mix and suitability of the property

- 3.9 The amount / mix of housing proposed is below the local affordable housing consideration threshold as set out in LDF Policy SC4 (as less than 15 dwellings are proposed and the site is less than 0.5 hectare). It follows on from that, that LDF guidance set out in SPD4: Affordable Housing is not applicable to the proposal. The proposal is also below the affordable housing consideration threshold set out in the NPPF (at its para. 64, because the proposal is not a major development).
- 3.10 In relation to the proposed six apartments, two would be two bedroomed and four would be 1 bedroomed. All are considered to be a reasonable size and where all habitable rooms would have a window (or windows) and therefore natural daylight to them. As mentioned in section 1 of this report, only the two two-bedroom apartments are considered as being capable of being used as either a Use Class C3 (dwellings) or Use Class C4 (use of a dwellinghouse by not more than six residents as a "house in multiple occupation"). C4 uses are not larger HMOs (and which are sui generis – not in any planning use class) and so LDF Policy DM4 is not considered to apply to use class C4.

In relation to larger HMOs, LDF Policy DM4 states:

"We will manage the provision of guest and boarding houses, hostels and larger houses in multiple occupation by ensuring that proposals:

- A. do not adversely impact on residential amenity and the character and nature of the locality, particularly in areas of predominantly single household family housing;
- B. do not adversely impact upon existing traffic and parking conditions in the area; and *[this limb is considered in the next policy theme]*
- C. provide sufficient space for the storage of refuse containers within the property boundaries. *[this limb is considered in the next policy theme]*

The property must be suitable and of an appropriate size for the proposed use, and the cumulative impact of proposals for larger houses in multiple occupation, on the character and nature of the locality, will be assessed as a material consideration. Proposals for the conversion of buildings to provide larger houses in multiple occupation or other intensive housing uses will usually be discouraged in areas of predominantly single household family housing".

- 3.11 In relation to the proposed sui generis HMOs, there would be eight bedrooms on each floor. Each bedroom would have a window (or windows), plus an en-suite. Two of the HMO bedrooms (one on each floor) are indicated as being single occupancy and the remainder are indicated as being double occupancy. Each floor would have a communal kitchen / dining / lounge area, with dual aspect windows and a utility area. The bedrooms and communal areas are considered to be reasonable in terms of their sizes.
- 3.12 The mix is considered to be acceptable, and where LDF Policy SC4 is considered to be out of date in terms of what it sets out as a housing mix for the South Shields area, both due to age of the policy and also due to the fact the NPPF tilted planning balance applies and would deem it out of date. Furthermore, the location of the application site / proposal is not one that can be characterised as being predominately single household family housing, because its immediate surroundings include various retail and other commercial properties; in addition to housing; and this is relevant in the context of LDF Policy DM4.
- 3.13 The proposals include consideration of sound attenuation measures, both internally between the HMOs and apartments (and where that would be required for Building Regulation purposes, which is a separately legislative provision that would apply to carrying out the proposed development); and also to provide them with acoustic glazing and acoustic trickle vents to habitable rooms given the proximity of the building / proposals to Westoe Road (and that is a classified road). The submitted noise assessment included recommendations for these, which Environmental Health have reviewed and consider acceptable; and where they advised that they be secured by planning condition. A planning condition is therefore suggested in relation to acoustic glazing / acoustic trickle vents.
- 3.14 The planning system is concerned with land use in the public interest, rather than the individual users of that land use. It is therefore considered that it is not for the planning system, or the decision-making process on this planning application, to pick up and deal with the day-to-day operational matters and management associated with the proposed HMOs or the apartments (or any potential occupants of them). Notwithstanding this, section 1 of this report provided some information from the applicant about their business and how they operate their properties, plus some

images of a recently completed development of theirs in Darlington are also provided at Attachment 1; and as the applicant had requested that Planning Committee were made aware of these.

- 3.15 It is considered that, and notwithstanding the objections, that the proposed uses are an acceptable re-use of the property, that the property is a suitable size to accommodate them (with the proposed alterations and extensions) and that it is also acceptable in terms of the consideration of residential amenity; in accordance with LDF Policies DM1(B) and DM4(A).
- 3.16 Additionally, and in relation to residential amenity and DM1(B) and DM4(A), the proposal is not considered to give rise to any materially harmful effects to the residential amenities of existing residential properties in terms of loss of privacy, overdominance or overshadowing having regard to the spacing of the building from them. The proposal is considered to accord with the NPPF (para. 130 f) with regards to amenity for both existing residents and potential occupants of the proposal.
- 3.17 There has been no objection to the proposal from the Police Designing Out Crime Officer. Whilst there have been some concerns raised by Community Safety and Community Protection, those are largely based the actions of individuals and where, as set out above, the planning assessment is about land use (not users of that land use). In this context, the proposed development is not considered to give rise to material harm in relation to crime, or fear of crime and which are relevant considerations of LDF Policy ST2(F). Additionally, and in the context of residential amenity, crime or fear of crime; the current use of the building (albeit it not operating) is a bar and social club and where such uses can give rise to impacts with regards to these considerations, especially later into the evening.
- 3.18 Furthermore, and critically, it would accord with the NPPF in relation to the delivery new homes and, importantly, the tilted planning balance it sets out applies (and as previously referenced at para. 3.3 – 3.4 of this report). That balance is in favour of granting the proposal and where it is not considered that community cohesion or crime or fear of crime considerations of the NPPF (at its para 92 a) would outweigh doing so.

Improving Accessibility, Highway Capacity, Highway Safety

A1 Improving Accessibility (LDF Core Strategy) - seeks to support public transport, cycling and walking by ensuring that new developments are easily accessible. Requires transport assessments for major development proposals. Parking standards will apply to new development, as set out in SPD.

DM1 (G, H and I) Management of Development-Highways and Access (LDF Development Management Policies) - seek to ensure acceptable impact (or mitigation) of developments in relation to highway capacity and safety, that convenient and safe routes are facilitated and the needs of all users are considered.

SPD6 Parking Standards sets out the parking standards used in assessing proposals for new development.

- 3.19 The proposal involves the re-use of the building, which does not have any in-curtilage car parking. Both the former use and the proposed development would be reliant on car parking taking place on-street.
- 3.20 The applicant submitted a highways technical note, which includes consideration of 2011 Census car availability for the area and local parking / cycle parking standards

(SPD6), refuse servicing, highway capacity and provision of traffic regulation order [TRO], such as yellow lines to protect junction radii and white lining to demarcate on-street parking areas, for eight cars (based on a car parking space length of 6m). It also notes that the existing authorised use (if recommenced and that it is not currently operating) will have its own traffic and refuse related impact, and that the formalisation or parking plus TRO would constitute betterment. The land where the external stairwell, a pedestrian access and bin storage would be provided, whilst having the appearance of public realm, is owned by the applicant and it does not form a part of the adopted highway.

- 3.21 As previously mentioned, the NPPFs tilted planning balance applies and the NPPFs section 9 (promoting sustainable transport) includes (amongst other things) that:
- Maximum parking standards for housing should only be set where there is a clear and compelling justification that they are necessary for managing the local road network (para. 108).
 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (para. 111).
- 3.22 Having regard to the submitted proposed plans and highways technical note, the Strategic Transport Officer (Highway Authority) has no objection to the proposal on highways safety or capacity grounds. Their response includes suggesting the provision of the TRO (in respect of parking restrictions), various planning conditions plus some informatives.
- 3.23 The TRO is recommended to be secured by section 106 planning obligation, and where the applicant would pay for its provision to a value of up to £5,000 [to be index linked].
- 3.24 In relation to the suggested conditions (and having regard to the highway response), these include that the cycle and refuse storage details are provided; a dropped kerb shown to enable refuse collection is provided. Subject to these, the proposal is not considered to give rise to materially harmful cumulative impacts to highway safety, or pedestrian safety and it would provide cycle and refuse storage to serve it.
- 3.25 It is not considered to be necessary or reasonable for the 1.4m wide adopted footpath to the west of the application site to be widened, and where a planning condition could have been suggested in that regard (notwithstanding the highways response suggesting for this). This is because that section of footpath is very short in length (at approx. 8.5m when travelling in a north/south direction) and, additionally it is not likely to be heavily used (either now or post development) given the wider arrangement of footpaths and their inter-connectivity to their surroundings. Additionally, a construction method statement type planning condition is not considered to be reasonable / necessary (notwithstanding the highways response suggesting this) and where there is a permitted development right that can apply to things such as the provision of construction site compounds and temporary contractors' buildings etc. in any event.
- 3.26 There could be 'stopping up' implications associated with the creation of the stairwell, bin storage areas and related boundary treatments to them on the applicant's land (to the west of the building) and where that land currently has the appearance of part of the public realm; and where it can be walked over without hindrance (and where that has been able to take to for considerable period of time – more than 20 years based on council aerial GIS imagery and also imagery available on Google street view). An

informative is therefore suggested in relation to obtaining 'stopping up', which has a separate legal process to that applies to it following the grant of planning permission.

- 3.27 Having regard to the above, the proposal accords with LDF Policies A1 and DM1 (G, H & I) and the NPPF (including its section 9 with regards to highway safety, capacity, and parking).

Capitalising on our Environmental Assets / Environmental Protection

EA3 Biodiversity and Geodiversity (LDF Core Strategy) - seeks to optimise conditions for wildlife and tackle habitat fragmentation.

DM7 Biodiversity and Geodiversity Sites - (LDF Development Management Policies) is to ensure the protection and enhancement of the important environmental assets in the borough.

Interim SPD23: Mitigation Strategy for European Sites (Recreational Pressure from Residential Development).

Habitats Regulations Assessment

- 3.28 As the proposal involves forms of residential development within the 6km zone of influence of the Durham Coast SAC and the Northumbria Coast SPA & Ramsar Site (identified within the Interim HRA and SPD23), consideration must be given to the potential indirect effects on these sites through additional recreational pressure under the Habitats Regulations.
- 3.29 A Habitats Regulations Screening Assessment and Appropriate Assessment have been carried out by the Local Planning Authority as competent authority. The Appropriate Assessment required consultation with Natural England, and they have endorsed it.
- 3.30 In summary, the Appropriate Assessment has concluded that the proposal is compliant with the Habitats Regulations having regard the interim HRA and interim SPD23; and where the latter includes that mitigation it sets out would only be secured via major developments (and where that has included an allowance for smaller housing proposals that would not be classified as major developments and as is the case here).

Other Development Management Policies

DM1(A) Management of Development – Design (LDF Development Management Policies) – seeks to ensure that developments are designed to convey sensitive consideration of surroundings.

Design and visual amenity

- 3.31 The NPPF (para. 126) includes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and; that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It also includes (para. 130) that developments be visually attractive as a result of good architecture, are sympathetic to local character and history.

- 3.32 The external appearance of the proposed development is considered to be acceptable and where the architectural design and palate of proposed external materials will compliment, but not literally copy; those of its surroundings. The proposals design is reasonably sympathetic to the local character (which is varying in terms of ages of buildings and their architectural style) and also history of the building (as being a bar / social club). The appearance of the building would be improved and enhanced relative to its current condition. A planning condition is suggested in relation to the external facing materials being carried out as per the details specified on the plans the condition cites.
- 3.33 The proposed external appearance and design of the proposal is considered to accord with LDF Policy DM1(A) and the NPPF (with regards to design).

Other material considerations

- 3.34 As mentioned elsewhere in this report, the HMO elements will require an HMO licence; an informative is suggested in relation to HMO licencing. The HMO licence places obligations on the license holder to maintain the property and to manage their tenants and where occupancy levels / room sizes are considered as part of the process (amongst other things).
- 3.35 In response to the comments from former Cllr Flynn, the LDF and its policy DM4 is the current local planning policy that proposals for larger HMOs can be assessed against; but where this report sets out that the NPPFs tilted planning balance will apply in relation to this application and with regards to local planning policies.
- 3.36 The proposal is not located within an area where permitted development rights have been removed by Article 4 Direction, for a change of use from use class C3 (dwellings) to use class C4 (use of a dwellinghouse by not more than six residents as a "house in multiple occupation"). Given that only two of the apartments, may be capable of being either a C3 or C4 use, it is not considered to be reasonable to suggest a planning condition that would prevent a C4 use without a further planning permission being first granted; and where the NPPF (at para. 54) is clear that this should not be done unless there is clear justification to do so.
- 3.37 Furthermore, this planning application cannot just be refused simply because of what is being proposed.

Other matters

- 3.38 Effects on property value is not considered a material planning consideration and nor is who is the applicant or who might occupy the proposal.

4.0 Conclusion

- 4.1 As the council has failed the housing delivery test, the tilted planning balance set out in the NPPF (at its para. 11 d [with associated footnotes]) applies to the assessment and determination of this planning application; and where LDF polices (and guidance would be out of date) in that context.
- 4.2 The NPPF tiled planning balance places a very strong presumption in favour of granting the proposal.
- 4.3 The proposal in considered to accord with the NPPF, when taken as a whole; and there are not considered to be any significant and demonstrable adverse impacts to outweigh

this being the case; and where the LDF policies and all relevant material considerations have been taken into consideration in reaching this view.

5.0 Recommendation

5.1 It is recommended that the Planning Committee indicate that it is minded to grant planning permission for Change of use and redevelopment of former Buzzer's Bar and Social Club and Institute (use class sui generis) to 6 self-contained residential apartments (use class C3/C4) and 2x 8-bedroom HMO apartments (Sui generis) with proposed construction of an exterior stairwell. External works to include new windows, cedar timber panels, walls and railings to cycle and bin storage area and new canopy. at Former Buzzers Bar Victoria Road South Shields NE33 4NL, subject to:

- 1) The Head of Legal Services being authorised to complete the section 106 legal agreement in relation to:
 - A financial contribution of up to £5,000 [to be index linked], to be used in relation to the provision of a Traffic Regulation Order (in respect of parking restrictions).
 - 2) The Senior Manager – Planning being authorised to issue the planning permission, on completion of the section 106 legal agreement, subject to the recommended planning conditions (and subject to any minor drafting or typographical amendments to these, if necessary).
- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 Approved plans

The development shall be carried out in accordance with the approved plans as detailed below

PL130 Rev. D (proposed site layout) received 10/03/2023
PL115 Rev. D (proposed basement level) received 10/03/2023
PL100 Rev. C (proposed ground floor level) received 10/03/2023
PL110 Rev. C (proposed first floor level) received 10/03/2023
PL200 Rev. A (proposed elevations) received 10/03/2023

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 External facing materials

The development hereby permitted shall be carried out in accordance the external facing details set out on plan PL200 Rev. A (proposed elevations) received 10/03/2023.

To ensure a satisfactory standard of development in the interests of visual amenity in accordance with South Tyneside Local Development Framework Policy DM1(A).

4 Acoustic glazing / ventilation measures

No part of the development hereby permitted shall be occupied unless and until the acoustic glazing / ventilation specifications set out at Section 6 (Figure 6.1 and paras. 6.1.5 to 6.1.8 and the related Appendix G) of the Noise Assessment received 01/08/2022 has been provided to serve it. Thereafter, the acoustic glazing / ventilation shall be maintained and retained for their intended purposes.

To ensure a satisfactory standard of development in the interests of residential amenity in accordance South Tyneside Local Development Framework Policy DM1(B).

5 Cycle and refuse storage

No part of the development hereby permitted shall be occupied unless and until the cycle storage and bin storage to serve it and as shown PL130 Rev. D (proposed site layout) received 10/03/2023 and PL115 Rev. D (proposed basement level) received 10/03/2023 been provided. Thereafter, the cycle storage and bin storage shall be maintained and retained for their intended purposes.

To ensure a satisfactory standard of development in the interest residential amenity in accordance with South Tyneside Local Development Framework Policies DM1(B & G) and DM4(C).

6 Bin store dropped kerb

No part of the development hereby permitted shall be occupied unless and until a dropped kerb, as shown on plan D - 1001 contained within the Highways Technical Note received 10/03/2023 and to enable refuse containers to be collected, has been provided.

To ensure a satisfactory standard of development in the interest of residential amenity in accordance with South Tyneside Local Development Framework Policies DM1(B & G) and DM4(C).

7 Construction working hours

No construction or associated works or deliveries of materials shall take place outside the hours of 8am - 6pm Monday to Friday and 9am - 1pm Saturdays and no such works or deliveries shall be carried out at any time on Sundays or Public Holidays.

To safeguard the amenity of the nearby residents in accordance with South Tyneside Local Development Framework Policy DM1(B).

INFORMATIVES:

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

- 3 **Stopping up**
Prior to starting work on this development, you are advised that the area of highway (footpath) within your development MUST be formally stopped up (under Section 247 of the Town & Country Planning Act 1990 [as amended]). This process can take up to six months and it is the responsibility of the applicant to seek this stopping up. This can be achieved by contacting: South Tyneside Council Legal Services Town Hall Westoe Road South Shields NE33 2RL. Failure to achieve the necessary Stopping Up order prior to development commencing may result in prosecution under the Highways Act 1980.
- 4 **Provision of refuse bins**
The Council requires the developer to provide the development before its first occupation refuse bins and recycling bins to the Council's specification in order that the council can fulfil its obligation to collect and dispose of household waste. Details of the Council's specifications can be obtained from Waste Services at South Tyneside Council.
- 5 **HMO licence**
Parts of the proposal will require a house in multiple occupation (HMO) licence. For further details please contact Environmental Health by calling 0191 427 7000 or visit <https://www.southtyneside.gov.uk/article/7302/Apply-for-renew-or-change-an-HMO-licence>
- 6 **Highway condition survey**
You should note that a highway condition survey is required to be carried out before the commencement of development and construction vehicle movements associated with this site. To arrange a survey contact South Tyneside Council at Highways@SouthTyneside.gov.uk . Any damage caused to the highway resulting from the construction phase of the development is required to be repaired and made good to the satisfaction of the Highway Authority.
- 7 **Reminder to not store building material or equipment on the highway**
Building materials or equipment shall not be stored on the highway unless otherwise agreed in writing. You are advised to contact Highways@SouthTyneside.gov.uk for Skips and Containers licences.
- 8 **New Dropped Kerb Access (S184)**
You should note that under the Highways Act 1980 a dropped kerb arrangement is required to assist bin/refuse collection associated with the site. These works are required to be carried out by South Tyneside Council's construction team prior to the building being occupied. To arrange the installation of the dropped kerb (and to

make good of any damage or other works to the existing footpath) please refer to <https://www.southtyneside.gov.uk/article/38198/Dropped-kerbs-and-crossovers> or call 0191 427 7000 for further information.

PLAN 1



N.T.S.

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N.B. Application site illustratively shown in red. Most representation addresses are not shown on this plan, due to their distance from the application site.



PLAN 2



NARRATIVE

- A. PROPOSED MAIN ENTRANCE TO APARTMENT FROM SIDE ROAD WITH NEW GLAZED CANOPY OVER AND STAINLESS STEEL SUPPORTS
- B. PROPOSED EXTERNAL GATE ACCESS TO CYCLE PARKING AND COVER 10 CYCLE SPACES
- C. PROPOSED COMBINED MASONRY WALL, PIER AND COPING WITH IN-FILL METAL RAILINGS TO CYCLE PARKING SURROUND
- D. GLAZED AND METAL CYCLE STAND AND CANOPY 10 CYCLE SPACES
- E. PROPOSED MAIN ENTRANCE FOR TWO UNITS WITH COVERED CANOPY AND GATED ACCESS TO CYCLE PARKING AND GATED ACCESS TO GATED LINK TO BIN STORES
- F. MASONRY BOUNDARY WALL 1.8m WITH COPING AND GLAZED CANOPY WITH IN-FILL METAL RAILINGS TO CYCLE PARKING SURROUND
- G. ACCESS DOOR TO ADDITIONAL STORE AND CYCLE SPACES TO BASEMENT LEVEL
- H. ALL LAYOUTS SUBJECT TO FULL STRUCTURAL AND M&E DESIGN AND SURVEYS
- I. 2m HIGH METAL PALADIN FENCING TO BIN ENCLOSURE WITH 1.4m WIDE GATE



SITE LOCATION 1:1250

PROPOSED SITE LAYOUT - 1:200

A3

Drawn by: J.P. Date: 10/01/2024
Checked by: J.P. Date: 10/01/2024
Approved by: J.P. Date: 10/01/2024

1. ADDITIONAL CYCLE SPACES & COVER
2. BIN ENCLOSURE FENCING

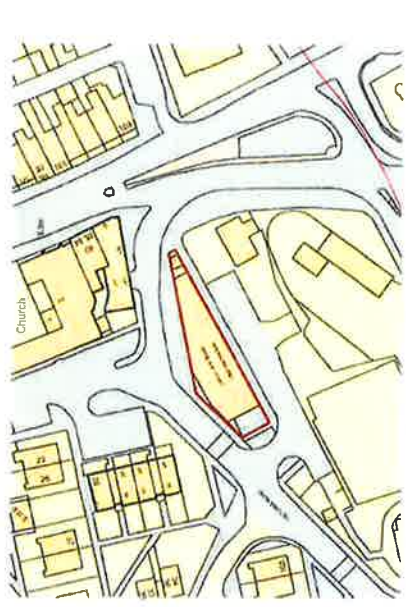
BUZZERS BAP - SOUTH SHIELDS

PLANNING





PLAN 3



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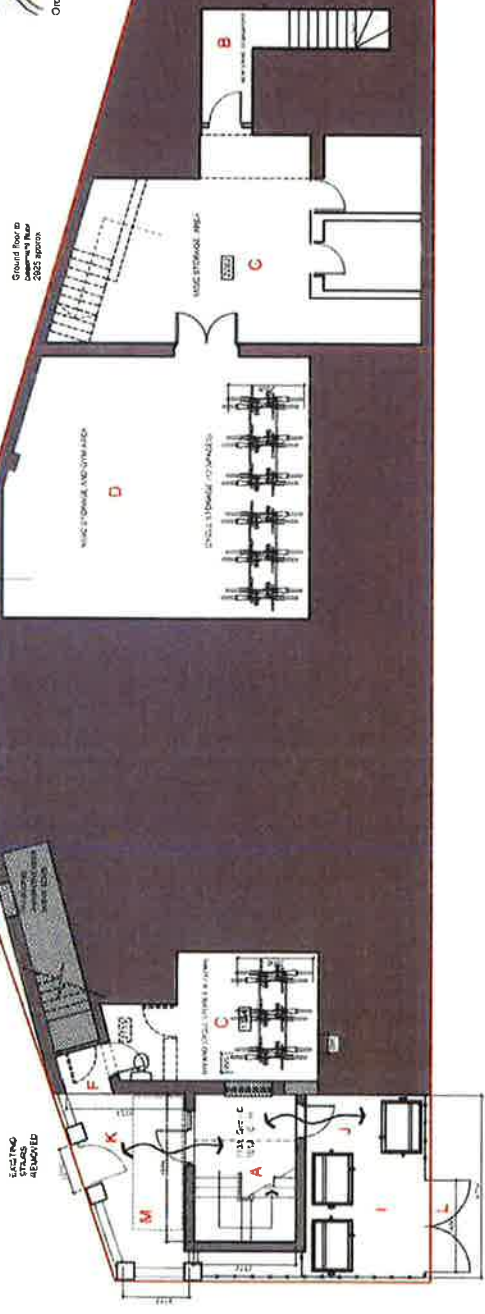
SITE LOCATION 1:1250



E

ELECTRIC
REMOVED

Ground Floor to
Basement Level
2022 Survey



BASEMENT FLOOR LEVEL

NARRATIVE

- A. PROPOSED STAIRS TAKEN DOWN TO LOWER GROUND LEVEL
- B. PROPOSED STAIRS TO MAIN ENTRANCE EXTENDED DOWN TO BASEMENT LEVEL WITH ASSOCIATED EXCAVATION TO LINK INTO BASEMENT AREA. SUBJECT TO ENGINEERS DETAILS
- C. PROPOSED CYCLE STORAGE AREA - 6 SPACES
- D. MISC STORAGE AND GYM ARE PLUS ADDITIONAL CYCLE STORAGE - 12 SPACES
- E. POSSIBLE ADDITIONAL MEANS OF ESCAPE FROM FITNESS AREA SUBJECT TO AMENDMENTS TO UPPER FLOOR PLANS
- F. EXISTING DOOR RETAINED
- G. ALL LAYOUTS SUBJECT TO PLANNING, BUILDING CONTROL, AND FIRE OFFICERS REQUIREMENTS
- H. ALL LAYOUTS SUBJECT TO FULL STRUCTURAL AND M&E DESIGN AND SURVEYS
- I. BIN STORAGE AREA - 3 EURO 1100LITRE COMMERCIAL BINS WITHIN CONCRETE PAVED AREA AND 2m HIGH PALADIN FENCED BOUNDARY
- J. ACCESS FROM STAIR CORE TO BIN STORAGE AREA
- K. PEDESTRIAN ENTRANCE/EXIT TO APARTMENTS WITHIN BLOCK WITH 1.8m HIGH PALADIN FENCED BOUNDARY AND 1.8m BRICK TIER AND FENCED PERIMETER BOUNDARY
- L. 2.4m WIDE PALADIN FENCE GATES TO BIN AREA
- M. HORIZONTAL ENTRANCE CANOPY - PRESSED METAL WITH STEEL SUPPORTS

APPROVED FOR PLANNING
DRAWN BY: [Name]
DATE: [Date]
REVISIONS:
1. APPROVED FOR PLANNING
2. APPROVED FOR PLANNING
3. APPROVED FOR PLANNING

A3

ISSUED: 14/01/2023
DRAWN: 14/01/2023
CHECKED: 14/01/2023

BUZZERS BAR - SOUTH SHIELDS

APPROVED FOR PLANNING
DRAWN BY: [Name]
DATE: [Date]
REVISIONS:
1. APPROVED FOR PLANNING
2. APPROVED FOR PLANNING
3. APPROVED FOR PLANNING

A3

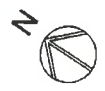
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CHECKED: 14/01/2023

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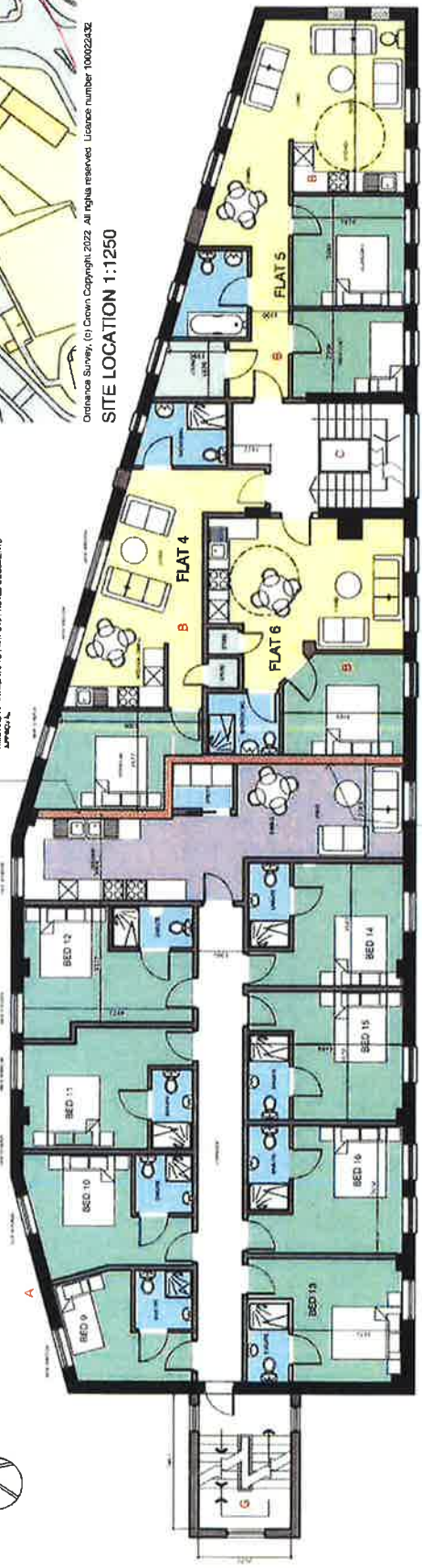
A	EXISTING STAIRS RENOVATED SUBJECT TO STRUCTURAL DESIGN AND BUILDING CONTROL APPROVAL
B	MATCHED LINER, MOISTURE WALL STRUCTURE TO BE DEMOLISHED SUBJECT TO ENGINEERS' DETAILS
C	EXISTING MAIN ENTRANCE TO THE MAIN APARTMENT ENTRANCE
D	ALL ENSUITE, BATHROOM AND KITCHEN LOCATIONS SUBJECT TO DRAINAGE CAPACITY AND LOCATION
E	ALL LAYOUTS SUBJECT TO PLANNING, BUILDING CONTROL, AND FIRE OFFICERS' REQUIREMENTS
F	ALL LAYOUTS SUBJECT TO FULL STRUCTURAL AND M&E DESIGN AND SURVEYS -
G	PROPOSED EXTERNAL STAIRS ENCLOSURE SUBJECT TO PLANNING APPROVAL
H	NEW STAIRS UNDER EXISTING LANDING TO BASEMENT LEVEL
I	MAIN PARTY WALL BETWEEN HALL AND APARTMENT AREAS TO BE DOUBLED - LAYER SOLING BLOCK AND MINERAL WOOL INSULATION ALL TO APPROVED DOCUMENTS



PLAN 5



MAIN PARTY WALL DIVISION BETWEEN
FLAT 4 AND APARTMENTS TO PART 5 APPROVED DOCUMENTS
APPROVAL

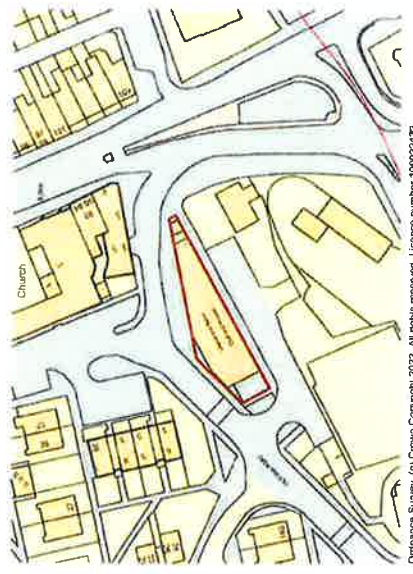
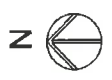


MAIN PARTY WALL DIVISION BETWEEN
FLAT 4 AND APARTMENTS TO PART 5 APPROVED DOCUMENTS
APPROVAL

FIRST FLOOR LEVEL

- NARRATIVE**
- A EXISTING STAIRS REMOVED SUBJECT TO BUILDING CONTROL APPROVAL
 - B HATCHED LINES INDICATE WALL STRUCTURE TO BE DEMOLISHED SUBJECT TO ENGINEERS DETAILS
 - C EXISTING STAIRCASE TO APARTMENTS
 - D ALL ENSUITE, BATHROOM AND KITCHEN LOCATIONS SUBJECT TO DRAINAGE CAPACITY AND LOCATION
 - E ALL LAYOUTS SUBJECT TO PLANNING, BUILDING CONTROL AND FIRE OFFICERS REQUIREMENTS
 - F ALL LAYOUTS SUBJECT TO FULL STRUCTURAL AND MAE DESIGN AND SURVEYS
 - G PROPOSED STAIRS ENCLOSURE SUBJECT TO PLANNING AND BUILDING CONTROL APPROVAL

APARTMENT 100022432			
APARTMENT	FLOOR AREA	NET FLOOR AREA	NET FLOOR AREA
APARTMENT 100022432	100.00	100.00	100.00
APARTMENT 100022433	100.00	100.00	100.00
APARTMENT 100022434	100.00	100.00	100.00
APARTMENT 100022435	100.00	100.00	100.00
APARTMENT 100022436	100.00	100.00	100.00
APARTMENT 100022437	100.00	100.00	100.00
APARTMENT 100022438	100.00	100.00	100.00
APARTMENT 100022439	100.00	100.00	100.00
APARTMENT 100022440	100.00	100.00	100.00
APARTMENT 100022441	100.00	100.00	100.00
APARTMENT 100022442	100.00	100.00	100.00
APARTMENT 100022443	100.00	100.00	100.00
APARTMENT 100022444	100.00	100.00	100.00
APARTMENT 100022445	100.00	100.00	100.00
APARTMENT 100022446	100.00	100.00	100.00
APARTMENT 100022447	100.00	100.00	100.00
APARTMENT 100022448	100.00	100.00	100.00
APARTMENT 100022449	100.00	100.00	100.00
APARTMENT 100022450	100.00	100.00	100.00



SITE LOCATION 1:1250

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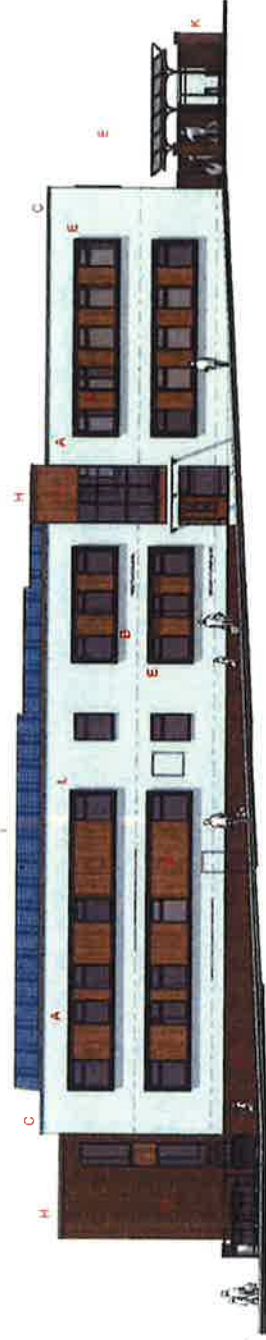
BUZZERS BAR - SOUTH SHIELDS

PLANNING





NORTH EAST ELEVATION C



FRONT SOUTH EAST ELEVATION A - TO SIDE ROAD



REAR NORTH WEST ELEVATION B - TO VICTORIA ROAD

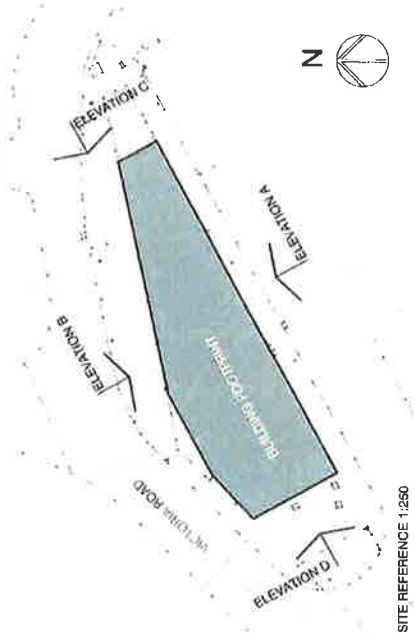
SOUTH WEST ELEVATION D

SCHEDULE OF EXTERNAL MATERIALS:

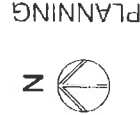
- A EXISTING RENDERED WALLS REPAIRED AND REPAINTED WHITE
- B EXISTING WINDOWS REPLACED WITH UPVC - DUSTY GREY RAL 7037
- C EXISTING ROOF REPLACED AND REPAIRED WITH SINGLE PLY MEMBRANE DARK GREY WITH POWDER COATED ALUMINIUM COPING AND FLASHINGS
- D CEDAR TIMBER VERTICAL PANELING WITH CEDAR TRIMS FIXED TO EXT FACE OF EXISTING WALLS
- E PRESSED METAL PROJECTING FRAME AND TRIMS - MID GREY RAL 7043
- F EXISTING RED MULTI BRICKWORK

- G PROPOSED RED MULTI BRICKWORK TO MATCH EXISTING
- H ROOF METAL TRIMS AND SOFFITS - POWDER COATED ALUMINIUM RAL 7043
- I SOLAR PHOTO-VOLTAIC ROOF PANELS ON SUPPORTING FRAME SUBJECT TO SPECIALIST SIZES, PITCH AND DETAILS
- J CEDAR TIMBER PANELING TO SIDE OF WINDOWS
- K EXTERNAL BOUNDARY WALLS AND PIERS TO BE RED MULTI TO MATCH EXISTING WITH CONCRETE COPING
- L POWDER COATED ALUMINIUM METAL TRIMS TO RENDER/CLADDING JUNCTION - RAL 7043

PLAN 6



SITE REFERENCE 1:250



PLANNING

PLAN 7



ATTACHMENT 1

Images of a scheme from applicant, relating to a recently completed apartment block in Darlington, as mentioned at para. 1.5 of the officer report.

Note: These are provided at the request of the applicant and where the commentary about them in para. 3.14 of the officer report applies.





