South Tyneside Council

Reference:	ST/0247/24/FUL
Location:	Birchwood Whitburn Terrace East Boldon NE36 0TF
Ward:	Cleadon and East Boldon
Description:	Replace existing windows with UPVC windows to all 13 apartments. Replacement of existing cladding with fibre cement cladding (Grey Slate Cedarmil). Replace timber fascia with PVCu.
Recommendation:	Grant Permission with Conditions
Case Officer:	Adam Williamson
Case Officer Contact No.:	0191 4247434 or 07741120747

Description of the site and of the proposals

The application site consists of a modern block of residential apartments located at the junction of Birchwood and Whitburn Terrace, East Boldon. The apartment building is constructed from red brick with areas of brown painted timber panelling to the bay windows. The site lies within the East Boldon Conservation Area.

Planning permission is sought to replace all the existing timber windows with uPVC windows (a total of 44 windows) with a rosewood foil externally to mimic a timber window, to replace the existing timber cladding with fibre cement cladding (Grey slate Cedar mill), and to replace the existing timber fascia with uPVC (colour to be conformed).

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended Letter Expiry date 31/05/2024, Site notice 14/06/2024, and Press Notice 12/06/2024.

N/A

Summary of Representations

East Boldon Neighbourhood Forum- No response received.

No public letters have been received.

Planning History

ST/0969/88/DM Erection of 13 flats with courtyard parking for 17 cars. Approved 13/04/1989.

Relevant planning policy

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.

The statutory development plan comprises the East Boldon Neighbourhood Plan, Whitburn Neighbourhood Plan and the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007, and a Development Management Policies Development Plan Document (DPD) 2011,

The following policies of the East Boldon Neighbourhood Plan are relevant to this planning application:

EBNP Policy EB1 - Sustainable development
EBNP Policy EB3 - Design
EBNP Policy EB4 - Heritage assets

The following policies of the South Tyneside Local Development Framework are relevant to this planning application:

DM1 - Management of Development (A)
DM6 - Heritage Assets and Archaeology

The following guidance is also relevant to this planning application:

SPD15 - East Boldon Conservation Area Management Plan - Adopted April 2009

A Regulation 19 version of the South Tyneside Local Plan was recently subject to consultation from 15/01/2024 to 03/03/2024 and this marked the second of two statutory consultation periods in the plan-marking process. While the draft Local Plan is now at a more advanced stage of preparation, with the Regulation 19 consultation completed, the extent to which there are unresolved objections to particular policies is currently being assessed and therefore only very limited weight can be afforded to policies in the emerging local plan at the current time having regard to paragraph 48 of the NPPF. As such, any relevant emerging local plan policies that are listed below are not appraised in detail in the assessment set out below:

Policy 47 Design Principles
SP24: Heritage Assets

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

Assessment

The key issues in the assessment of this planning application are as follows:

- Design & impact upon designated and non designated heritage assets / visual amenity.

Design & impact upon designated and non designated heritage assets / visual amenity;

The proposed development site is within the East Boldon Conservation Area; therefore regard must be given to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to assess the impact on the character, appearance and significance of the designated heritage asset.

Parts 12 and 15 of the NPPF, which support high quality design, and the conservation or enhancement of heritage assets.

Policy DM6 states that the Council will support development proposals that protect, preserve and where possible enhance the historic, cultural and architectural character and heritage, visual appearance and contextual importance of our heritage assets and their settings, including:

- East Boldon Conservation Area, its historic core, distinctive open spaces and boundary walls.
- Listed Buildings and structures, non-listed buildings and structures included on the council's list of locally significant heritage assets, significant landscape features of local heritage and archaeological value and archaeological deposits and remains.

SPD15 East Boldon CAMP stats that the Council will only permit development in, or affecting the setting of, East Boldon Conservation Area that protects, preserves and where possible enhances its character or appearance. New development will be required to:

- Retain and protect agricultural land, gardens, parks, recreational areas and any other areas of open space;
- Respect the scale, harmony and design of the surrounding buildings and the wider streetscape; and
- Retain healthy trees.

Policy EB3 of the East Boldon Neighbourhood Plan (EBNP) states that development should conserve local distinctiveness by demonstrating high quality design which both respects existing character and responds to the distinctive character of the area, it should take account of the East Boldon Design Code.

Policy EB4 of the EBNP states that Development within or affecting the setting of the East Boldon Conservation Area will be supported where it preserves or enhances the character or appearance of the conservation area and its setting.

The heritage significance of East Boldon Conservation Area is mainly derived from the architectural and historical interest with its wide range of historic buildings illustrating the time depth of the village. The archaeological interest of the area makes a positive contribution to its heritage significance, stemming from the archaeological potential it may hold to inform us of the early origin of the village. The setting makes a positive but minor contribution.

The building to which this application relates is a modern apartment block which lies to the eastern boundary of the conservation area and is located within *Character Area 4: Eastern Growth and Station Road* as identified in SPD15. The original planning permission for the development (ST/0969/88/DM) did not contain any conditions for the retention of timber windows at the building.

The application seeks consent to install UPVC casement windows, in a wood grain effect. Although the reintroduction of timber would have been welcome, in this instance uPVC would be considered acceptable given the host building is a modern building with little historical architectural merit. There is no concern with the proposed colour finish to the units which is in keeping with the existing windows and others in the immediate vicinity.

The proposed replacements would be high quality UPVC alternatives, replicating the proportions of the existing timber windows and on balance it is considered that the scheme could be accommodated without significant harm, given the proposed introduction of window styles replicating the original property.

The scheme also proposes the replacement of the existing timber cladding to the bay windows with fibre cement cladding coloured Grey Slate Cedarmill. This cladding has a woodgrain effect. The wider streetscene is of mixed architectural merit and there are a variety of materials and colour within the immediate vicinity. The replacement of the existing frontage with fibre cement cladding is considered to be acceptable. It will not cause any harm to the visual amenity of the site and surrounding conservation area.

The proposed timber fascia is proposed to be replaced with a uPVC fascia. No details of the proposed colour/ texture finish have been provided. This will be conditioned.

It is considered that having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that the proposals would preserve the character and appearance of the host building and its setting in East Boldon conservation area and would meet design aims outlined in policies DM1(A) and DM6 of the South Tyneside Local Development Framework, Polices EB1, EB3 and EB4 of the East Boldon Neighbourhood Plan, and parts 12 and 15 of the NPPF.

The proposals would not have any impact on the amenities of neighbouring properties above or beyond the existing situation; therefore, no unacceptable impacts in relation to privacy, outlook and over dominance, or overshadowing would arise.

In terms of Biodiversity Net Gain, the proposed development would only affect the fabric of the existing building the existing building and would not affect on site habitat. This would fall under de minimus exemption under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulation 2024.

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.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community

interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Recommendation

Grant Permission with Conditions

Conditions

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 The development shall be carried out in accordance with the approved plan(s) as detailed below

Proposed Elevations Drg No 02 received 16/04/2024
Cladding Sample received 16/04/2024

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 The frames of the replacement windows as permitted by this application shall be constructed from wood effect UPVC.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policies DM1 and DM6.

4 Prior to its installation, details of the proposed replacement fascia, including the colour, shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policies DM1 and DM6.

Case officer: Adam Williamson
Date: 16/07/2024

Authorised Signatory: *G. Simmonette*
Date: 16/07/2024