South Tyneside Council

Reference:	250072
Location:	47-55 Ormonde Street Jarrow NE32 3PB
Ward:	Primrose
Description:	Proposed installation of condenser units on the rear wall of the property.
Recommendation:	Grant Permission with Conditions
Case Officer:	Adam Williamson
Case Officer Contact No.:	0191 4247434 or 07741120747

Description of the Site

The application relates to 47-55 Ormonde Street known as the Burtons Building, Jarrow. The property occupies a corner on Ormonde Street and North Street. The site was formerly a Class E furniture shop with retail floorspace on the ground floor and offices on the first floor. The building is a locally listed building known as the Burton Buildings for its links to the Burtons tailoring company. It is an impressive 1920s building and is complete with name in the elevations of the building, it also retains its original black marble fascia, foundation stone and original Montague Burton entrance mosaic. The site is located within 150m of the Jarrow Town Centre where there is a mixture of shops/services and residential properties, including residential properties surrounding the application site. The site is also located within the boundary of the Health and Safety Executive Outer Consultation Zone for the Rohm and Hass potential major hazard site in Jarrow.

Description of the Proposal

Planning permission is sought for the installation of 6 no. J & E Hall JEHS-0250-B2-M-1 chiller units to the rear elevation.

Relevant Planning History

The planning history of the site is as follows:

ST/0571/24/FUL- Change of use on the first floor, from former retail/office space into five residential apartments- GRANTED 28/11/2024

ST/0374/24/FUL - Divide the ground floor retail unit to create 3no. units and alterations to shop front – GRANTED 15/10/2024

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 29/04/2025.

Public Protection (noise): A noise assessment has been provided in support of application 250072.

The application is for the locating of 6 condenser units in proximity to residential dwellings in Jarrow.

The noise assessment has used appropriate methodology to predict the impact of the units on the amenity of the residents of these closest properties.

The assessment has identified appropriate monitoring locations for background noise levels and chosen the boundary of the closest residential receptors for the prediction methodology needed.

The consultant has added appropriate noise "penalties" for the intermittent use of the units and stated that 2 condensers will run intermittently through the night when background noise levels are lower.

Using the BS4142 assessment methodology, the consultant has concluded that residential amenity will be significantly impacted as a result of the operational use of these units, both through the day and at night.

Therefore, the noise consultant has recommended that the units should be installed in appropriately insulated sound enclosures.

Therefore, before the application site is operational, a noise addendum report is required to ensure that the appropriate enclosures have been chosen, and they provide the necessary mitigation to ensure that residential amenity is protected from adverse noise from these units.

Summary of Representations

No responses received

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 Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007, a Development Management Policies Development Plan Document (DPD) 2011, a Site Specific Allocations Development Plan Document DPD 2012 and the Central Jarrow Area Action Plan (AAP) 2010.

DM1 - Management of Development (A and B)
LDF CS EA5 - Environmental Protection
The following policies and guidance are also relevant to this planning application:

SPD21: Locally Significant Heritage Assets

On 4 March 2025, the Council was directed by the Secretary of State for the Ministry of Housing, Communities & Local Government to submit the South Tyneside Local Plan for examination by 12 March 2025 in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Plan has now been submitted and is at the examination stage. Paragraph 49 of the National Planning Policy Framework (2024) states that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the draft Local Plan is now at a more advanced stage of preparation, the weight that can be given to individual Policies in the Plan varies dependent upon the extent and nature of objections to those Policies. In this regard, it is considered that certain Policies can only be afforded very limited or limited weight whilst others can be afforded significant weight in assessing this planning application. Relevant Policies are as listed below (with text provided after each Policy regarding the weight that officers consider can be afforded to that Policy):

Policy SP1: Presumption in favour of Sustainable Development (limited)
Policy 1 - Promoting healthy communities (limited)
Policy 3 Pollution (significant weight)
Policy 47 Design Principles (limited)

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 and Visual Amenity

Part 12 of the NPPF promotes good design and sets out that the planning system should contribute to and enhance the natural and local environment.

Policy DM1(A) requires extensions and alterations to an existing building to convey sensitive consideration to its surroundings; and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.

Policy HA1 of SPD21 Locally Significant Heritage Assets states that Proposals that are considered detrimental to the character and appearance, or overall significance, of a heritage asset will be resisted.

Glimpses of the condenser units would be visible along the rear lane from North Street. The units would be seen in conjunction with other items of plant to the rear of the retail units. It is considered that the proposed location of the condenser units to the rear of the property are acceptable. As such it is not considered that the proposed condenser units would result in a loss of visual amenity within the street scene.

The overall works are therefore considered to be in keeping with the surrounding area and in accordance with Policy DM1(A) of the LDF and Policy HA1 of SPD21 Locally Significant Heritage Assets.

Residential Amenity

Paragraph 135 (f) of the NPPF states that planning decisions create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In line with this, Policy DM1(B) of the South Tyneside LDF seeks to protect residential amenity of neighbours from harmful impacts from development.

Emerging Local Plan policy 3: Pollution, at part 2 states that *Development which could lead to significant pollution, either individually or cumulatively, shall be accompanied by a detailed assessment of the likely impacts. Development proposals where pollution levels are assessed as being unacceptable will only be permitted where mitigation measures can be introduced to provide an acceptable living or working environment in relation to all existing or potential future occupants of the land*. It is considered that this policy should be given significant weight in the determination of this application.

The applicant's submitted acoustic information concludes that the existing background noise is low, particularly during the night. There are residential windows above the proposed locations of the proposed items of plant (as part of planning approval ST/0571/24/FUL which granted planning permission for 5 no. apartments to the 1st floor of the building which is under construction), and the rear garden of no. 46 North Street which is adjacent the southern elevation of the application site. Acoustic information has been submitted which would indicate the new units, using the BS4142 assessment methodology, that residential amenity will be significantly impacted as a result of the operational use of these units, both through the day and at night. Therefore, the noise consultant has recommended that the units should be installed in appropriately insulated sound enclosures. No details of these enclosures have been submitted. The Council's Environmental Health Team have been consulted on the application and following initial comments seeking further details in relation to the proposed plant, have advised that the proposal is acceptable, subject to the submission and approval of details in relation to the acoustic enclosures. The Environmental Health (noise) team conclude that subject to the approval of the enclosures, the development is unlikely to cause a statutory nuisance. As such, a condition is recommended requiring confirmation of the specifics of the required acoustic enclosures. Subject to the inclusion of this condition it is not envisaged that the addition of the new condenser units will have a significant impact upon noise amenity given the character of the area.

There are other commercial premises close by. It is appreciated that there some residential occupiers at first floor level and there are also residential properties to the south and west. However, taking the above into account, and given the nature of the proposals and commercial location, it is not considered that the proposed development would result in any significant material increase in noise or disturbance to warrant refusal of the application.

The proposals are therefore considered to take into account the relationship with adjacent land uses and activities in accord with Policies EA5 and DM1 (B) of the LDF and the requirements of paragraph 135 (f) of the NPPF, plus emerging local plan policy 3.

Ecology

In terms of Biodiversity Net gain, the development would be below the threshold as it would impact an area of less than 25 square meters of on-stie habitat. This would fall under de minimus exemption under regulation four of the biodiversity gain requirements (exemptions) regulation 2024. Therefore, on the basis of the above, the development would be in accordance with Policy EA3 of the LDF Core Strategy and the NPPF with respect of ecology.

Major Hazard Site

The application site falls within the consultation zone for the Health and Safety Executive (HSE) for the hazardous substances associated with the Rohm and Haas site. HSE consultation thresholds identify that the HSE only need to be consulted if the development proposes a significant increase in people living or working within or visiting the area. Noting this threshold, it is considered that the HSE need not be consulted on this application. As such, it is considered that the proposal is acceptable in terms of land contamination and LDF Policy DM1 (M) and Core Strategy Policy EA5.

Other Matters

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.

Conclusion

In conclusion it is considered that the proposed condenser units would not be harmful to visual amenity, or residential amenity subject to conditions. The development therefore complies with LDF Policy DM1 (A and B), LDF CS Policy EA5, policy HA1 of SPD21 Locally Designated Heritage Assets, and the requirements of the National Planning Policy Framework and national Planning Practice 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 BBP443NW06 received 03/02/2025
Proposed Ground Floor Plan Drg. No BBP443NW05 received 03/02/2025
Proposed Site Plan Drg. No BBP443NW02 received 03/02/2025
Email from agent confirming condenser type received 07/05/2025

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 Prior to the installation and operation of any of the condenser units hereby approved, full details for their acoustic enclosure including the proposed location and insultation properties, as per requirements set out within section 15 Conclusions of the submitted Noise Report (no. number 25-51-1108 by Northburn Acoustics dated 2/2/2025, received 03/04/2025, shall be submitted to and approved in writing by the Local Planning Authority. The condenser units and the acoustic enclosures shall be installed and operated in accordance with the approved details, and they shall be retained thereafter (so long as any/ that condenser remains operational in situ).

In the interests of residential amenity in accordance with South Tyneside LDF Policy DM1.

Informatives

1. Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Case officer: Adam Williamson
Date: 12/05/2025

Authorised Signatory: *G. Simmonette*
Date: 12/05/2025