



Appeal Decision

Site visit made on 27 June 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st September 2023

Appeal Ref: APP/A4520/W/23/3315326

Former Jarrow Auction House, Bede Burn Road, Jarrow NE32 5AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Premier Leisure against the decision of South Tyneside Council.
 - The application Ref ST/0040/21/FUL, dated 16 December 2020, was refused by notice dated 26 September 2022.
 - The development proposed is the demolition of former auction house (formerly Park Methodist Church) and construction of five apartments with under croft parking and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of former auction house (formerly Park Methodist Church) and construction of five apartments with under croft parking and associated works at the Former Jarrow Auction House, Bede Burn Road, Jarrow NE32 5AS in accordance with the terms of the application, Ref ST/0040/21/FUL, dated 16 December 2020, subject to the conditions set out in the schedule below.

Application For Costs

2. An application for costs was made by Premier Leisure against South Tyneside Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located on the corner of Bede Burn Road and Sussex Street within a predominantly residential area, characterised by generally uniform terraced and semi-detached Victorian properties of traditional design and appearance. The two storey pairs of semi-detached properties along Bede Burn Road and Sussex Street have gable roofs, and projecting gable features on the main elevation which are a key characteristic of the area which contributes positively to its character and appearance.
5. The appeal site accommodates the fire damaged former Park Methodist Church which was last in use as the Jarrow Auction House. The building is an example of a 19th Century Methodist Chapel and has been identified on the Local List as being a locally significant heritage asset, that is, a non-designated heritage asset (NDHA). Supplementary Planning Document 21: Locally Significant Heritage Assets (2011) (SPD) provides selective criteria as to the building's

significance, which is derived from its architectural and design merit, with qualities of age, style and distinctive characteristics relative to the area providing an important visual amenity locally.

6. It is not doubted that the former church building is a valued part of the community's local history. The extensive number of representations, including a petition with a significant number of signatories, demonstrate how many people local to the site object to the demolition of the former Park Methodist Church. Given its status as a NDHA, in determining the appeal I have undertaken a balanced judgement having regard to the scale of the loss and the significance of the church in accordance with Paragraph 203 of the National Planning Policy Framework (the Framework).
7. I observed the fire damaged building to be in a poor state of repair which is detracting from the character and appearance of the area, and the submitted Heritage Statement includes several photographs documenting the condition of the building, showing that much of the roof and internal structure has severe fire damage. The appellant has confirmed that it is not viable to reconstruct the church building to enable its conversion to residential use. While I note that a structural survey has not been completed, the county archaeologist indicated that it would be unreasonable to require the retention and refurbishment of the building and there was no objection from Historic England to the scheme.
8. Consequently, I conclude that, owing to the severe fire damage, the building's architectural and design merit has been harmed to such a degree that the scale of the loss of the building would be moderate because of its existing condition. In reaching this conclusion I have also taken into account that the proposal would assist in remedying the shortfall in housing supply in the district, by delivering five new homes on a previously developed site in a location which is accessible to services and facilities. This is a clear benefit of the scheme.
9. While a large number of residents object to the loss of the use of the building as a church, I note the officer report confirms that the building ceased being a church in 2014 and the last use of the building was as an auction house. As such, the scheme does not propose the loss of a church use. Some residents have expressed concern that there is too much change in the area, and I have given careful consideration to the submitted petition with regard to concerns of the effect of allowing the proposal on resident's health and wellbeing. Moreover, while I acknowledge suggestions that the appeal site should be redeveloped for a community use, a café or turned into a park, I am required to determine this appeal in relation to the use proposed by the appellant which is for housing.
10. The proposed development comprises a building of three-storeys fronting Bede Burn Road, reducing to two storeys along Sussex Street, from where access to undercroft parking is proposed. While taller than the neighbouring property on Bede Burn Lane, the proposal would be of a similar height to the main bulk of the former church building. In reducing the height along Sussex Street the proposed development would be considerably lower than the former church building and would be of a similar scale to the properties on the opposite side of the street, conveying a sensitive consideration of its surroundings.
11. Revisions to the scheme during the application process have resulted in the proposed development reflecting the pitched roofscape of surrounding properties with a small section of flat roof to house the main stairwell on the

Bede Burn Lane frontage. Amendments to the number, size and arrangement of window openings has responded more positively to the existing rhythm of fenestration in the area. As such, while relatively modern, the design of the flats would reflect the character of neighbouring Victorian properties by having gable features on both the Bede Burn Road and Sussex Street frontages. In doing so, the proposal would respond positively to the prevailing character and appearance of the area, would blend with its surroundings and would not be unduly incongruous.

12. While it has been suggested that the stonework of the former church should be incorporated into the proposed design, the appellant gave consideration to reusing the stone but concluded this was not viable owing to the fire damage. From what I observed at the site and the photographs in the Heritage Statement I have no clear reason to disagree. Nevertheless, the use of a complimentary palate of materials with a predominance of brick would ensure that the development was not an awkward presence in the street scene. It has also been suggested that the appeal scheme would represent overdevelopment of the site. However, owing to the large plot size and the proposed spacing and layout, the building would be proportionate to the size of the plot and acceptable in this regard.
13. Interested parties have queried why a residential visual amenity assessment has not been undertaken to quantify the loss of the building. My attention has not, however, been drawn to any policy requirement for such an assessment. In any event, the appellant has provided a clear assessment of the design principles of the scheme in their submissions.
14. I have considered the examples of recent new buildings in the locality that are said to be more in keeping with the area than the proposal. The context of the other examples differs in overall appearance and relationship with the street scene. They are on different streets and as such are not directly comparable. The appeal scheme has a modern design with glazed Juliet balconies and undercroft parking and an overall different built form and massing to the neighbouring properties. However, it has been designed in such a way that both aspects facing the street would provide visual interest in this prominent corner location and would contribute to a legible hierarchy of buildings and spaces in the locality. Moreover, the architectural detailing would reflect some of the key characteristics of the area and in doing so would result in a clear sense of integration both in the immediate street scene and wider area.
15. Overall, the proposal would relate positively to the character and appearance of the area, conveying a sensitive consideration of its surroundings and reinforcing local identity having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing. In doing so it would accord with Policy DM1 of the South Tyneside Council Local Development Framework Development Management Policies (2011). It would also be in accordance with the provisions of the Framework relating to NDHAs and achieving well designed places.

Other Matters

16. Objections have been raised from interested parties concerned with highway safety which I have carefully considered. Residents have indicated that parking is already difficult owing to the area being used for parking by dog walkers using the nearby park, patients of the dentist and patrons of the Conservative

Club. I have been provided with a number of photos to illustrate on street parking in the area, and it has been requested that permit parking is introduced to the surrounding streets. Concerns are also raised regarding existing congestion on the roads and highway safety issues, including for pedestrians when cars enter and exit the off-street car parking at the appeal site and on the surrounding roads which incorporates a one way system.

17. Nonetheless, the Framework in paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Based on the evidence before me and on my observations, the appeal scheme would not add to existing on street parking and nor would it exacerbate existing congestion, to the extent that it would adversely affect highway safety or have a severe impact on the highway network.
18. The scheme would achieve acceptable visibility splays at the proposed access off Sussex Street. The Council's car parking standards set a maximum of 12 spaces for a scheme of this scale. The proposal would have a total of 5 on-site car parking spaces which is adequate, noting that the standards set a maximum not a minimum number of spaces. While I accept that the appeal scheme would result in the loss of a short section of street where cars have previously been able to park, I observed there to be a significant level of unrestricted on street car parking surrounding the appeal site, and there is no substantive evidence to suggest the proposal would result in an increase in on-street parking of such a scale that it would be harmful to highway safety. Similarly, it is unlikely that the traffic movements associated with a scheme of this size would result in a significant increase in congestion and in coming to this view, I have taken into account that the Council's Traffic and Road Safety team did not object to the scheme.
19. Comments from neighbouring occupiers with regard to the effect of the proposal on their living conditions have been made. This includes concerns on privacy, noise, outlook, odour, light pollution and access. However, given the orientation of the building and bin stores, that the new building would be built largely on the footprint of the former auction house building, separation distances to existing properties, window positions and proposed landscaping and boundary treatments, I consider that there would be no material harm to the living conditions of the occupiers of the neighbouring converted flats on Victoria Terrace or the occupiers of the dwellings opposite the appeal site on Sussex Street. Adequate internal space is shown on the submitted plans to ensure the living conditions of the future occupiers would also be acceptable. Concerns have been raised about disturbance through the construction phase, however any effects would be temporary over a short period and could be addressed by imposing a condition restricting hours of construction activity to protect the living conditions of neighbouring residents.
20. While some interested parties have suggested there is no pressing need for housing in the area, the officer report indicates that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Given my findings above on the main issue, there is no conflict with the development plan and paragraph 11 c) of the Framework indicates that if proposals accord with the development plan they should be approved without delay. I have been presented with no firm evidence to demonstrate that flats are better suited to

town centre locations or that, because families live in the area, flats are not an appropriate house type. Similarly, there is no clear evidence to demonstrate that a scheme of this scale would lead to unacceptable pressures on local services, including schools, doctors and drainage. As such, these matters have limited weight in the determination of the appeal.

21. The appeal site lies within the 6km zone of influence of the Durham Coast Special Area of Conservation and the Northumbria Coast Special Protection Area and Ramsar Site. These sites are afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations) which require that permission may only be granted after having ascertained that the development will not affect the integrity of the habitats. Screening has been undertaken by the Council which concluded that having considered the nature, scale, timing, duration and location of the proposal there could be no conceivable effect on the sites.
22. Interim Supplementary Planning Document 23: Mitigation Strategy for European Sites (Recreational Pressure from Residential Development) (2018) states that increased residential development within the 6km zone is likely to have a significant effect. However, based on the evidence before me I am satisfied that owing to the scale of the proposal, it would not result in a significant effect on the designated features of the sites, either alone or in combination with other plans or projects. I note the Council's guidance on mitigation measures, however, this relates to schemes of ten dwellings and more and in this case, given that no significant effects are likely, mitigation is not required.
23. Several objectors raised biodiversity concerns, including the effect of the proposal on bats which have been identified at the site, and the effect on wildlife at the nearby park and playing fields. However, the Council's countryside officer was satisfied that the ecological survey undertaken is in line with good practice and adequate and I have no clear reason to disagree. Moreover, the installation of bat boxes at the appeal site and bird boxes at the nearby park will ensure the scheme enhances biodiversity in the locality.
24. Concerns were raised from residents regarding the effect of the proposal on listed buildings. However, the appeal site is not adjacent to a listed building, and the nearest listed building is located nearby in West Park. The appeal site is physically and visually separate from this designated heritage asset and the proposed development would not compromise its setting. Accordingly, the proposal would have no harmful effect on the significance of the listed building.
25. Matters relating to any remedial work required to the adjacent flats in the former church hall and existing access arrangements to private gardens and gas meters are not within the scope of this appeal and are therefore not matters on which I can comment further. A number of interested parties raised concerns regarding the proposal devaluing properties in the area, and that only the developer will benefit from the scheme. These are largely private matters however, and along with a number of residents expressing frustrations with the Council's handling of the case and the appellant's approach to the proposed development, have not affected my consideration of the planning merits of the scheme.

Conditions

26. The conditions requested by the Council have been considered and amended as necessary to ensure compliance with the Planning Practice Guidance and the Framework and the appellant is in agreement with the pre-commencement conditions. In addition to the standard condition that limits the commencement of the planning permission it is necessary to impose a condition identifying the approved plans for clarity.
27. In the interest of protecting the character and appearance of the area, a condition is necessary with regard to materials and is required before the commencement of development to ensure suitable materials are used. A condition is necessary to secure appropriate archaeological building recording in the interest of providing an archive record of the historic former church, and before the commencement of development to ensure an accurate recording can be made.
28. To protect the living conditions of neighbouring occupiers, conditions are imposed regarding hours of construction and remediation of contamination if found. To secure the implementation of biodiversity enhancement measures conditions are imposed in relation to development being carried out in accordance with the mitigation measures set out in the submitted Bat Survey, and securing the provision of bird and bat boxes, on site and in the nearby park. The condition relating to boxes to be provided at West Park is required before the commencement of development to mitigate for the loss of the roosts at the appeal site. I also impose a condition to secure an appropriate licence or confirmation that one is not required, in the interest of conserving habitats and species. This is required before the commencement of development to protect any habitats and species at the site.

Conclusion

29. For the reasons given above, I conclude that the proposal accords with the development plan read as a whole. Material considerations have not been shown to carry sufficient weight as to indicate a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

F Harrison

INSPECTOR

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan A/3395/00 (Oct 2020), Proposed Ground, First and Second Floor Plans, External Works A/33/95/203A (Jan 2022) and Proposed Elevations and Roof Plan A/33/95/204 (Jan 2022).
- 3) No development shall commence until samples and/or details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved samples and/or details and thereafter maintained as such.
- 4) No demolition or development shall take place until a programme of archaeological recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.
- 5) No demolition shall commence until the Local Planning Authority has been provided with either a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead, or a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.
- 6) No demolition shall take place until detailed specifications showing the positions and methods of fixing the three bat boxes on the trees within West Park, Jarrow along with a timetable to complete these ecology mitigation works, have been submitted to and agreed in writing with by Local Planning Authority. The approved details shall be implemented prior to the commencement of development (including demolition) and the boxes shall be retained as such thereafter.
- 7) Before the hereby approved development reaches damp course level, full details of a scheme of three in-built bat boxes and one in-built starling box to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and be retained as such thereafter.
- 8) The development hereby permitted shall not be carried out except in strict accordance with the mitigation strategy described in Bat Survey, prepared by E3 Ecology Ltd, dated July 2022 Update.
- 9) No site clearance, construction, associated works or deliveries associated with the development hereby permitted shall take place outside the hours of 8am to 6pm on Mondays to Fridays and 9am to 1pm on Saturdays and no such works or deliveries shall be carried out at any time on Sundays or Public Holidays.
- 10) Any contamination that is found during the course of construction of the approved development that was not previously identified must be reported in writing immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and an investigation and risk assessment carried out, submitted, and approved in writing by the Local

Planning Authority. Where unacceptable risks are found a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out before the development is resumed.

*****End of Conditions*****