



South Tyneside Council

Reference:	250302
Location:	7 Rectory Terrace West Boldon NE36 0QB
Ward:	Boldon Colliery
Description:	Demolition of the existing dwelling and remedial works to the exposed gable wall.
Recommendation:	Grant permission with conditions
Case Officer:	Adam Williamson
Case Officer Contact No.:	0191 4247434 or 07741120747

Description of the Site

The application site is a residential property located within the West Boldon Conservation Area and has been badly damaged following a fire at the adjacent Wrightway Car Parts / Tubs and Shrubs Garden Nursery. Following the fire the roof structure and first floor level were demolished and remedial repairs to the exposed party wall / gable peak elevation of 6 Rectory Terrace were completed in circa 2019-2020.

Nos. 6 and 7 Rectory Terrace are described in the West Boldon Conservation Area Character Appraisal as a pair of Victorian houses in local stone faced with red brick. Larger than other terraces in the village, they have attractive margined sashes (well-designed double-glazed replacements) and simple classical door surrounds (no. 7, a replica).

The first floor and roof structure of no. 7 Rectory Terrace were extensively damaged by fire in 2019 resulting in partial demolition of the building, first floor and roof structure, and repair works of the adjacent property, 6 Rectory Terrace involving the exposed elevation gable peak and chimney stack.

The remaining ground floor structure of 7 Rectory Terrace consists of partial brick-built elevations built in a stretcher bond with a course of headers every sixth course, stone window cills and stone lintels to the North and South facing elevation window openings and a mix of stone and brick construction to the West facing elevation which shows signs of structural damage caused by the fire.

Two sash windows remain. The entrance door opening consists of a classical door surround with a timber door frame and transom window light.

The righthand column of the door surround has been fire damaged and the entrance door has been lost and replaced with a plywood sheet.

The building owner's insurance company would not cover the cost of the rebuild of the property to its original specification (like-for-like rebuild) therefore the owners have not actioned any rebuild of the property leading to the need for demolition.

An Article 4 Direction was placed on these properties to remove permitted development rights to protect the special character or appearance of the Conservation Area.

Description of the Proposal

Planning permission (for relevant demolition in a conservation area) is sought for the demolition of 7 Rectory Terrace.

Relevant Planning History

The planning history of the site is as follows:

ST/0452/89/DM Outline application for the erection of 4 houses. Refused 22/12/1989

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 13/06/2025.

Historic Building Officer: It is unfortunate that the current owners are not able to rebuild the property as it was before the catastrophic fire. However, it is clear that the remains of the building, together with associated scaffolding and signage, are causing harm to the character and appearance of West Boldon Conservation Area.

Whilst one would normally wish to see plans for a replacement building as part of such a planning application, much thought would need to be given to the design of any potential new build, and no doubt marketing the site would lead to additional delays.

The loss of the original building is regrettable but, given the circumstances, I would have no objections to the proposed demolition of the remaining structure.

Countryside: A Preliminary Bat Roost Assessment has been submitted with the application for demolition of the remainder of the existing dwelling and remedial works to the exposed gable wall of a property badly damaged by fire in 2019. The report includes details of a desk study and internal and external inspection survey of the building in December 2024 which concluded that the structure had negligible to low potential to support roosting bats during the active season and negligible potential for hibernating bats. The survey and report are considered appropriate and sufficient in line with BS42020:2013.

Direct impacts on bats are considered reasonably unlikely due to the negligible to low bat roost suitability recorded during the survey. Works should proceed in accordance with the findings and recommendations of the submitted bat report (Preliminary Roost Assessment, DWS Ecology, dated January 2025), which specifies a precautionary pre-demolition inspection of potential bat roosting features immediately prior to works.

Summary of Representations

None 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, and a Development Management Policies Development Plan Document (DPD) 2011.

DM1 - Management of Development (A and B)

DM6 – Heritage Assets and Archaeology

DM7- Biodiversity and Geodiversity Sites

EA3- Biodiversity and Geodiversity

The following policies and guidance are also relevant to this planning application:

SPD9 - Householder Developments

SPD12 – West Boldon Conservation Area Management Plan - Adopted August 2007

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 SP24: Heritage Assets (limited)

Policy 1 - Promoting healthy communities (limited)

Policy 43- Development Affecting Designated Heritage Assets (Very limited weight)

Policy 47- Design Principles (limited)

Given the weighting of the above emerging local plan policies, they are not expressly cited in the planning assessment.

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:

Impact upon the character and appearance of the conservation area

The proposed development site is within the West 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.

The first floor and roof structure of no. 7 Rectory Terrace were extensively damaged by fire in 2019 resulting in partial demolition of the building, first floor and roof structure, and repair works of the adjacent property, 6 Rectory Terrace involving the exposed elevation gable peak and chimney stack.

The remaining ground floor structure of 7 Rectory Terrace consists of partial brick-built elevations built in a stretcher bond with a course of headers every sixth course, stone window cills and stone lintels to the North and South facing elevation window openings and a mix of stone and brick construction to the West facing elevation which shows signs of structural damage caused by the fire.

Two sash windows remain. The entrance door opening consists of a classical door surround with a timber door frame and transom window light. The right hand column of the door surround has been fire damaged and the entrance door has been lost and replaced with a plywood sheet.

The building owner's insurance company would not cover the cost of the rebuild of the property to its original specification (like-for-like rebuild) therefore the owners have not actioned any rebuild of the property leading to the need for demolition.

It is therefore considered that there is no reasonable prospect of securing a viable alternative use for the building and the condition has deteriorated to such an extent that it is now detrimental to the setting and appearance of the wider West Boldon conservation area.

Given the current condition of the building and length of time it has remained vacant, the potential economic benefits from site redevelopment are considered to outweigh the less than substantial harm from loss of the building.

It is acknowledged that it would usually be normal practice to condition that the demolition only takes place after a contract for the redevelopment (of the site) has been secured, however, in this particular case the building (as is and with no reasonable prospect of it being rebuilt) detracts significantly from the character and appearance of the West Boldon conservation area at present and therefore a condition further delaying its demolition is not considered necessary in this case.

It is important that the reinstatement of the site is treated appropriately while it awaits redevelopment so details of site surface finishing, and temporary enclosures should be conditioned for approval. This also applies to any remedial works to the resulting exposed west gable wall of no. 6 Rectory Terrace.

Before it was fire damaged, 7 Rectory Terrace made a strong positive contribution to the character and appearance of the Conservation Area. However, in its current condition the building harms the character and appearance of the Conservation Area.

Given that there is a general presumption in favour of retaining the building its loss amounts to 'harm' to the Conservation Area, but accounting for the building's current condition and its residual impact on the Conservation Area it is considered that this 'harm' would be 'less than substantial'.

Additionally, in the interests of enhancing the Conservation Area, the Council would prefer to see a plan for the full restoration and re-use of the site, but accounting for the visual harm caused by the current condition of the building, it is considered that the proposed demolition in this case is appropriate.

Paragraph 212 of the National Planning Policy Framework explains that where development would lead to 'less than substantial harm' this harm should be weighed against the public benefits of the proposal.

Therefore, having regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 212 of the NPPF, it is considered that the demolition of the building would lead to less than substantial harm upon the West Boldon Conservation Area. While the loss of the 7 Rectory Terrace would result in less than substantial harm, the benefits of its removal as an eyesore, and the potential economic benefits from site redevelopment all outweigh the less than substantial loss of significance. The proposed demolition therefore accords with south Tyneside LDF policies DM1 and DM6 and paragraph 212 of the NPPF.

Ecology/ Biodiversity Net Gain

Paragraph 193 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

A Preliminary Bat Roost Assessment has been submitted with the application for demolition of the remainder of the existing dwelling and remedial works to the exposed gable wall of a property badly damaged by fire in 2019. The report includes details of a desk study and internal

and external inspection survey of the building in December 2024 which concluded that the structure had negligible to low potential to support roosting bats during the active season and negligible potential for hibernating bats. The Countryside Team conclude that the survey and report are considered appropriate and sufficient in line with BS42020:2013.

Direct impacts on bats are considered reasonably unlikely due to the negligible to low bat roost suitability recorded during the survey. Works should proceed in accordance with the findings and recommendations of the submitted bat report (Preliminary Roost Assessment, DWS Ecology, dated January 2025), which specifies a precautionary pre-demolition inspection of potential bat roosting features immediately prior to works. This will be conditioned.

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-site habitat. This would fall under de minimus exemption under regulation four of the biodiversity gain requirements (exemptions) regulation 2024. Therefore, based on the above, the development would be in accordance with Policy EA3 of the LDF Core Strategy and the NPPF with respect of ecology.

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.

Recommendation

Grant Permission with Conditions

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The demolition works hereby approved shall be undertaken in full accordance with Section 6 Recommendations and Mitigation set out within the submitted Preliminary Roost Assessment, 7 Rectory Terrace, West Boldon January 2025 by Durham Wildlife Services received 29/04/2025.

In the interests of biodiversity and geodiversity. In accordance with Policies EA3 and Policy DM7 of the South Tyneside Local Development Framework.

3. Within 1 calendar month of the completion of the demolition hereby approved, details of any remediation to the western gable wall of 6 Rectory Terrace, all temporary surface treatments and the temporary means of enclosure for any period following demolition and redevelopment should be submitted to and approved by the Local planning authority, alongside a timetable for them to be carried out. The development shall be carried out in accordance with the approved details and timetable.

In the interests of visual amenity and to preserve the setting of the West Boldon Conservation Area. In accordance with Policies DM1 and DM6 of the South Tyneside Local Development Framework and the NPPF.

Informatives

Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks.

Case officer: Adam Williamson

Date: 16/06/2025

Authorised Signatory: *G. Simonette*

Date: 16/06/2025