



**North Tyneside Council**

# Planning Committee

1 June 2018

To be held on **Tuesday 12 June 2018** in room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

<b>Agenda Item</b>	<b>Page</b>
<b>1. Apologies for absence</b>	
To receive apologies for absence from the meeting.	
<b>2. Appointment of substitutes</b>	
To be informed of the appointment of any substitute members for the meeting.	
<b>3. To receive any declarations of interest</b>	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
<b>4. Minutes</b>	<b>3</b>
To confirm the minutes of the meeting held on 15 May 2018.	

Continued overleaf

Members of the public are welcome to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information please call 0191 643 5359.

**5. Planning officer reports**

	To give consideration to the planning applications contained in the above report relating to:	5
5.1	18/00835/FUL Coleman NE Ltd, Walker Place, North Shields (Tynemouth Ward)	10
5.2	18/00251/FUL Action Building Maintenance, Oswin Road, Forest Hall (Benton Ward)	48

**Members of the Planning Committee:**

Councillor Jim Allan	Councillor Gary Madden
Councillor Trish Brady	Councillor Paul Mason
Councillor Sandra Graham	Councillor David McMeekan (Deputy Chair)
Councillor Muriel Green	Councillor Margaret Reynolds
Councillor John Hunter	Councillor Lesley Spillard
Councillor Frank Lott (Chair)	

(Note: These minutes are subject to confirmation at the next meeting of the Committee scheduled to be held on 12 June 2018.)

## **Planning Committee**

**15 May 2018**

Present: Councillor F Lott (Chair)  
Councillors B Burdis, E Hodson,  
M A Green, John Hunter,  
W Lott, D McMeekan, G Madden,  
P Mason and J O'Shea.

### **PQ64/05/18 Apologies**

Apologies for absence were received from Councillor S Graham.

### **PQ65/05/18 Substitute Members**

Pursuant to the Council's constitution the appointment of the following substitute member was reported:-

Councillor J O'Shea for Councillor S Graham

### **PQ66/05/18 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **PQ67/05/18 Minutes**

**Resolved** that the minutes of the meeting held on 24 April 2018 be confirmed as a correct record and signed by the Chair.

### **PQ68/05/18 Planning Officer's Reports**

**Resolved** that (1) permission to develop pursuant to the General Development Provisions of the Town and Country Planning Act 1990 and the Orders made thereunder, be granted for such class or classes of development or for such limited purpose or purposes as are specified, or not granted as the case may be, in accordance with the decisions indicated below; and

(2) any approval granted for a limited period be subject to the usual conditions relating to the restoration of land, removal of buildings and discontinuance of temporary use.

Application No: 18/00279/FUL Ward: Weetslade  
Application Type: Full planning application  
Location: Sterling Pharma Solutions Ltd, Dudley Lane, Dudley  
Proposal: Development of a new three story building that will house pharmaceutical particle size reduction equipment, analytical laboratories, chemistry laboratories, warehousing, liquids storage and administrative offices and a liquid storage building.  
Applicant: Sterling Pharma Solutions Ltd

The Committee gave consideration to a report from planning officers in relation to the application, together with an addendum circulated to the Committee prior to the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

(As Councillor D McMeekan arrived at the meeting during the presentation of the application he took no part in the discussion or voting on the matter.)

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to:

- a) the advice from the Council's Environmental Health Officer in relation to the likely impact of the proposed development on air quality and the role of the Environment Agency in regulating emissions;
- b) the role and regulatory powers of the Health & Safety Executive; and
- c) the judgement by planning officers that it was not reasonable or necessary to seek a Section 106 legal agreement with the applicants.

### **Decision**

Application approved, subject to the conditions set out in the planning officer's report, as the proposed development was considered to be acceptable in terms of its impact on amenity, the character and appearance of the area, highways, ground conditions, flooding and the wildlife corridor in accordance with the relevant policies contained in the National Planning Policy Framework and the Council's Local Plan 2017.

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

## PLANNING COMMITTEE

Date: 12 June 2018

### PLANNING APPLICATION REPORTS

#### **Background Papers - Access to Information**

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

#### **Principles to guide members and officers in determining planning applications and making decisions**

##### Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed, preferably in writing, so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

## Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

### Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

### Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this

does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

### Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

### Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

**PLANNING APPLICATION REPORTS  
CONTENTS**

**1 17/00835/FUL**

**Tynemouth**

**Coleman N E Ltd Walker Place North Shields Tyne And Wear NE30 1JD**

Speaking rights requested -Peter And Joyce Ferguson, 52 Renaissance Point  
North Shields

**2 18/00251/FUL**

**Benton**

**Action Building Maintenance Oswin Road Forest Hall NEWCASTLE UPON  
TYNE NE12 9BH**

**Item No:** 1  
**Application No:** 17/00835/FUL Author: Jane Tuck  
Date valid: 8 June 2017 ☎: 0191 643 6331  
Target decision date: 7 September 2017 Ward: Tynemouth

Application type: full planning application

**Location: Coleman N E Ltd, Walker Place, North Shields, Tyne And Wear, NE30 1JD**

**Proposal: Development of 14 no three storey townhouses with associated vehicle parking and landscaping (Various amendments 23.10.17 including amendments to heights of certain plots and alterations to garaging arrangements).**

Applicant: P North Developments Ltd, C/O Agent

Agent: Big Tree Planning Ltd, Mr Sam Grant Churchill House 12 Mosley Street Newcastle Upon Tyne NE1 1DE

**RECOMMENDATION:** Minded to grant legal agreement req.

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1,0 Summary of Key Issues and Considerations

1.1 The main issues are

- a) principle of residential development
- b) design and impact on the Fish Quay Conservation Area and adjacent listed buildings
- c) amenity for existing and proposed residents
- d) highway issues.

1.2 Members need to determine whether the proposed development in design terms is acceptable and whether it would impact on the Fish Quay Conservation Area, whether or not the proposal will have any significant detrimental impacts on the amenity of occupiers of existing or proposed or properties and whether the proposal will have any highway impacts.

#### 2.0 Description of the site

2.1 The site lies to the north east of the road, Walker Place and properties in Renaissance Point. The former battery factory – Coleman NE Ltd – was situated on the southern part of the site and has been demolished. This part of the site is situated at the same level as Walker Place and the properties in Renaissance

Point. To the north of the building was a car park and access road to the car park from Walker Place and then a grassed area with trees which have been cut down. The building sat above a bank side that is not part of the site that slopes down towards Brewhouse Bank. To the north is Bird Street which slopes down west to east towards Brewhouse Bank. The site extends down towards Brewhouse Bank at its northern corner which is considerably lower than the area of the site where the building stood. There is shrub and tree planting on this corner.

2.2 A terrace of fifteen two storey houses comprising nos 38 to 52 Renaissance Point backs onto Walker Place. Walker Place gives access to the site and provides parking for visitors to Renaissance Point.

2.3 To the north of the site are industrial properties and a newly built residential development. To the east is an area of industrial buildings some of which are derelict. To the south east of the site is the Irvin Building which has been converted to apartments and the Low Light Tavern which are both listed and lie lower down Brewhouse Bank. To the south of the site is open space rising up to the car park of the restaurant How Do You Do.

2.4 The site lies within the North Shields Fish Quay Conservation Area.

### 3.0 Description of the Proposal

3.1 The proposed development comprises 14 houses. Two 2 bedroom houses, which are three storeys high, are located on the corner of Bird Street and Walker Place. Twelve 3 bedroom houses are proposed in terraced blocks of three and five properties on the eastern side of the site. Plot 3 is two storeys with rooms in the roof. Plots 4-13 are three storey town houses and plot 14 is three storeys at the Bird Street end of the site and on the eastern elevation facing Brewhouse Bank and two storeys on the western elevation.

3.2 Access to the site is proposed off Walker Place. Car parking is provided to each of the properties. Plots 3 and 14 have a garage.

3.3 Plots 4-14 have balconies and/or terraces and plots 1-3 have gardens. There are some small areas of external landscaping.

### 4.0 Relevant Planning History

15/00865/FULDEM Demolition of the existing building. Approved 28 July 2015  
15/01172/FUL Development of 27no. apartments along with associated vehicle parking and landscaping. Refused 16 February 2016

APP/ 4145/W/15/3141266 Allowed on appeal 17 February 2017

### 5.0 Government Policy

National Planning Policy Framework March 2012  
National Planning Policy Guidance (As amended)  
Draft revised National Planning Policy Framework (March 2018)

### 6.0 Development Plan

6.1 North Tyneside Local Plan (2017).

6.2 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Planning Considerations

#### 7.1 The main issues are

- a) principle of residential development
- b) design and impact on the Fish Quay Conservation Area and adjacent listed buildings
- c) amenity for existing and proposed residents
- d) highway issues.

7.2 Consultation responses and objections and concerns regarding the proposal are set out in Appendix 1 to this report.

### 8.0 Principle of residential development

8.1 This site is identified as a site for housing development on the Policies Map of the North Tyneside Local Plan 2017. This is site 137 in Policy S4.3 Distribution of Housing Development Sites of the Local Plan. The proposed development accords with policy S4.3 of the Local Plan.

8.2 Planning permission was allowed on appeal for residential development of 27 apartments on this site in February 2017.

### 9.0 Housing Land Supply

9.1 The most up to date assessment of housing land supply informed by the March 2018 5-year Housing Land Supply Summary identifies the total potential 5-year housing land supply in the borough at 5,276 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 5.4 year supply of housing land). It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is included in the assessment that North Tyneside has a 5.4 year supply of housing land and it is officer opinion that the proposed 14 dwellings will make a small, but valuable contribution towards the five year housing land supply.

### 10.0 Design and impact on the Fish Quay Conservation Area

10.1 The site is within the North Shields Fish Quay Conservation Area. The nearby Irvin Building on Union Quay and Low Lights Tavern on Brewhouse Bank are grade II listed buildings.

10.2 Paragraph 56 of the NPPF states that ‘the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’.

10.3 The NPPF at paragraph 131 states that in determining planning applications, local planning authorities ‘should take into account the desirability of sustaining and enhancing the significance of heritage assets....; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness’.

10.4 The NPPF states that in considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset. Any harm or loss to a heritage asset requires clear and convincing justification.

10.5 The NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.

10.6 Policy S1.4 General Development Principles of the Local Plan states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. Proposals should meet a number of criteria including, amongst other things, impact on local amenity for new and existing residents, address impacts on heritage assets, built and natural environment.

10.7 Policy DM1.3 Presumption in Favour of Sustainable Development states that the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan.

10.8 Policy DM6.1 Design of Development states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area and, amongst other things, should have a positive relationship to neighbouring buildings and spaces; sufficient car parking that is well integrated into the layout; and a good standard of amenity for existing and future residents.

10.9 Policy DM5.9 Trees, Woodland and Hedgerows states that the Council will support proposals to protect and enhance tree and landscape features and secure new planting as part of development.

10.10 Policy DM5.5 Managing effects on Biodiversity and Geodiversity states that proposals should protect the biodiversity value of land, maximize opportunities for creation, restoration, enhancement, management and connection of natural habitats in incorporate biodiversity features.

10.11 Policy S6.5 of the North Tyneside Local Plan states that the Council aims to pro-actively preserve, promote and enhance its heritage assets.

10.12 Policy DM6.6 states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.

10.13 Area policy AS8.12 of the Local Plan states that the Council will support the continuation and further development of the Fish Quay and New Quay as a characterful, vibrant mixed use area by supporting amongst other things, suitable residential developments in those areas shown on the Policies Map; giving priority to fishing industry related employment uses in those areas shown on the Policies

Map, unless alternative proposals can demonstrate that they would not have unacceptable impacts on the fishing industry and related businesses or have an adverse impact on amenity and operation of neighbouring properties; supporting a mix of other uses, such as appropriate small retail premises and small to medium sized businesses; ensuring all new development is built to the highest quality design that respects the area's special character.

10.14 The Fish Quay and New Quay Conservation Areas Management Strategy was adopted in April 2007 and sets out the agenda for action to preserve and enhance the historic environment in these conservation areas.

10.15 The North Shields New Quay and Fish Quay Conservation Areas Community Character Statement demonstrates a commitment to positive action for safeguarding and enhancement of the character and appearance of the conservation areas.

10.16 The Fish Quay Neighbourhood Plan SPD adopted in 2013 states, amongst other things, that its priorities are to provide an environmentally, socially and economically sustainable future for the area for residents, business and visitors, and to protect and enhance the conservation area and historic environment. Design Principles are set out in chapter 4.

10.17 Design guidance for high quality design is set out in the Council's LDD11 Supplementary Planning Document on Design Quality.

10.18 The applicant has submitted a Design and Access Statement and a Supporting Policy and Heritage Statement which state:  
- planning application 15/1172/FUL for 27 apartments was allowed on appeal, this new application reduces the height of the proposed development to a maximum of three storeys

- the proposal has a variety of heights and external treatment to preserve privacy of residents on Hudson Street and provide an interesting contemporary building  
- the proposed heights of the dwellings also respect the setting of the listed Irvin Building.

10.19 Objections to the proposed development from local residents have included impact on the character and appearance of the conservation area and on their properties in terms of the height, design, loss of privacy, visual intrusion and loss of light; and overdevelopment of the site. These are set out in Appendix 1.

10.20 The battery factory formerly on the site has been demolished and was an industrial building, one storey in height with a high pitched roof. It was located on the southern corner of the site.

10.21 Planning application 15/01172/FUL for a modern block of 27 apartments on five levels was refused at planning committee in February 2016 and allowed on appeal in February 2017. The proposed development was two, three and four storeys high backing onto Walker Place with a flat roof. The maximum height was approximately 5.6m (two storeys), 9.2m (three storeys) and 11.5m (four storeys). The lift blocks had maximum roof heights of approximately 12.3m high.

10.22 The proposed dwellings the subject of this application which back onto Walker Place are two and three storey with pitched roofs. Plots 1 and 2 on the corner of Walker Place and Bird Street are three storey. The submitted drawings show an approximate eaves height of 6.5m and an approximate maximum roof height of 9m for plots 1 and 2. Plot 3 located at the southern end of the site opposite nos 38 and 39 Renaissance Point is two storey with rooms in the roof. It has a proposed eaves height of approximately 6m and a maximum roof height of approximately 9m. Plots 4-13 are three storey town houses with pitched roofs. They have a proposed eaves height of approximately 8m and an approximate maximum roof height of 10.6m. Plot 14 has been designed to address a change in levels on the north east corner of the site and is three storey facing Bird Street and Brewhouse Bank which have approximate maximum roof heights of 10.6m and two storey facing west into the site with an approximate maximum height of 8.3m.

10.23 Plots 3-14 are proposed in a similar location and orientation to the scheme previously allowed on appeal. Plots 1 and 2 are located closer to properties in Walker Place. The proposed development is at approximately the same level as properties in Renaissance Point except for Plots 1 and 2 which are at a slightly lower ground level.

10.24 There has been a succession of documents from the North Shields New Quay and Fish Quay Conservation Areas Community Character Statement to the Conservation Area Management Strategy and now the North Shields Fish Quay Neighbourhood Plan SPD 2013 (which has included much of the guidance in the Design Know-How document produced by North East Civic Trust and Northern Architecture in conjunction with officers from North Tyneside Council and local residents) which have referred to the height of buildings in the Fish Quay area arising from the legacy of the Dolphin Quays development. These were with

reference to heights along the quayside. This site is at a higher level overlooking the Fish Quay and appropriate heights for the proposed development should be considered in relation to buildings in its immediate vicinity which include properties in Renaissance Point and properties being built on the opposite side of Bird Street.

10.25 Plots 3-14 of the proposed development has been designed to sit at an angle to existing properties in Renaissance Point and therefore windows in the proposed development do not directly overlook the existing properties. The former building on the site was situated on the line of Walker Place to rear of nos 38- 45 Renaissance Point approximately 11m at its nearest from no 38 Renaissance Point.

10.26 The nearest point of the proposed development to properties in Renaissance Point is the corner of Plot 3 to no 38 Renaissance Point- approximately 12.5m away as shown on the submitted drawings. At this point the building is two storey with a pitched roof. The corner of the approved flat roofed scheme was approximately 14m away. Although the proposed development is closer at this point than the approved scheme, none of the windows in the rear elevation of plot 3, which nos 38 and 39 Renaissance Point face, are habitable rooms. It is officer opinion that the position of plot 3 to nos 38 and 39 Renaissance Point are acceptable in privacy and outlook terms, as the plot is at an angle to Renaissance Point and there are no habitable rooms in the rear elevation and provided that the two landing windows approximately 14.8m away from the rear elevation of 39 Renaissance are obscure glazed.

10.27 The rear of nos 40 to 48 Renaissance Point face onto plots 4-12 which are three storey houses with pitched roofs. The proposed development is situated further away from Renaissance Point than the building that was formerly on the site and at an angle to Renaissance Point in a similar position to the development allowed on appeal. The difference with this scheme is that the dwellings are three storey houses with pitched roofs rather than 2, 3 and 4 storey blocks of flats. The maximum heights of the dwellings, overall, are marginally lower than the previously allowed scheme and the roof line rather than a continuous flat roof is broken up by the pitched roofs of each dwelling. The minimum distance between the proposed plots 4-12 and the main rear elevations of nos 40 to 48 Renaissance Point is approximately 18.7m though most are over 21m. The closest property is no 40 which also has a conservatory which is nearer to the proposed development.

10.28 The plans for plots 4-12 indicate studies at ground floor and bedrooms at first and second floor on the elevation facing Renaissance Point. Properties in Renaissance Point have a timber fence approximately 1.8m high to their rear. In privacy terms it is officer opinion that there will not be a significant adverse impact on the amenities of residents in Renaissance Point due to the distance between the existing and proposed dwellings and as the proposed dwellings do not directly overlook the existing properties but are at an angle to them.

10.29 It is recognised that the proposed dwellings will be of a significantly larger scale than the factory building previously on the site which will alter the outlook from Renaissance Point and that the proposed three storey development is

higher at the southern end than the previously allowed scheme, but nevertheless it is officer opinion that the impact on outlook for nos 40 -48 Renaissance Point is reduced by the distance of the proposed dwellings from existing dwellings and their location at an angle, and is acceptable and would not warrant refusal of the application particularly when balanced against the benefits of enhancing the significance, appearance, character and setting of the conservation area.

10.30 Nos 50- 52 Renaissance Point face on to the side elevation of plot 1 which is a three storey dwelling with a hallway and landing windows in the side elevation, whilst no 49 faces on the front elevation of plots 1 and 2 but at an angle. Plot 1 is approximately 21.7m from the main elevations of the properties in Renaissance Point at its closest and is at a slightly lower level. It is officer opinion that this is acceptable in privacy and outlook terms.

10.31 The proposed development does not directly face onto the Irvin Building. The rear elevation of the Irvin Building is built into the bankside with windows at third floor level. Submitted drawings show the external ground level of the nearest plot, plot 3 to be almost level with the top of the rear of the penthouse roof on the Irvin Building and the ground floor finished floor level level with the top of the rear roof. The south elevation of the proposed development is at a right angle to the western (rear) elevation of the Irvin building. Plot 3 has a secondary living room window at first floor in this elevation which faces out onto openspace. In terms of overlooking from this window the nearest window in the Irvin Building is a bedroom window at third floor level which is below ground level of the proposed development and approximately 20m away and at an angle that would make overlooking unlikely.

10.32 The main elevation of the proposed development faces east and is at right angles to the northern elevation (side) of the Irvin Building. There are kitchen/dining room, living room and bedroom windows on the ground, first and second floors of plot 3 which are closest to habitable room windows in the Irvin Building. The submitted drawings indicate that the proposed development is approximately 18m at its closest to the Irvin Building. Windows at the closest are approximately 18.5m to a habitable room window on the west elevation of the Irvin Building and approximately 19m on the north elevation of the Irvin Building and are at an angle.

10.33 One resident in the nearest penthouse on the top floor of the Irvin building has objected regarding the proximity of the development to and the overlooking of windows in the Irvin Building particularly bedroom windows in their property which due to size and design cannot be screened with curtains or blinds. The penthouse has a bedroom and roof terrace on the west (rear) as well as living accommodation, other bedrooms and a roof terrace on the front (east) elevation.

10.34 The penthouse is set further back from the western and northern elevations of the Irvin building and has a door to a bedroom from the rear roof terrace on the west elevation and a high level window on the north elevation. These are over 21m away from windows of the proposed development and at an angle so the likelihood of overlooking is reduced. The penthouse also has a roof terrace which is likely to be overlooked from Plot 3. However the roof terrace can

currently be overlooked from the car park of the adjacent restaurant, the How Do You Do and can be seen from Hudson Street.

10.35 The angle resulting from the location of the two buildings and different heights will affect overlooking and it is officer opinion that whilst there may be some overlooking it would not result in a significant adverse impact on amenity of residents in the Irvin Building that would warrant refusal of the application particularly when balanced against the fact that there is a current planning consent on the site for 27 apartments which are slightly closer to the Irvin Building.

10.36 Residential development is under construction on the corner of Bird Street and East Percy Street which faces the side elevation of Plot 14. This new development was approved under planning applications 15/00577/OUT and 16/01370/REM for nine apartments and is three storeys high with rooms in the roof. It has living rooms, dining rooms and kitchens with small terraces off living rooms in the elevation facing onto Bird Street. There is a large area of glazing in the side elevation of Plot 14 over three floors providing windows to two bedrooms at lower ground level, stairs and wc at ground floor level and stairs at first floor level. The proposed development does not face directly onto this new development but at an angle. The submitted drawings indicate that the proposed development will be approximately 16m at its closest corner to a corner of the new development. The large window to stairs, wc and bedrooms on the side elevation of plot 14 is approximately 18.5m from the nearest habitable room windows in the new development but at an angle and therefore in terms of privacy and outlook it is officer opinion that the proposed development will not have a detrimental impact on the amenities of occupiers in the new development on Bird Street nor will there be a significant adverse impact on the future occupiers of the proposed development.

10.37 It is officer opinion that whilst there could be some overlooking, due to the location and height of the proposed development to existing properties in Renaissance Point, the Irvin Building and new development on Bird Street, this is reduced by the angle of the proposed development to existing properties so that the proposed development would not result in a significant adverse impact on the amenities of residents in existing properties in terms of privacy and outlook or on future residents that would warrant refusal of the application. Particularly when this is balanced against the fact that there is a current planning consent on the site for 27 apartments which are slightly closer to the Irvin Building and the fact that this is an infill site and the development will bring this vacant site back into use and will enhance the significance, appearance, character and setting of the conservation area.

10.38 With regards to loss of light, no assessment of sunlight, daylight and overshadowing has been submitted. The proposed development lies to the north east of properties in Renaissance Point. The way the proposed development has been located on the site and designed at an angle to existing properties will reduce loss of light impacts. It is officer opinion that due to the orientation of the proposed development there is potential for the loss of sunlight in the morning for some properties as the site faces east. However it is officer opinion that the

proposed development will not have a significant detrimental impact in terms of daylight and overshadowing to form a reason for refusal.

10.39 The building previously on the site did not preserve or enhance the character or appearance of the Conservation Area. The site in its current cleared state does not preserve or enhance the character or appearance of the Conservation Area.

10.40 Historic England has advised that it supports the principle of development of this site and that this scheme is an improvement on the previous scheme as it has a more varied roofline and terraced form which breaks up the bulk of the building. The reduction in height is also welcomed in this prominent location. Historic England has some concerns about layout, orientation in terms of street pattern and how the development masks the existing topography but concludes that the proposed scheme does not amount to harm to the Conservation Area and therefore Historic England does not object to the proposed development but considers that the scheme could be improved to enhance the character and appearance of the Conservation Area.

10.41 During the course of the application discussions have taken place with the agent and some amendments have been made to the application including reducing the height of plot 3 from three to two storeys with rooms in the roof to improve the relationship of the proposed development to the listed Irvin Building; and to window positions on plot 1.

10.42 Plot 14 is located on the corner of Brewhouse Bank and Bird Street where there is a change in levels so this plot has been designed with a lower ground floor below the ground level of plots 3-13. Plot 14 is proposed as two storey on its west elevation, level with the other proposed dwellings and three storey on its elevations facing Brewhouse Bank and Bird Street. Its height is less than plots 4-13. The visual impact of the proposed development on the corner of Brewhouse Bank and Bird Street has been reduced by this, its design with a large window on the end elevation facing Bird Street and also by it being at an angle to the public footpath.

10.43 The Design Policy Officer supports the application and has advised that 'The design is high quality contemporary design that is based on an assessment of the site and its context. The design has an interesting and distinctive roof line.'

10.44 The materials proposed by the applicant are brickwork, stained black timber cladding and blue/black slate roofs.

10.45 There are two grade II listed buildings in the vicinity of the site, the Irvin Building and the Low Lights Tavern on Brewhouse Bank. The Design Policy officer has advised that the proposal will not have an unacceptable impact on the listed Irvin Building and overall the scheme will positively contribute towards the character and appearance of the conservation area and recommends conditions to agree materials including the use of natural slate, windows and doors, metal rainwater goods, alarm boxes, meter boxes, satellite dishes, ventilation extraction, boundary treatments, refuse storage and removal of permitted development rights.

10.46 The proposed means of enclosure include the rebuilding of the stone wall on the eastern boundary of the site. This will be approximately 1.1m above the external ground level of the proposed dwellings but higher on the eastern side of the wall above the bankside. A brick wall and piers with black stained timber infill panels are proposed to plots 1 and 2.

10.47 On Bird Street the submitted drawings indicate a wall of maximum height approximately 3m with 1.1m brick piers and infill railings above (overall height approximately 4.1m) adjacent to the corner of plot 14. The wall and railings reduce in height as they move up Bird Street, but the indicated boundary of a brick wall and piers with a timber infill to the rear of Plot 2 rises to a maximum height of approximately 3m which decreases to approximately 1.6m at the corner of plot 1.

10.48 This results in a high wall adjacent to the footpath along Bird Street which will have an impact visually. The wall is required as a retaining wall due to the ground level of the existing site and proposed development being higher than the eastern/lower end of Bird Street. The applicant is of the view that the railings above the wall will reduce the perceived height of the wall and give visual permeability to the site from the site and for pedestrians as they walk up Bird Street; and as the bank is steep, the length of the wall rapidly reduces in height. It is officer opinion that although the wall is high, the height does reduce within a short distance and is varied with the railings and timber infill.

10.49 Refuse storage is proposed either within the units next to the front door or within external screened bin stores. A Refuse Management Plan has been submitted. All properties will be provided with bins for household waste and recycling. A garden bin will be required for plots 1-3. A condition is also required for refuse management to agree where bins will be located on bin collection day.

10.50 The site lies within a wildlife corridor. Policy DM5.7 Wildlife Corridors of the Local Plan states that the quality of wildlife corridors and their connectivity must be protected and enhanced.

10.51 The areas of the site not covered by the cleared building or hardstanding are generally grass and scrub. There is scrub and one or two trees in the north east corner of the site. There is an area of mature shrub sized native and ornamental shrubs at the south eastern end of the site. A line of trees along Bird Street have already been removed. There is existing scrub on the bankside to the east and south east of the site adjacent to Brewhouse Bank which is owned by the Council.

10.52 The application plans indicate some proposed onsite neutral grassland with wildflower seeding and tree planting in the north east corner of the site and some offsite tree planting and neutral grassland with wildflower seeding within the bankside following agreement with the Council.

10.53 The Landscape Officer has advised that as the development is within a Conservation Area as much of the tree and shrub cover as possible should be retained on the site. Landscaping of the site should be a balance between open

aspect and uninterrupted views from properties and what is required as the development is within a Conservation Area.

10.54 The Biodiversity Officer has advised the development of the site will result in the loss of scrub habitat in the north east part of the site and that existing scrub habitat to the south and south east of the site (within the bankside adjacent to Brewhouse Bank) should be retained as bird nesting habitat. The Biodiversity Officer has also advised that the existing grassed offsite bankside is poor and could be reseeded as grassland with a wildflower mix and a small group of trees planted and that this and the proposed new area of neutral grassland in the north east corner of the site would mitigate for the loss of scrub habitat within the site. It is officer opinion that landscape and ecology mitigation can be provided on site and on the bankside and that further details of planting including native species should be submitted as part of a landscape condition. Other conditions that are recommended are tree protection measures, a lighting scheme, no vegetation removal in the bird nesting season unless a survey is carried out and the provision of 4 bat boxes or slates and 6 bird boxes to be agreed.

10.55 In the light of the previous building on the site and the previously approved scheme, it is officer opinion that the proposed development of two and three storey buildings with pitched roofs is acceptable in terms of its design and will sustain, conserve and, enhance the significance, appearance and character of the North Shields Fish Quay Conservation Area and the setting of the listed Irvin Building and Low Lights Tavern. The proposal will also not have a significant adverse impact on the privacy and outlook of residents in adjacent properties and loss of planting and habitats for birds can be mitigated through planting within the site and on the adjacent bankside. Therefore the proposed development accords with policies S1.4, DM6.1, DM6.5, DM6.6, DM5.5, DM5.9 and the NPPF. Members must decide whether they agree with officer opinion.

#### 11.0 Impact on residential amenities

11.1 Paragraph 123 of NPPF states that planning decisions should aim to avoid giving rise to significantly adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions; and where new residential development is proposed in close proximity to established businesses, recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

11.2 National Planning Practice Guidance states that the potential effect of new residential development located close to an existing business that gives rise to noise should be carefully considered. Existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by the new residents. Advice in the NPPG indicates that noise impacts can be mitigated using a variety of measures including an engineered solution to mitigate noise at its source, designing the layout of new development to minimise exposure to noise, using planning conditions to restrict activities and mitigation measures including optimising the sound insulation of the new development's building envelope.

11.3 Policy S1.4 of the Local Plan General Development Principles states, amongst other things, that proposals should be acceptable in terms of their impact upon local amenity for new or existing residents and businesses adjoining premises and land uses.

11.4 Policy DM5.19 Pollution states that development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity. Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources.

11.5 Policy DM6.1 Design of Development states that proposals are expected to demonstrate a positive relationship to neighbouring buildings and spaces; and a good standard of amenity for existing and future residents and users of buildings and spaces.

11.6 The applicant has submitted a Noise Assessment which has looked at noise levels from road traffic from Brewhouse Bank and Tanners Bank, noise from the Fish Quay including from forklift trucks and noise from the adjacent Lowlights Public House and concluded that there will be no severe noise issues and that residents will have acceptable internal and external noise environments subject to appropriate noise mitigation measures.

11.7 The Manager of Environmental Health has advised that noise from the Lowlights Public House has been considered and that due to the distance and calculated 'worst case' noise from acoustic music, the noise would not give rise to noise levels higher than those calculated for the recommended building envelope sound insulation scheme. With regards to balconies and other outdoor amenity areas, the Environmental Health officer has concerns if balconies were the sole outdoor amenity area and recommends that any garden areas would require acoustic screening of a minimum 1.8m high to screen against road traffic noise to ensure noise levels meet World Health Organisation community noise guidance. Acoustic screening would also be required to any balconies of a Perspex type at a minimum height of 1.2m to mitigate against any external noise.

11.8 Plots 4-14 have terraces and balconies. The applicant has advised that the area of land between the rear of plots 3-13 and the eastern boundary stone wall, which will be a rebuilt stone wall to a height of 1100mm above the external ground level of the new properties, will be hard landscaped. In most instances these areas are too small to be used as garden areas. Plot 14 has no external space to the rear. Plots 1 and 2 have very small rear gardens backing onto Bird Street. These have walls with timber infill of approximately 1500mm above ground level. Plot 3 has an external area that could be used as a garden. The proposed boundary wall is approximately 1.6m in height.

11.9 The Manager of Environmental Health has no objection to the proposed development on noise grounds subject to conditions relating to the submission of

details of glazing to provide acceptable levels of noise to habitable rooms in accordance with the NVA noise report reference 727.1/1; ventilation details for habitable rooms; acoustic means of enclosure to gardens; 1.2m high acoustic screening to balconies; hours of construction; and details of a scheme to mitigate for dust.

11.10 It is officer opinion that the proposed development is acceptable in noise terms and accords with policies S1.4, DM5.19 and DM6.1 of the Local Plan and the NPPF.

## 12.0 Highway issues

12.1 Policy DM7.4 New Development and Transport relates to transport requirements of new developments including parking which should be in accordance with standards set out in LDD12 Transport and Highways.

12.2 The applicant is proposing parking to the front of each property and plots 3 and 14 have a garage. Four visitor spaces are proposed.

12.3 Residents of nearby properties have objected to the proposal on the grounds that the proposed development will increase traffic and congestion on Walker Place; there are already parking problems in the area especially at weekends; the access to the site is poor and unsuitable.

12.4 All plots can provide one parking space that meets the Council's standards. Of those that require two spaces some are located in front of the front door and the 5m requirement includes the footpath that gives access to the front door. A larger car would be likely to project slightly over the footpath to enable access to the front door. Fourteen dwellings would require 4-5 visitor spaces, four are proposed.

12.5 The Manager of Road Networks has advised that parking has been proposed to meet the needs of the development and the highway allows vehicles to manoeuvre within the site, however the site will not be eligible for adoption by the Local Highway Authority and will remain private. The applicant has accepted this. The Manager of Road Networks has no objection to the proposed development.

12.6 It is officer advice that the required parking per dwelling can be provided on each plot but that in order to access the front door of some properties, where there is more than one car, vehicles may overhang the footpath. The road and footpath are not though routes and will be used primarily by residents of the proposed development. The road and footpath will not be adopted. Members must balance this against the benefits of bringing this vacant site back into use and development that will enhance the significance, appearance and character of the Fish Quay Conservation Area.

## 13.0 Other issues

### 13.1 Impact on Northumbria Coast Special Protection Area

13.2 Local Plan policy S5.4 Biodiversity and Geodiversity and DM5.5 Managing effects on Biodiversity and Geodiversity relate to the borough's biodiversity and

geodiversity resources and their protection, creation and enhancement and management.

13.3 Policy DM5.6 Management of International Sites relates to development that is likely to have a significant effect on features of internationally designated sites, either alone or in combination with other projects. The nearby Northumbria Coast Special Protection Area and Northumbria Coast Ramsar Site are internationally designated sites.

13.4 The applicant has submitted a shadow Habitats Regulation Assessment which has concluded that the development of the site will not result in any direct loss of habitat from the internationally designated sites or loss of habitats considered to form a functional link with the designated sites, and that there is potential for the development to have a likely significant effect on the SPA through a slight increase in recreational activity however with mitigation the impacts on the SPA will be minimised.

13.5 Potential recreational activities that could impact on the SPA include increased walkers from the development at the coast with dogs which could disturb nesting birds. The mitigation agreed by the applicant is £8,400 towards a Coastal Mitigation Service. This service will provide wardening and associated activities or similar administered by North Tyneside Council.

13.6 Natural England and the Biodiversity officer have advised that the proposed mitigation for recreational impacts in the form of a contribution towards a Coastal Mitigation Service for the Northumbria Coast Special Protection Area is acceptable and therefore the proposed development will not have a significant effect on the SPA.

### 13.7 Drainage

13.8 Residents have raised concerns about drainage and surface water. A Flood Risk and Drainage Assessment and addendum have been submitted with the application which have examined potential flooding issues and surface water management associated with the development. The site is within Flood Zone 1 where there is a low risk of flooding. The majority of the proposals to attenuate surface water within the site utilise a combination of large sewer pipe and an offline attenuation tank. This will restrict the discharge rate into the nearby NWL sewer.

13.9 Northumbrian Water have advised that they have no objection to the proposed development provided the development is conditioned that it should be carried out in accordance with the Flood Risk and Preliminary Drainage Assessment to ensure that foul and surface water flows discharge to the adjacent combined sewer.

13.10 The Drainage Officer has advised that the proposals are acceptable in principle however there are areas of permeable paving which need to be included in a surface water maintenance regime for the development and conditions are recommended relating to a surface water maintenance scheme and details of a surface water model to identify the flood risk to plot 14.

### 13.11 Contaminated Land

13.12 The Manager of Environmental Health has no objections and recommends conditions relating to investigation and mitigation if required, for underground gas and contamination.

13.13 The site falls within the defined Coal Authority Development High Risk Area therefore there are coal mining features and hazards in the area. The Coal Authority considers that the content and conclusions of the Phase 1 Land Quality Report and the Phase II Geo-Environmental Site Investigation and Risk Assessment are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority has no objection to the proposed development.

### 13.14 Stability of the Bankside

13.15 Local residents have raised the issue of stability of the bankside. Previously the Council's Civil Engineering advisor advised he was not aware of any stability issues with this embankment. No issues have been reported recently and there are no records of any problems in the past. The developer would need to ensure that no damage is caused to the slope during construction.

### 14.0 Local Financial Considerations

14.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments). It is considered that the proposal would result in benefits in terms of jobs during construction.

14.2 Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years. In addition, the new homes will bring additional revenue in terms of Council Tax.

14.3 Members should give appropriate weight to, amongst all other material considerations, the benefit to the Council as a result of the monies received from Central Government.

### 15.0 Planning Obligations

15.1 Policy S7.1 General Infrastructure and Funding of the Local Plan states that new development may be required to contribute to infrastructure provision to meet the impact of new development through the use of planning obligations where it is not possible to address unacceptable impacts through the use of a condition; and that contributions are fair, reasonable, directly to the development and necessary to make the application acceptable.

15.2 Policy DM4.7 of the Local Plan, which relates to affordable housing, states that the Council will seek 25% of new homes to be affordable on new housing developments of 11 or more dwellings taking into consideration specific site circumstances and economic viability. In all but the most exceptional cases the Council will require affordable housing provision to be made on-site.

15.3 Policy DM7.2 Development Viability states that if the level of contributions to fund infrastructure to support a new development would impact on the economic viability of a proposed development then robust evidence of viability should be provided.

15.4 The Council's revised Supplementary Planning Document LDD 8 on Planning Obligations was adopted in March 2018. Planning Obligations are required to ensure that new development appropriately mitigates site specific impacts on the physical, social and economic infrastructure of the borough. The SPD provides guidance on the type and extent of planning obligations that may be required in order to grant planning permission. They must be necessary and used directly to make a development acceptable.

15.5 A planning obligation must be lawful and comply with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. It must be necessary; directly related to the development; and fairly and reasonably related in scale and kind to the development.

15.6 Contributions were requested by service providers for Northumberland Park, semi-natural green space, children's equipped play space, and for secondary and primary education - total £86,513 and 4 affordable housing units.

15.7 The applicant has submitted a Viability Assessment which is confidential. Viability of the proposed development has been assessed and the assessment concluded that the proposed development is viable with the contributions offered by the applicant.

15.8 The applicant has offered to provide £50,000 for offsite affordable housing and £30,000 for education facilities plus £8,400 required for a Coastal Mitigation Service to mitigate for the impacts on the Coast SPA as set out in paragraphs 13.1- 13.6 of this report.

15.9 The £30,000 for education would be invested in enhancing existing facilities at King Edwards Primary School which is required as the proposed development would result in increased demand/pressures on education facilities in the area. The provision of £50,000 towards offsite affordable housing would assist with the Council's targets for the delivery of affordable housing.

15.10 It is officer opinion that the contributions are necessary, directly related to the development and would be fairly and reasonably related in scale and kind and would comply with the CIL Regulations.

## 16.0 Conclusion

16.1 The site is identified as a site for housing development on the Policies Map of the North Tyneside Local Plan 2017 and therefore accords with Policy S4.3.

The proposal will contribute to the council's housing land supply. Residential development was allowed on appeal for 27 apartments and the application has to be considered in the light of there being a previously approved scheme. It is officer opinion that the proposed development is acceptable in terms of its design; it will bring a vacant, previously developed site back into use; and will sustain, conserve and, enhance the significance, appearance and character of the North Shields Fish Quay Conservation Area and the setting of the listed Irvin Building and Low Lights Tavern. It is officer opinion that the proposal will not have a significant adverse impact on the privacy and outlook of residents in adjacent properties; that acceptable internal and external noise environments can be provided with appropriate noise mitigation measures; and that any loss of planting and habitats for birds can be mitigated through planting within the site and on the adjacent bankside.

16.2 It is officer advice with regard to parking, that the road and footpath will not be adopted within the site, and that the required parking per dwelling can be provided on each plot, though some second vehicles may overhang the footpath in order to access the front door of some of the properties. Members must balance all the issues against the benefits of bringing this vacant site back into use and development that will enhance the significance, appearance and character of the Conservation Area.

16.3 It is officer opinion that the proposed development accords with policies S1.4, DM6.1, DM6.5, DM6.6, DM5.5, DM5.9, DM5.19 of the Local Plan, the Fish Quay Neighbourhood Plan SPD and the NPPF.

**RECOMMENDATION: Minded to grant legal agreement req.**

**It is recommended that members indicate they are minded to approve the application and grant plenary powers to the Head of Environment, Housing and Leisure to determine the application subject to:**

- a) the conditions set out below and the amendment to, addition or omission of any other condition considered necessary;**
- b) the applicant entering into a legal agreement to secure the following:**
  - i) a contribution of £50,000 for offsite affordable housing**
  - ii) a contribution of £30,000 for enhancing existing facilities at King Edwards Primary School**
  - iii) a contribution of £8,400 for a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area**

**Members are requested to authorise that the Head of Law and Governance and the Head of Environment, Housing and Leisure to undertake all necessary procedures (Section 278 Agreement) to secure:**

**Upgrade of existing footpaths abutting the site**  
**Upgrade of carriageway on Walker Place**  
**Associated highway drainage**  
**Associated street lighting**  
**Associated road markings**

## Associated signage

### Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.

Site Location Plan P-77/11/A  
Site Plan P-77/01/N  
Site Block Plan P-77/12/G  
House Types A B C Plans and Elevations P-77/02/D  
House Types D & E Plans and Elevations P-77/03/E  
Site Sections and Elevations AA P-77/04/E  
Site Sections and Elevations BB P-77/05/G  
Site Elevations Brewhouse Bank and Bird Street P-77/06/J  
Site Sections and Elevations CC DD P-77/07/H  
Roof Plan Boundary Treatments P-77/8/E  
Site Sections and Elevations DD 4 P-77/13/E  
Boundary Treatment Elevations P-77/14/C

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 \*

3. No trees or vegetation clearance is to be undertaken during the bird nesting season (March to August inclusive) unless a checking survey has first been submitted to and approved in writing by the local planning authority. The checking survey must be carried out by a suitably qualified ecologist to confirm the absence of nesting birds.

Reason: In the interest of biodiversity having regard to the National Planning Policy Framework.

4. Prior to works commencing on site, existing trees and shrubs to be retained within the site and any on adjacent sites growing close to the boundary of the development site shall be protected from damage during construction works in accordance with best practice and to BS5837: 2012, 'Trees in Relation to Design, Demolition and Construction - Recommendations'. This shall include appropriate protective barriers and other relevant physical protection measures including ground protection and construction exclusion zones to protect the root protection areas.

Reason: To avoid physical damage to trees and root plates during construction, to ensure the satisfactory retention of existing trees and shrubs in the interests of visual amenity to preserve the character and appearance of the Conservation Area having regard to policy DM5.9 and DM6.6 of the North Tyneside Local Plan 2017.

- |    |   |            |   |
|----|---|------------|---|
| 5. | Contaminated Land Investigation Housing | CON00<br>1 | * |
| 6. | Gas Investigate no Development          | GAS00<br>6 | * |
| 7. | Restrict Hours No Construction Sun BH   | HOU00<br>4 | * |
| 8. | Construction Method Statement - Major   | SIT007     | * |

9. Notwithstanding any details of levels that may have been given in the application, no development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings in relation to adjoining properties and highways have been submitted to and approved in writing by the Local Planning Authority. Levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: This needs to be pre-commencement condition to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy DM6.1 of the North Tyneside Local Plan (2017).

10. The development hereby approved shall be carried out in accordance with the submitted Flood Risk and Drainage Assessment by bdn dated 19 June 2015. The drainage scheme shall ensure that foul and surface water flows discharge to the adjacent combined sewer. The surface water discharge rate shall not exceed the available capacity of 8l/sec that has been identified in this sewer.

Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources having regard to Policy DM5.12 of the North Tyneside Local Plan 2017 and the NPPF

11. Prior to commencement of construction works on the site, a detailed scheme for surface water maintenance for the development hereby approved shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: To provide a satisfactory means of drainage and prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

12. No development shall commence until details of a surface water model to identify the flood risk to plot 14 has been submitted to and approved by in writing the Local Planning Authority. Thereafter, any flood mitigation measures shall be implemented in accordance with the approved details before the development is occupied and retained thereafter.

Reason: This information is required from the outset to prevent the increased risk of flooding from any sources in accordance with the NPPF and Policy DM5.12 of the North Tyneside Local Plan 2017.

13. Prior to occupation of the dwellings hereby approved, the new means of access shall be laid out in accordance with the approved drawing unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

14. Within 6 month(s) of the new/altered access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb/removing the existing bellmouth and reinstating the footway verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.

Reason: To limit the number of access points along the site boundary for the safety and convenience of the highway user having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

15. No construction above ground level shall take place, until the following details and a timescale for their implementation have been submitted to and approved in writing by the Local Planning Authority:

- Upgrade of existing footpaths abutting the site
- Upgrade of carriageway on Walker Place
- Associated highway drainage
- Associated street lighting
- Associated road markings
- Associated signage

Thereafter, these agreed works shall be carried out in accordance with the agreed timescales and retained thereafter.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

16. Prior to occupation of the dwellings hereby approved, visibility splays shall be provided on both sides of the access between a point 2.4metres along the centre line of the access measured from the edge of the carriageway and a point 33 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.

Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

17. The scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

18. Prior to installation of windows, a noise scheme providing details of the window glazing, in accordance with the noise report by NVA(UK) reference 727.1/1, shall be submitted to and approved in writing by the Local Planning Authority. The noise scheme shall include details of glazing to be provided to habitable rooms to ensure bedrooms meet the good internal equivalent standard of 30 dB LAeq at night and prevent the exceedance of Lmax of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB LAeq for daytime as described in BS8233:2014 and the World Health Organisation community noise guidelines. The approved scheme shall be carried out in full, prior to occupation of the dwellings hereby permitted and retained thereafter.

Reason: To protect the occupants of the residential properties from noise and disturbance having regard to policy S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

19. No construction above ground level shall take place until details of the ventilation scheme for habitable rooms has been submitted to and agreed in writing by the Local Planning Authority. The ventilation scheme shall meet as a minimum System 3 of Table 5.2 of Approved Document F Building Regulations: Means of Ventilation or mechanical ventilation, with windows closed. Where the internal noise levels specified in BS8233 are not achievable, with windows open, due to the external noise environment, an alternative mechanical ventilation, such as mechanical heat recovery (MVHR) system should be provided that addresses thermal comfort and purge ventilation requirements to reduce the need to open windows. The alternative ventilation system must not compromise the facade insulation or the resulting internal noise levels. Ventilation of the development hereby permitted shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To protect the occupants of the residential properties from noise and disturbance, to ensure good ventilation without recourse to opening windows, having regard to policy S1.4, DM5.19 and DM6.1 of the North Tyneside Local Plan 2017.

20. Notwithstanding any indication of materials which may have been given in the application, no construction above ground level shall take place until a schedule and/or samples of all external finishing and surface materials for the development have been submitted to and approved in writing by the Local Planning Authority. The roof shall be natural slate unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and

enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

21. No construction above ground level shall commence until details of windows and doors have been submitted to and agreed in writing by the Local Planning Authority. Windows should be set back within the window reveal unless otherwise agreed in writing by the Local Planning Authority. Thereafter the windows and doors shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

22. No construction above ground level shall commence until details and samples of metal rainwater goods have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the rainwater goods shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

23. Windows on the western elevation of plot 3 shall be obscure glazed and shall be retained as such thereafter.

Reason: To protect the amenities of occupants of nearby residential properties in Renaissance Point with regard to privacy and overlooking having regard to policy DM6.1 of the North Tyneside Local Plan 2017.

24. Prior to installation of any balcony balustrading, details and samples of the balcony balustrading shall be submitted to and agreed in writing by the Local Planning Authority. The balustrade shall form an acoustic screen of minimum height 1.2 m. Thereafter the balcony balustrading shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity, to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced and to protect the amenities of occupiers of the proposed development from noise and disturbance having regard to policy DM6.1, S6.5, DM6.6, S1.4 and DM5.19 of the North Tyneside Local Plan (2017)

25. No construction above ground level shall commence until details of external features including extract vents, flues, meter boxes etc including location and type, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the vents, flues, meter boxes etc shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

26. Notwithstanding any details of means of enclosure which may have been given in the application, no means of enclosure shall be erected until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details of means of enclosure shall include a 1.6m high stone wall to plot 3 as shown on drawing P-77/14C and an acoustic fence to the gardens of plots 1 and 2 unless otherwise agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. The approved details shall thereafter be retained.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced and to protect the amenities of occupiers of plots 1-3 from noise and disturbance within the garden areas of plots 1-3 having regard to policy DM6.1, S6.5, DM6.6, S1.4 and DM5.19 of the North Tyneside Local Plan (2017).

27. Refuse storage for plots 7-14 shall be implemented as shown on drawing P-77/01/N with two wheeled refuse bins for household waste and recycling provided per property prior to occupation of the dwellings and shall thereafter be permanently retained. Notwithstanding any details of refuse storage which may have been given in the application, details of facilities for the storage of refuse at Plots 1-6 shall be submitted to and approved in writing by the Local Planning Authority prior to construction of refuse storage facilities. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of the dwellings and thereafter permanently retained. Plots 1-6 require the provision of two wheeled bins for household waste and recycling. Plots 1-3 also require a wheeled bin for garden waste.

Reason: In the interest of visual amenity and to ensure the character and appearance of the Fish Quay Conservation Area are preserved and enhanced having regard to policy DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

28. Notwithstanding any details of landscaping which may have been given in the application, the development hereby permitted shall not be landscaped and planted until a landscaping scheme for onsite and offsite landscaping on the bankside adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping scheme shall be implemented in accordance with the approved scheme. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping and to ensure the character and appearance of the Fish Quay

Conservation Area is preserved and enhanced having regard to policy DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

29. Prior to the commencement of any landscaping, details of a management strategy for the landscaped areas outside the site boundary on the bankside to the east of the site, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policy DM5.9, DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017).

30. Prior to occupation of the proposed development, a scheme to manage refuse collection shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, refuse collection shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

31. Six bird boxes and four bat boxes/slats shall be provided on appropriate trees or buildings within the site. Prior to implementation of the bird boxes and bat boxes/slats, details including design and location shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the boxes shall be installed prior to occupation of the development hereby approved in accordance with the approved details and retained thereafter.

Reason: In the interest of biodiversity having regard to policy DM5.5 of the North Tyneside Local Plan 2017.

32. No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting around the site margins and adjacent to retained areas of scrub should be low level (2m) and low lumen (less than 2 lux). Any lighting which is so installed shall not be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

Reason: In the interest of visual amenity, biodiversity and/or highway safety having regard to policy DM6.1, S6.5, DM6.6 and DM5.5 of the North Tyneside Local Plan (2017)

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development falling within Classes A B C D E G and H of Part 1 of Schedule 2 or Classes A and C of Part 2 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality, adequate parking is provided and to ensure the character and appearance of the Fish Quay Conservation Area is preserved and enhanced having regard to policy DM6.1, S6.5, DM6.6 and DM7.4 of the North Tyneside Local Plan (2017).

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

**Informatives**

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: [streetworks@northtyneside.gov.uk](mailto:streetworks@northtyneside.gov.uk) (0191) 643 6131 to obtain a temporary footpath closure.

The applicant is advised that future residents may not be entitled to a parking permit under the councils residential permit scheme. For further information contact the Parking Control Team: [parkingcontrol@northtyneside.gov.uk](mailto:parkingcontrol@northtyneside.gov.uk) (0191) 643 2121

#### Building Regulations Required (I03)

The applicant is advised that they should enter into an agreement indemnifying the council's refuse, recycling & garden waste collection vehicles against any claims for damages to the internal road and parking layout.

#### Coal Mining Standing Advice (FUL,OUT) (I44)



**Application reference: 17/00835/FUL**  
**Location: Coleman N E Ltd, Walker Place, North Shields, Tyne And Wear**  
**Proposal: Development of 14 no three storey townhouses with associated vehicle parking and landscaping (Various amendments 23.10.17 including amendments to heights of certain plots and alterations to garaging arrangements).**

Not to scale

Date: 31.05.2018

© Crown Copyright and database right  
 2011. Ordnance Survey Licence Number  
 0100016801



**Appendix 1 – 17/00835/FUL  
Item 1**

**Consultations/representations**

1.0 Internal Consultees

1.1 Road Network Manager

1.2 The site is accessed via Walker Place and parking has been provided to meet the needs of the development and the highway allows vehicles to manoeuvre within the site, however the site will not be eligible for adoption by the Local Highway Authority and will remain private.

1.3 For the above reasons outlined above and on balance we recommend that the application be approved subject to conditions.

Recommendation - Conditional Approval

The applicant will be required to enter into an appropriate S278 agreement with the Local Authority for the following works:

Upgrade of existing footpaths abutting the site  
Upgrade of carriageway on Walker Place  
Associated highway drainage  
Associated street lighting  
Associated road markings  
Associated signage

Conditions:

ACC11 - New Access: Access prior to Occ  
ACC17 - Exist Access Closure: Misc Points, By \*6 months  
ACC20 - Visibility Splay: Detail, Before Devel (\*2.4m by 33m by 0.6m)  
ACC25 - Turning Areas: Before Occ  
PAR04 - Veh: Parking, Garaging before Occ  
REF01 - Refuse Storage: Detail, Provide Before Occ  
SIT07 - Construction Method Statement (Major)  
SIT08 - Wheel wash

No development shall commence until a scheme to manage refuse collection, has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of highway safety.

Informatives:

I05 - Contact ERH: Construct Highway Access  
I08 - Contact ERH: Works to footway.  
I10 - No Doors/Gates to Project over Highways  
I12 - Contact ERH Erect Scaffolding on Rd  
I13 - Don't obstruct Highway, Build Materials  
I45 - Street Naming & Numbering

## 146 - Highway Inspection before dvlpt

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: [streetworks@northtyneside.gov.uk](mailto:streetworks@northtyneside.gov.uk) (0191) 643 6131 to obtain a temporary footpath closure.

The applicant is advised that future residents may not be entitled to a parking permit under the councils residential permit scheme. For further information contact the Parking Control Team: [parkingcontrol@northtyneside.gov.uk](mailto:parkingcontrol@northtyneside.gov.uk) (0191) 643 2121

### 1.4 Lead Local Flood Authority

1.5 As part of the application a Flood Risk Assessment (FRA) was submitted that examined potential flooding issues and surface water management associated with the development. The majority of the proposals to attenuate surface water within the site utilise a combination of large sewer pipe and an offline attenuation tank. This will restrict the discharge rate to 8l/s into the nearby NWL sewer and is considered to be acceptable.

1.6 Nonetheless, it is advised that the site will contain elements of permeable paving the maintenance of this will need to be included in the developments surface water maintenance regime. Whilst the area of permeable paving is not part of the site's surface water drainage attenuation it still forms part of the site's overarching surface water drainage system so its maintenance is integral to the viability of the sites surface water drainage system.

1.7 Approval is recommended subject to conditions relating to a surface water management maintenance scheme and details of a surface water model to identify the flood risk to plot 14 being agreed.

### 1.8 Policy Design Officer

#### 1.9 Heritage and Design Comments

1.10 The site is within the Fish Quay Conservation Area and next to the Irvin Building which is grade II listed. The site is currently unattractive and does not contribute to the character and appearance of the area.

1.11 The design and layout of the proposed scheme is supported. The design is high quality contemporary design that is based on an assessment of the site and its context. The design has an interesting and distinctive roof line. The scheme will not have an unacceptable impact on the listed Irvin Building and overall the scheme will positively contribute towards the character and appearance of the conservation area.

1.12 The revised design of unit 1 improves the prominent side elevation. The landscaping on this corner is also important and should not be compromised.

1.13 Recommended conditions include:

No development shall take place until a schedule of samples of all materials has been submitted to the LPA and approved.

Construction details of windows and doors shall be submitted to the LPA and approved. Windows should be set back within the window reveal unless otherwise agreed by the LPA.

Rainwater goods shall be metal and details submitted to the LPA and approved. No alarm boxes or other external features, including meter boxes, satellite dishes or ventilation extraction shall be installed unless approved by the LPA.

Details of boundary treatments should be submitted to the LPA and approved. Details of the location and design of waste storage should be submitted to the LPA and approved.

Permitted development rights to be removed so the LPA can consider the effect of any future proposals on the character and appearance of the area.

#### 1.14 Manager of Environmental Health

##### 1.15 a) Pollution

1.16 The noise assessment submitted with the application has considered noise from associated road traffic, noise from Brewhouse Bank, Tanners Bank, associated noise from the Fish Quay, and noise from the adjacent Lowlights Public House.

1.17 The overall daytime noise levels were calculated in the region of 55-57 decibels. An overall night time noise level was not provided as only early morning noise has been considered, to ensure early morning noise arising from associated Fish Quay activities was taken into account, such as use of forklift trucks. The noise consultant has included graphs to show forklift truck movements and HGV movements on Tanners Bank and Brewhouse Bank that provide an indication of the LMaximum events. These are shown to be in excess of 70 decibels. Noises from the Lowlights public house has also been considered but determined that due to distance and calculated "worst case" noise from acoustic music, the noise would not give rise to levels higher than those already calculated for the recommended building envelope sound insulation scheme.

1.18 I note that balconies are to be provided; it is unclear from the site plan whether other outdoor amenity areas, such as main gardens are to be provided. The site layout plan suggests that garden areas are to be provided but it is not clear where the garden access will be. The garden areas would need to be provided with acoustic screening. I note that a wall is referred to within the application but details are not provided on its height. A minimum 1.8 m high wall would be recommended to screen against road traffic noise to ensure noise levels achieve a maximum level of 55 dB LAeq in accordance with the World Health Organisation community noise guidance. I would be concerned if no other outdoor amenity areas were to be provided and the balconies were the sole outdoor amenity area. Acoustic screening will need to be provided to the balconies to mitigate against external noise. This would need to consist of Perspex type screening at a minimum height of 1.2 m.

1.19 If planning consent is to be granted, conditions are recommended in relation to the submission of a noise scheme to provide details of window glazing in accordance with the NVA noise report to ensure habitable rooms have a good internal standards of noise mitigation; submission of a ventilation scheme for habitable rooms that meet Building Regulations with windows closed; submission

of mitigation to ensure noise levels in external amenity areas do not exceed 55dB LAeq which may require acoustic screening of 1.8m in height; restriction on hours of construction works; and details of dust suppression measures.

#### 1.20 b) Contaminated land

1.21 Conditions relating to investigation and mitigation, if required, for gas and contamination should be imposed.

#### 1.22 Biodiversity advice

1.23 The submitted Shadow Habitat Regulations Assessment (sHRA) recommended that to mitigate the potential impacts of recreational disturbance on the Northumbria Coast SPA and Ramsar site, the following elements of mitigation should be incorporated into the development:-

a) Potential walking routes in the local area will be identified and highlighted to new residents.

b) Discussion with the LPA with regards to further mitigation to limit residual impacts, which could take the form of the following:

- Interpretation panels on the promenade adjacent to the SPA to highlight the importance of the designated sites.

- Financial contribution to the management of Northumberland Park

- Financial contribution to management works at the coast to minimise impacts on the designated sites.

The Local Authority has agreed with the developer and Natural England a contribution towards a 'Coastal Mitigation Service' to be administered by the Local Authority that will ensure impacts are mitigated at the coast from this development.

1.24 The submitted Bat Survey concluded that the building on site is of low suitability for use by roosting bats with only the cavity wall identified as a potential roost site. The dusk emergence survey undertaken in September recorded no bats emerging from the building. The report concluded that there remains a residual risk that individual bats may roost within the structure but this would be unlikely to support a maternity roost. However, the report has made a number of recommendations to reduce any residual impacts and these must be conditioned as part of any planning approval.

1.25 With regard to proposed landscaping, the development of this site will result in the loss of scrub habitat in the north east part of the site. Existing scrub habitat to the south and south east of the site (within the bankside adjacent to Brewhouse Bank) should be retained as bird nesting habitat. Plans show that the existing grassland on this bankside will be retained and supplemented with silver birch tree planting. The grassland is currently poor and rank in the north east section of the bankside and this would be a more appropriate area to plant a small group of trees, with the rank vegetation removed first and sown with a wildflower mix and then planted with the trees. An updated landscape plan would need to be submitted by way of condition to agree this.

1.26 In addition a new area of neutral grassland is being created in the north east part of the development site to mitigate for the loss of scrub habitat. Silver birch and Swedish whitebeam trees are shown on the landscape plan, however, as

*Swedish whitebeam* is not native, a more appropriate native tree such as, *Prunus avium*, *Prunus padus*, *Acer campestre* or *Sorbus aria* should be used.

1.27 I have no objections to the above application subject to the following conditions being attached to the application:

- A financial contribution of £8400 will be paid to the Local Authority via a s106 legal agreement towards a Coastal Mitigation Service prior to development commencing to mitigate for the recreational impacts of the scheme on the Northumbria Coast SPA, as outlined in the Habitat Regulations Assessment document.
- All demolition works will be undertaken in accordance with the measures outlined in the 'Avoidance and Mitigation Strategy' section (H2) of the Bat Survey Report dated September 2017.
- Details of a lighting scheme must be submitted to the Local Authority for approval prior to development commencing. Lighting around site margins and adjacent to retained areas of scrub will be low level (2m) and low lumen (less than 2 lux).
- A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing.
- Retained trees and shrubs within and adjacent to the site should be adequately protected through appropriate tree protection measures.
- No vegetation removal will take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to work commencing.
- 4no. bat boxes/bat slates will be provided within the scheme, either on buildings or appropriate trees within the scheme. Details of bat boxes/bat slates and their locations to be submitted to the Local Authority for approval prior to development commencing.
- 6no. bird boxes will be provided within the scheme, either on buildings or appropriate trees within the scheme. Details of bird boxes and their locations to be submitted to the Local Authority for approval prior to development commencing.

#### 1.28 Landscape advice

1.29 The proposed site is generally grass and scrub and contains several mature perimeter trees (following clearance works) and an area of mature shrub sized native and ornamental shrubs to the south western apex of the site area.

1.30 Within the area there are scattered pockets of native and ornamental shrubs occurring throughout the area in response to the new residential development, but this is also mixed with the arbitrary and self-seeded (smaller) plantation areas that have grown up amongst the additional mix of commercial and industrial land use.

1.31 In terms of the Conservation Area status it would be preferable to retain as much significant tree and shrub cover in the area as possible. The submitted documents show the typical layout of the development within the context of the mixed use of the immediate area.

1.32 The proposed landscape design 'opportunities' should therefore connect and interact with these main existing built elements, linking in terms of species, scale and form. There should also be consideration in terms of views from adjacent residential properties, particularly along Hudson Street and Tyne Street. The form, proximity and the eventual scale of the proposed trees should be taken into account in the choice of the proposed landscape elements (trees) and their effect on open aspect views.

1.33 From a (soft) landscape point of view that would entail providing more groupings of trees rather than avenues, however where built form is present that may well not be relevant. As mentioned earlier there are 'opportunities' present in the current design layout to do this and a balance should be struck between the open aspect and uninterrupted views from the properties and what is required from a local amenity perspective in relation to the Conservation Area as a whole.

1.34 If the application is approved conditions should be imposed relating to submission of landscape details and protection for trees and shrubs to be retained within the site and close to the boundary of the site.

#### 1.35 Operations Manager (Refuse collection)

1.36 Refuse vehicles could access the site if there is indemnity for vehicles to access the site or residents would have to wheel the bins to the nearest adopted highway for collection.

## 2.0 Representations

### 2.1 Ten letters of objection from ten addresses

- Loss of privacy from 3 storey town houses
- Loss of residential amenity
- Loss of visual amenity
- Out of keeping with surroundings
- inappropriate design
- Will have a detrimental impact on the character and appearance of the conservation area
- Overdevelopment of the site. The site is too small to accommodate a community of houses. There's lots of land in this vicinity that could be used
- The proposed houses are too high. They will be higher than Renaissance Point.
- development is going to be intrusive to the residents of Renaissance Point who will be hemmed in.
- loss of light to dwellings as proposed development is 3 storeys
- proximity of development to Irvin Building and overlooking of windows in Irvin Building particularly bedroom windows in our property which due to size and design cannot screen with curtains or blinds
- construction works-noise. Disturbance of sleep during day as work night shifts.
- construction works-dirt on windows and washing, wont be able to open windows.
- construction works- traffic
- have existing parking problems in the area particularly at weekends. Insufficient visitor parking. How will visitor parking for Renaissance Point in Walker Place be retained for Renaissance Point visitors?
- increased parking, traffic and congestion particularly on Walker Place including heavy goods vehicles

- entrance to dwellings on Brewhouse Bank would create traffic problems as currently exist with people parking on the pavement opposite the Low Lights Tavern.
- surface water drainage issues. Heavy water flows down Brewhouse Bank
- issue of snow and vehicles getting up Brewhouse Bank
- ground stability issues regarding removal of material from the site and impact on the bankside and existing properties
- increased noise from additional activity on Walker Place
- air quality/pollution from extra vehicles
- our bins are collected from rear in Walker Place this will be impacted by this development.
- will result in a loss of views from the neighbouring properties. Proposed development is higher than previous building on the site.
- will devalue property prices
- could build bungalows for affordable housing

2.2 One of the above objection letters also set out a number of concerns including:

- The applicant describes the site as a 'bad neighbour' detracting from the area. The site was well maintained and part of it was grassed and well kept until the unauthorised demolition of the building and cutting down of the trees took place. The building is now partially demolished and overgrown and still a 'bad neighbour' of the applicant's making.
- the site could still be used for employment purposes.
- affordable housing should be built on the site.
- will obscure views of the quays and river from Brewhouse Bank and rear of properties in Renaissance Point.
- query regarding viability issues

2.3 One letter from one address neither supporting or objecting to the application with the comments

- loss of/damage to trees
- none compliance with approved policy

2.4 Following amendments to the application in October 2017 4 letters of objection from 4 addresses were received, 3 of these had previously made objections and 1 is an additional objector. Two of these letters raised an additional objection to poor/unsuitable vehicular access.

2.5 Following revisions to some of the plans 5 further letters of objection were received from 5 addresses, 4 had previously raised objections and 1 is an additional objection. Three of these letters raised additional objections to impact on landscape; adverse affect on wildlife; nuisance in terms of disturbance, fumes and noise; and the Council has previously stated its preference for a maximum of two storey development on this site which the developer has ignored.

Total objections -19 letters from 12 addresses

### 3.0 External Consultees

#### 3.1 Northumbrian Water

3.2 No objection provided the application is carried out in accordance with the document 'Flood Risk Assessment and Preliminary Drainage Assessment'

3.3 The document states that foul flows will discharge to the adjacent combined sewer within Bird Street, whilst a restricted surface water discharge of 8l/sec will discharge downstream of this point on Brewhouse Bank. We request that a condition is imposed to ensure the drainage scheme is implemented in accordance with the flood risk assessment to ensure that foul and surface water flows discharge to the adjacent combined sewer. The surface water discharge rate shall not exceed the available capacity of 8l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority in order to prevent the increased risk of flooding from any sources.

3.4 The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

3.5 There is a sewerage rising main runs adjacent to the site boundary which may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.

### 3.6 Northumbria Police

3.7 No objection from a crime prevention point of view. The layout looks simple though there seems to be a lot of parking.

3.8 The site has attracted youths, and the police have been called to the site. Neighbours have raised concerns about the condition of the site and there has been some fly tipping. The proposed development will remove these concerns.

### 3.9 Coal Authority

3.10 The site falls within the defined Development High Risk Area therefore there are coal mining features and hazards in the area.

3.11 The Coal Authority considers that the content and conclusions of the Phase 1 Land Quality Report and the Phase II Geo-Environmental Site Investigation and Risk Assessment are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

3.12 The Coal Authority therefore has no objection to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

### 3.13 Environment Agency

#### 3.14 No objections

### 3.15 Historic England

3.16 Set into the banks of the mouth of the River Tyne, the settlement around the fish quay in North Shields has a history that stretches back at least to the 13<sup>th</sup> century. Over time it has been a strategic point in the defence of the river mouth, a guiding light helping those who needed to navigate the river, and the home of a resourceful group of people who turned trade restrictions imposed on them by Newcastle into a burgeoning fishing industry. By the 19<sup>th</sup> century industrial development was well established along the riverside, whilst at the top of the banks, where the topography starts to plateau, a residential quarter had taken root, taking advantage of the fine views it afforded of the river. The site that is the subject of this application sits at a point of transition between the two, having had historically a residential terrace to the northern part of the site and industrial buildings further down the slope. It commands an elevated and prominent position within the conservation area and importantly it frames the key entry point along Brewhouse Bank, marking the descent into the heart of the conservation area.

3.17 The proposed development is an improvement on the previous scheme in a number of ways. The more varied roofline and terraced form breaks up the bulk of the building and doesn't flatten out the skyline to the same degree as the previous design. The reduction in height is welcomed in this prominent location and is closer to other residential development in the area. Bringing the balconies within the envelope of the building rather than projecting also reduces their prominence on the elevation.

3.18 That said, there are still a number of issues raised with the previous scheme that remain in this one: those more long-ranging views from Clifford Street and the waterfront have still not been considered and so it is difficult to put the development in context and quantify exactly what its visual impact will be on the skyline; the layout and orientation remains unchanged and doesn't reflect the historic development pattern of the site or take the opportunity to better define the existing street pattern by positively and actively addressing the street frontages; although more effort has been made to visually step the building down to the street the form and height of the building still largely mask the topography of the site, rather than emphasising it. These aspects of the proposal do not amount to harm to the conservation area but highlight that there is still room for the development to make a more positive contribution to the character and appearance of the conservation area.

3.19 When considering any proposal that affects a conservation area, a local planning authority must pay special regard to the desirability of 'preserving or enhancing the character or appearance' of that area (Planning (Listed Buildings and Conservation Areas) Act 1990). The National Planning Policy Framework (NPPF) reflects this by making the conservation of the historic environment, good design and place making fundamental to sustainable development (para.7 & 17). Achieving sustainable development involves seeking positive improvements in the quality of the environment (para.9) including, in the case of heritage assets, requiring local planning authorities to look for opportunities to enhance or better

reveal their significance (para.137). Compliance with both the statutory consideration and the NPPF policies can only be achieved by seeking to enhance the character and appearance of a conservation area.

3.20 Historic England has always been supportive of the principle of some development in this location as we recognise the opportunity it presents to help reinvigorate this part of the conservation area, and a building that sets the tone at this key entry point is needed in order to establish and add to the area's strong character. The proposal is an improvement on the previous scheme but there are still some aspects that could be improved if the development is to take advantage of that opportunity and enhance the character and appearance of the conservation area, and therefore meet the requirements of paragraph 137 of the NPPF. That said, I do not object to the application but feel with a few alterations it could better fulfil the requirements of the NPPF.

3.21 One point for further consideration, if the local authority is minded to approve the application, is the discrepancies in the material palette between the visuals, heritage statement and design and access statement, which variously refer to stone, brick, render and timber being used on the elevations. Stone is used as a principal construction material on some buildings within the conservation area but predominantly on older industrial buildings. Residential development tends to favour brick as the main material and, as this development is on the transition point into residential and that is its purpose, it may be more appropriate to use brick. If stone is to be used, then this needs to be quality stonework as art stone across the elevations will not relate well to the historic use of stone in the conservation area. I suggest details like this should be discussed and agreed in consultation with your in-house conservation and design experts.

3.22 In conclusion, Historic England has no objection to the application on heritage grounds. In determining this application you should bear in mind the statutory duty of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and asks that, if the local authority is minded to approve the application, the finer details are agreed in consultation with your in-house conservation and design experts.

### 3.23 Natural England

3.24 No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on European designated sites ie the Northumbria Coast Special Protection Area.

3.25 The Council confirmed that the applicant has agreed to provide a contribution of £8400 towards a Coastal Mitigation Service. This will go towards projects aimed at preventing and reducing impacts from recreational disturbance on the Northumbria Coast Special Protection Area.

**Item No:** 2  
**Application No:** 18/00251/FUL Author: Maxine Ingram  
Date valid: 27 February 2018 ☎: 0191 643 6322  
Target decision date: 29 May 2018 Ward: Benton

Application type: full planning application

**Location: Action Building Maintenance, Oswin Road, Forest Hall,  
NEWCASTLE UPON TYNE, NE12 9BH**

**Proposal: Demolition of existing structures and redevelopment of the site  
for two residential buildings comprising a total of 16 supported living  
apartments, with associated parking and open space (Use Class C3)**

Applicant: Mersten Limited, C/o Agent 73A London Road Alderley Edge SK9  
7DY

Agent: Peter Brett Associates, Mr Michael Gilbert Oxford Place 61 Oxford Street  
Manchester M1 6EQ

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

1.0 The main issues for Members to consider are:

-The principle of the development, the impact on amenity and other issues  
(highways, flooding, wildlife corridor).

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

### 2.0 Description of the Site

2.1 The site to which this application relates is an irregular shaped parcel of land located to the north of Oswin Road. The site is now vacant. Its last use was as a building maintenance storage yard and office. Access into the site is via an existing access point of Oswin Road. The site is partly enclosed by palisade fencing. Existing single storey buildings occupy the most eastern part of the site.

2.2 Existing allotments border the site to the north east, beyond which lies two storey residential properties. The site is separated from the allotments by an existing wall. Existing residential properties are located to the south and south east of the site; these properties range between two storeys and three storeys.

There is an existing public right of way (PROW) to the north west of the site, beyond which lies two storey residential properties.

### 3.0 Description of the Proposed Development

3.1 The development proposed is to demolish one of the existing buildings on site and construct a pair of two storey residential buildings comprising a total of 16 self contained one bedroom apartments, with associated open space and parking. Each block would accommodate eight apartments.

3.2 Block A would measure approximately 26m in length and approximately 13m in depth. It would have an overall height of approximately 9m. Block B would measure approximately 34.8m in length and approximately 10m in depth. It would have an overall height of approximately 9m.

3.3 A total of four parking spaces have been provided within the site.

3.4 The applicant has advised within their supporting information that the scheme will deliver specialised accommodation for vulnerable adults with disabilities, to be managed and operated by a Registered Provider. The Registered Provider will work in association with a specialist care provider who will deliver the on-site support services for people with disabilities tailored to their individual needs.

3.5 The applicant has advised that the supported living accommodation will enable adults with disabilities to lead as independent life as possible. Due to their disabilities, however, they find themselves unable to do so without a certain amount of support, the level of which varies according to the individual's need. The applicant has provided the following examples: help with shopping, bills, organising college courses, organising travel to and from their job or volunteer placement. A member of staff will be available on a 24 hour basis.

### 4.0 Relevant Planning History

06/02884/FUL - Offices/toilet extension (Retrospective) – Permitted 16.10.2007

06/01007/FUL - Offices/toilet extension (Retrospective) - Refused 22.06.2006

03/00337/FUL - 2.4m high security fence. Construction of a new vehicular access to a highway Change of use of land to hardstanding (Revised description) – Permitted 17.06.2003

03/00336/FUL - First floor office and extension to front – Permitted 15.05.2003

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (March 2012)

6.2 National Planning Practice Guidance (NPPG) (As amended)

6.3 Draft revised National Planning Policy Framework (March 2018)

6.4 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Main Issues

7.1 The main issues for Members to consider in this case are:

- Principle of the development;
- Impact on the character and appearance of the site and the surrounding area;
- Impact upon the amenity of existing and future residents;
- Impact on highway safety;
- Impact on ecology;
- Other issues.

7.2 Consultation responses and representations received as a result of the publicity given to this application are set out in the appendix of this report.

### 8.0 Local Plan Strategic Policies

#### S1.2 Spatial Strategy for Health and Well-being

The wellbeing and health of communities will be maintained and improved by:

- a. Working in partnership with the health authorities to improve the health and well-being of North Tyneside's residents.
- b. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:
  - i. Creating an inclusive built and natural environment.
  - ii. Promoting and facilitating active and healthy lifestyles, in particular walking and cycling.
  - iii. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality.
  - iv. Providing good access for all to health and social care facilities.
  - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.
- c. Promoting allotments and gardens for exercise, recreation and for healthy locally produced food.
- d. Controlling the location of, and access to, unhealthy eating outlets.

#### 8.1 S1.4 General Development Principles

Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable

development. In accordance with the nature of development those proposals should:

- a. Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change.
- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- c. Make the most effective and efficient use of available land.
- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

### 8.2 S4.1 Strategic Housing

The full objectively assessed housing needs of North Tyneside will be met through the provision of sufficient specific deliverable housing sites, including the positive identification of brownfield land and sustainable greenfield sites that do not fall within the Borough's Green Belt, whilst also making best use of the existing housing stock.

In doing so, this will reflect the following key priorities of:

- a. Providing enough new homes to meet current and future need and ensuring the Borough maintains a rolling five year supply of deliverable housing land;
- b. Delivering a distribution of new housing that is sustainable, taking account of the economic, social and environmental impacts of development and infrastructure requirements;
- c. The delivery of brownfield land, whilst taking into consideration the viability of land for development;
- d. Providing accommodation that is affordable for all sectors of the local community;
- e. Improving existing residential areas and bringing empty homes back into residential use;
- f. Delivering a range and type of housing that is currently under-provided for in the Borough, in order to meet identified shortfalls in need;
- g. Ensuring the delivery of specialist stock to meet specific needs such as larger housing, and extra care facilities;
- h. Promoting good management of Houses in Multiple Occupation including encouraging landlords to work with the Council through specific improvement schemes and initiatives;
- i. Offering opportunities for self-build schemes, including the identification of parcels of land on larger housing sites; and,
- j. Ensuring that there remains a choice and variety of viable housing sites, capable of meeting a range of housing needs.

### 9.0 Principle of development

9.1 The National Planning Policy Framework (NPPF) states that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means where the development plan is absent, silent or relevant policies are out of date, granting permission for

development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies indicate that development should be restricted.

9.2 NPPF confirms that local authorities should attach significant weight to the benefits of economic and housing growth to enable the delivery of sustainable developments.

9.3 In relation to housing, NPPF states that the Government's key housing objective is to increase significantly the delivery of new homes. In order to achieve this objective Government requires that authorities should identify and maintain a rolling supply of specific deliverable sites to provide five years worth of housing against their housing requirements plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a persistent under delivery, the buffer should be increased by 20%.

9.4 NPPF goes onto say that the local planning authorities should plan for a mix of housing based on current and future demographic trends.

#### 9.5 DM1.3 Presumption in Favour of Sustainable Development

The Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the Development Management process and application of the policies of the Local Plan.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or
- b. Specific policies in the NPPF indicate that development should be restricted.

#### 9.6 S4.3 Distribution of Housing Development Sites

The sites allocated for housing development are identified on the Policies Map of the North Tyneside Local Plan 2017, including those identified for both housing and mixed use schemes. The Strategic Housing Land Availability Assessment 2016 outlines that these sites have an overall capacity of approximately 8,838 homes, assessed as being deliverable and developable over the plan period to 2032.

#### 9.7 DM4.8 Specialist Housing

The Council will support proposals for specialist housing, including extra care and supported housing, where the development:

- a. Is integrated into the local residential community;
- b. Is located where local traffic and connectivity are not detrimental to the local community; and
- c. Is considered acceptable against other policies in this Local Plan.

Accommodation should seek to deliver and promote independent living and will include extensions and adaptations to existing homes as well as new build properties.

9.8 The written text accompanying Policy DM4.8 advises that there is an increasing demand for specialist housing that helps to support people in the community with very specific housing needs, for example the elderly, people with physical or learning disabilities. Providing the right type of housing will help people to maintain independent living.

9.9 The site, subject of this application, is not allocated for residential use in the Local Plan (2017). However, the site is considered to be previously developed land and it is located within a predominantly residential area. The site also lies in close proximity to local services within Forest Hall.

9.10 The applicant has been working with the Council's Strategic Commissioning Manager for Housing to develop a supported living scheme on this site. The Strategic Commissioning Manager – Adults has been consulted. He has advised that the Council does have a need to support this client group. This type of provision would be in line with the intentions that would allow them to support vulnerable adults with mental health problems in the community. Members are advised that future occupants would have access to care and support 24/7 to support their individual needs. This is similar to other models of care and support commissioned by the Council. The Strategic Commissioning Manager has advised that this approach works well for individuals, as it achieves the right balance of independence and support.

9.11 As advised in paragraphs 3.4 and 3.5 of this report, the development will be managed by a Registered Provider and future occupants will have access to a member of staff on a 24 hour basis. The applicant has further advised that developing the supported living accommodation in one location also creates much needed cost and operational efficiencies, as support staff are centralised rather than spread across multiple locations. The apartments create a small community, which is inclusive in nature.

9.12 The applicant considers that this development will provide good quality supported accommodation that is widely supported by NHS England and other health care professionals.

9.13 Members need to determine whether the principle of a residential development on this previously developed site to provide supported living condition is acceptable. It is officer advice that the principle of the development does accord with national and local planning policy. It will bring back into use a brownfield site that is located in close proximity to local services, as well as providing a specific type of living accommodation.

#### 10.0 North Tyneside 5-Year Housing Land Supply

10.1 Paragraph 47 of National Planning Policy Framework (NPPF) requires local planning authorities to identify and maintain a rolling 5-year supply of deliverable housing land. This must include an additional buffer of at least 5%, in order to ensure choice and competition in the market for housing land.

10.2 Planning Committee will be aware that the North Tyneside Local Plan was adopted in July 2017 and sets out the borough's housing requirement to 2032. The most up to date assessment of housing land supply informed by the March 2018 5-year Housing Land Supply Summary that identifies the total potential 5-year housing land supply in the borough at 5,276 new homes (a total which includes delivery from sites yet to gain planning permission). This represents a surplus against the Local Plan requirement (or a 5.4 year supply of housing land). It is important to note that this assessment of five year land supply includes over 2,000 homes at proposed housing allocations within the Local Plan (2017). The potential housing land supply from this proposal is included in the assessment that North Tyneside has a 5.4 year supply of housing land and it is officer opinion that the proposed 16 dwellings will make a small, but valuable contribution towards the five year housing land supply.

10.3 Although the Council can demonstrate a five year supply of deliverable housing sites, this figure is a minimum rather than a maximum. Further planning permissions that add to the supply of housing can be granted which add to the choice and range of housing. Paragraph 49 of NPPF makes it clear that housing applications should be considered in the presumption in favour of sustainable development.

10.4 Members need to consider the benefit of a small, but valuable contribution towards a deliverable five year housing land supply and weight it as part of the overall planning balance.

#### 11.0 Impact on character and appearance of the site and the surrounding area

11.1 Paragraph 56 of NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

#### 11.2 DM6.1 Design of Development

Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

11.3 The Council has produced an SPD on design quality. It states that the Council will encourage innovation in design and layout, provided that the existing

quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

11.4 The shape of the site is restrictive in terms of development opportunity. The applicant has advised that the shape of the site dictates that the buildings are relatively narrow in width. The site would be occupied by two blocks each accommodating eight apartments. Each block would be two storeys accommodating mono-pitched, flat roofs and pitched roofs which tier down towards the northern boundary. The applicant considers that this design approach addresses the scale of the development in relation to the allotments and the existing two storey housing. The differing ridge lines also add expression and visual interest to the design.

11.5 The apartments have been arranged in plan to step away from boundaries and entrances which create bay details and steps in the overall elevation. The stacked elevations assist in breaking up the vertical mass of the apartment block to create a more domestic scale. This also assists in breaking down the building height.

11.6 The elevation along the northern boundary does not contain openable windows.

11.7 The apartment blocks would be constructed using a range of materials. At ground floor elevation brick would be used, whereas the upper floor would introduce more decorative materials to break up the mass and add visual interest.

11.8 The Design Officer has been consulted. He agrees with the applicant that the shape of the site presents significant challenges. Since submitting the application the applicant has worked pro-actively with officers to address their concerns regarding the design of this development.

11.9 The Design Officer has advised that the variation in height, block form and building line reduces the overall mass of the development. This design approach creates interest and helps the scheme to sit well within the existing residential setting. The variation in the material palette also improves its appearance.

11.10 Officers acknowledged that the north elevation of the development is particularly challenging due to its proximity to the allotments. The Design Officer considers that the revised design has improved this elevation, which now incorporates pitch roof elements and dummy windows to improve the design.

11.11 Members need to consider whether the overall design concept and layout are appropriate and comply with current policy. Officer advice is that the scheme can be comfortably accommodated within the site without a significant adverse impact on the character and appearance of the area. It is officer advice that this application is of an appropriate design and appearance. As such the proposed development complies with both national and local planning policy.

## 12.0 Impact upon future occupants and existing occupants

12.1 Paragraph 123 of NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

### 12.2 DM5.19 Pollution

Development proposals that may cause pollution either individually or cumulatively of water, air or soil through noise, smell, smoke, fumes, gases, steam, dust, vibration, light, and other pollutants will be required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, to people and to biodiversity.

12.3 Development proposed where pollution levels are unacceptable will not be permitted unless it is possible for mitigation measures to be introduced to secure a satisfactory living or working environment.

12.4 Development that may be sensitive (such as housing, schools and hospitals) to existing or potentially polluting sources will not be sited in proximity to such sources. Potentially polluting development will not be sited near to sensitive areas unless satisfactory mitigation measures can be demonstrated.

12.5 Proposals for development should have regard to the noise impacts arising from the Newcastle International Airport flight path as shown on the Policies Map.

12.6 The applicant has submitted a noise assessment. This report has been considered by the Manager for Environmental Health. She has advised that this report has considered the external noise environment for the site. The report advises that daytime and night time noise levels are considered to be low. This establishes that no specific additional attenuation is required beyond the provision of double glazing to ensure that internal noise levels meet the World Health Organisation and British Standards for living rooms and bedrooms. It also confirmed that external amenity areas will not require any mitigation. On this basis, she has raised no objection to the proposed development subject to conditions to control the hours of demolition, construction and dust suppression measures.

12.7 The Design Officer previously expressed concerns regarding the quality of accommodation with a lack of windows and reasonable daylight in some rooms. Members are advised that the revised scheme has addressed these concerns by increasing the size of the windows and the addition of roof lights.

12.8 The apartments in both blocks have access to a secure external courtyard as well as further secure external amenity space provided to the east of Block B.

12.9 The Design Officer and the Allotment Officer have expressed concerns regarding the siting of the development in relation to the allotments. The two storey apartments are located up to the boundary of the allotment site. Officers are concerned that the north facing elevations will cast a shadow over part of the allotments which would have a negative impact their function.

12.10 There are 46 allotment plots on the overall Letchwell Allotment site. The Allotments Officer has advised that the development would affect nine allotments (approximately 20%). The applicant has provided additional information in the form of shadow studies to assess this impact. These studies advise that the allotments are currently affected by the existing properties, especially during the winter months. There is no shadowing caused solely by the proposed north facing elevation during morning hours throughout the year. At midday, the proposed development shadows only a smaller portion of the allotments (except for winter solstice); where during late hours of the day, a majority of the allotments adjacent to the site are overshadowed by buildings that already exist on adjacent sites (except for summer solstice). Members are advised that no objections have been received from the current allotment tenants. On balance, it is the view of officers, that the impact of overshadowing to certain allotment plots, over and above that experienced at present, does not outweigh the delivery of this much needed type of living accommodation.

12.11 The proposed development is located to the north of the existing properties on Oswin Road and The Copse. Therefore, the proposed development does not affect the amount of light entering these existing properties.

12.12 Block B would be sited approximately 1.6m – 2.0m from the shared boundary with No. 16 Oswin Road. The floor layout to Block B has been arranged so that only secondary windows are present along its south elevation. The windows at first floor level have been designed so that no views out is provided below 1.5m (opaque panels below 1.5m). The applicant considers that this would address any issues of privacy and overlooking. Views of the proposed development would be afforded from this neighbouring properties rear garden. Due to the height of the existing boundary treatment, it would mainly be the first floor that would be visible, and the pitched roof would pull away from this shared boundary. On balance, it is the view of officers that the relationship between the proposed development and this neighbouring property is considered to be acceptable.

12.13 Due to the siting of the proposed development in relation to the neighbouring properties sited on Lansdowne Road, Forest Hall Road and Granville Road, it is not considered that it would significantly impact on their residential amenity, in terms of loss of light, outlook or privacy.

12.14 Members need to consider whether the proposal would avoid having an adverse impact upon future occupants' living conditions in accordance with NPPF and local planning policy DM5.19 and weight this in their decision. Members will also need to consider the impact on existing residential properties and the allotments. It is officer advice that the proposed development would not significantly impact on the amenity of existing occupants or the amenity of future residents. Officers also consider, that on balance, the benefits of the proposed development, outweighs the harm to the allotments in terms of additional overshadowing.

### 13.0 Highways

13.1 NPPF states that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives.

13.2 All development that generates significant amounts of movements should be supported by a Transport Statement or Transport Assessment. Planning decisions should take into account amongst other matters that safe and suitable access to the site can be achieved for all people.

13.3 Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

#### 13.4 DM7.4 New Development and Transport

The Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:

- a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footways and cycle routes. Connections will be integrated into existing networks with opportunities to improve connectivity identified.
- b. All major development proposals likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment and a Travel Plan in accordance with standards set out in the Transport and Highways SPD (LDD12).
- c. The number of cycle and car parking spaces provided in new developments will be in accordance with standards set out in the Transport and Highways SPD (LDD12).
- d. New developments will need to demonstrate that existing or proposed public transport services can accommodate development proposals, or where necessary, identify opportunities for public transport improvements including sustainable access to public transport hubs.
- e. New developments in close proximity to public transport hubs, whenever feasible, should provide a higher density of development to reflect increased opportunities for sustainable travel.
- f. On developments considered appropriate, the Council will require charging points to be provided for electric vehicles in accordance with standards set out in the Transport and Highways SPD (LDD12).

13.5 LDD12 Transport and Highways SPD sets out the Council's adopted parking standards.

13.6 The objection received regarding parking provision is noted.

13.7 The site is accessed from Oswin Road. Parking bays are provided between the proposed blocks, along with cycle parking and refuse storage. A total of four parking spaces are to be provided. The applicant has advised that it is usually the case that the occupiers of supported living do not have access to a car.

13.8 The Highways Network Manager has been consulted. He has advised that parking has been provided in accordance with current standards and suitable pedestrian routes are being provided within the site. On this basis, he has recommended conditional approval.

13.9 The Public Rights Of Way Officer has been consulted. His comments regarding improvements to the existing rights of way network are noted. However, these are existing problems and are not as a result of the proposed development. Therefore, it is not considered reasonable to ask for the developer to deal with these issues. Informatives are suggested to advise the applicant that they need to contact the Public Rights Of Way Officer regarding any temporary diversions as a result of the construction work.

13.9 Members need to consider whether sufficient access and parking would be provided and whether the proposal would accord with the advice in NPPF, policy DM7.4 and LDD12 and weight this in their decision. It is officer advice that the development meets with the requirements of national and local planning policies.

#### 14.0 Biodiversity

14.1 An environmental role is one of the three dimensions of sustainable development according to NPPF, which seeks to protect and enhance our natural, built, and historic environment and as part of this helping to improve biodiversity amongst other matters.

14.2 Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment by amongst other matters minimising the impacts of biodiversity and providing net gains to biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

14.3 Paragraph 118 of NPPF states that when determining planning applications LPA's should aim to conserve and enhance biodiversity by avoiding significant harm from development. If significant harm cannot be avoided, adequately mitigated, or as a last resort, compensated from the planning permission should be refused.

#### 14.4 S5.4 Biodiversity and Geodiversity

The Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance. Priority will be given to:

- a. The protection of both statutory and non-statutory designated sites within the Borough, as shown on the Policies Map;
- b. Achieving the objectives and targets set out in the UK Post-2010 Biodiversity Framework and Local Biodiversity Action Plan;
- c. Conserving, enhancing and managing a Borough-wide network of local sites and wildlife corridors, as shown on the Policies Map; and
- d. Protecting, enhancing and creating new wildlife links.

#### 14.5 DM5.5 Managing effects on Biodiversity and Geodiversity

All development proposals should:

- a. Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b. Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c. Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate. Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:
- d. The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e. Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f. For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.

#### 14.6 DM5.7 Wildlife Corridors

Development proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor. All new developments are required to take account of and incorporate existing wildlife links into their plans at the design stage. Developments should seek to create new links and habitats to reconnect isolated sites and facilitate species movement.

14.7 The application site is located within a wildlife corridor and adjacent to allotments. The applicant has submitted an Ecological Appraisal and a Bat Risk Assessment. These reports have been considered by the Biodiversity Officer.

14.8 The Ecological Appraisal shows that the majority of the site is hard standing of no ecological value with a building to be demolished. The Bat Risk Assessment has assessed the building to be of negligible value to roosting bats with no impacts envisaged from demolition of the building.

14.9 The Biodiversity Officer has advised that the proposed development has little impact on biodiversity. She has advised that there is an opportunity to condition a landscaping scheme that includes native trees, shrubs and meadow

areas as well as a condition to secure bird and bat boxes. It is considered that these conditions would enhance the site and the wildlife corridor. On this basis, she has no objection to the proposed development, subject to the imposition of the suggested conditions.

14.10 The Council's Landscape Architect has been consulted. He has recommended conditional approval.

14.11 Members need to determine whether the development results in significant harm to biodiversity. It is officer advice that the development would not have a harmful impact on local biodiversity and the natural environment.

## 15.0 Other issues

### 15.1 Flooding

15.2 NPPF states that when determining planning applications, LPA's should ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment (FRA) following the sequential test.

### 15.3 DM5.12 Development and Flood Risk

All major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.

In addition to the requirements of national policy, development will avoid and manage flood risk by:

- a. Helping to achieve the flood management goals of the North Tyneside Surface Water Management Plan and Northumbria Catchment Flood Management Plans; and
- b. According with the Council's Strategic Flood Risk Assessment, including meeting the requirement for a Flood Risk Assessment for sites over 0.5ha in identified Critical Drainage Areas.

### 15.4 DM5.14 Surface Water Run off

Applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded).

A reduction in surface water run off rates will be sought for all new development. On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to development where appropriate and achievable.

For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity of the greenfield prior to development incorporating an allowance for climate change.

15.5 A Flood Risk Assessment (FRA) has been submitted. The applicant has advised that surface water from the development will discharge into the adjacent culvert at a restricted rate of five litres per second. The ground levels within the site are to be designed to direct the overland surface water routes away from properties and the finished ground floor levels will be set 150mm above ground level to help protect the apartments from internal flooding.

15.6 The Local Lead Flood Authority (LLFA) has been consulted. He has raised no objection to the proposed development, subject to a condition being imposed to control surface water management.

15.7 Northumbrian Water has been consulted. They have raised no objections to the proposed development, subject to a condition being imposed to control foul and surface water.

15.8 The Environment Agency (EA) has been consulted. They have raised no objections to the proposed development.

15.9 Members need to consider whether the proposed development is acceptable in terms of flood risk. It is the view of officers, that the information submitted demonstrates that the proposed development is acceptable in terms of flood risk and drainage.

#### 15.10 Contamination

15.11 NPPF states that the planning system should contribute to remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land where appropriate.

#### 15.12 DM5.18 Contaminated and Unstable Land

Where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, biodiversity, the natural and built environment; and
- b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:
  - i. Removing the contamination;
  - ii. Treating the contamination;
  - iii. Protecting and/or separating the development from the effects of the contamination;
  - iv. Validation of mitigation measures; and
  - v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission.

15.13 The NPPF sets out that LPAs should define Mineral Safeguarding Areas (MSAs), with further detail included in National Planning Practice Guidance

(2014). The whole of the local plan area has been identified as a MSA. Policy DM5.17 Minerals is considered to be relevant.

15.14 The Contaminated Land Officer has been consulted. She raises no objection to the development subject to conditions.

15.15 Members need to determine whether the proposed development is acceptable in terms of whether the contaminated land can be appropriately mitigated. It is officer advice that, subject to the suggested conditions, the proposed development accords with both national and local planning policy.

#### 15.16 Archaeology

15.17 Paragraph 141 of NPPF states that heritage assets are an irreplaceable resource and therefore they should be conserved in a manner appropriate to its significance.

#### 15.18 DM6.7 Archaeological Heritage

The Council will seek to protect, enhance and promote the Borough's archaeological heritage and where appropriate, encourage its interpretation and presentation to the public.

Developments that may harm archaeological features will require an archaeological desk based assessment and evaluation report with their planning application. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this.

The results of the preliminary evaluation will determine whether the remains warrant preservation in-situ, protection and enhancement or whether they require full archaeological excavation in advance of development.

Should the loss of significance of the archaeological remains be outweighed by substantial public benefits so that preservation in-situ would not be justified, preservation by record will be required to be submitted to and agreed with the Local Planning Authority, and completed and the findings published within an agreed timescale.

15.19 The Tyne and Wear Archaeology Officer has been consulted. She has advised that the application site follows the line of an extension to the Killingworth Waggonway, which was built in 1802 to West Moor Pit. Killingworth Waggonway is famous for its association with George Stephenson's development of steam locomotives at Killingworth Colliery beginning with 'Blucher' in 1814. There was also a saw mill on the site in the mid-19<sup>th</sup> century. She has advised that is unlikely that significant remains of the railway will survive under the existing buildings and hard standing. On this basis, she has advised that no archaeological work is required.

15.20 Members need to determine whether the proposed development is acceptable in terms of its impact archaeological heritage. It is officer advice that, subject to the imposition of the suggested conditions, the proposed development complies with both national and local planning policy.

## 16.0 Local Financial Considerations

16.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to local finance considerations as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local financial consideration as a grant or other financial assistance that has been, that will or could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments). It is considered that the proposal would result in benefits in terms of jobs during the construction.

16.2 Granting planning permission for new dwellings therefore increases the amount of New Homes Bonus, which the Council will potentially receive. As the system currently stands, for North Tyneside for the new increase in dwellings built 2017/18, the council will receive funding for five years. However, the Secretary of State has confirmed that in 2018/19 New Homes Bonus payments will be made for four rather than five years.

16.3 In addition, the new homes will bring additional revenue in terms of Council Tax.

Members should give appropriate weight to amongst all other material considerations to the benefit to the Council as a result of the monies received from Central Government.

## 17.0 Conclusions

17.1 Members should consider carefully the balance of issues before them and the need to take in account national policy within NPPF and the weight to be accorded to this as well as current local planning policy.

17.2 Specifically NPPF states that LPA's should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. A core planning principle within NPPF requires that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

17.3 The application site lies adjacent to a designated wildlife corridor and an area of open space designated as allotments within the Council's North Tyneside Local Plan (2017). In terms of the impact of the development, the consultees are satisfied that the development is acceptable in terms of its impact on the highway network, its impact on flood risk, ecology, the impact on the amenity of existing and future occupants, the impact on the allotments, contaminated and unstable land issues and its overall design and appearance.

17.4 Approval is therefore recommended.

**RECOMMENDATION:     Application Permitted**

**Conditions/Reasons**



submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

9. Construction Method Statement - Major SIT007 \*

10. Wheel Wash SIT008 \*

11. Notwithstanding Condition 1, prior to the occupation of any unit hereby approved a scheme to manage refuse collection has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety having regard to DM7.4 of the North Tyneside Local Plan (2017).

12. Notwithstanding Condition 1, prior to the occupation of the unit hereby approved a scheme for the provision of secure undercover cycle parking shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety having regard to DM7.4 of the North Tyneside Local Plan (2017).

13. Notwithstanding Condition 1, prior to the construction of any part of the development hereby approved above damp proof course level a fully detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include a range of native species trees (trees to be a minimum 12-14cm girth, shrubs and wildflower areas of value to wildlife. Thereafter, the development shall only be carried out in accordance with these agreed details. The agreed landscaping shall be planted in accordance with these details within the first planting and seeding seasons following the commencement of development. Any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy DM5.7 and DM5.9 of the North Tyneside Local Plan (2017).

14. Notwithstanding Condition 1, prior to the commencement of any development above damp proof course levels details of 2no. bat boxes to be provided on buildings or trees and three bird boxes to be integrated into the new buildings shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the bird and bat box design and their

location. Thereafter, these details shall be implemented in full accordance prior to the occupation of the relevant dwelling and permanently retained.

Reason: In the interests of wildlife protection having regard to policy DM5.7 of the North Tyneside Local Plan (2017).

15. All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs.

Reason: To ensure existing trees are protected having regard to Policy DM5.9 of the North Tyneside Local Plan (2017).

16. Restrict Hours No Construction Sun BH HOU00 \*  
4

17. Restrict Hours No Demolition Sun BH HOU00 \*  
5

18. Prior to the construction of any building hereby approved the applicant shall submit the following information, if required, as identified by the Phase II Geoenvironmental Report to the Local Planning Authority to agree in writing.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed form the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.



Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to Policy DM6.1 of the North Tyneside Local Plan (2017).

25. The staff bedroom identified on Dwg No. 17-114-120 E shall only be occupied by a member of staff and shall at no time be occupied as a supported living apartment or any other purpose falling within Class C3 of the Town and Country Planning (Use Classes) (England) Order 1987 (as amended).

Reason: To enable the Local Planning Authority to retain control over the use and to safeguard residential amenity and highway safety having regard to policies DM6.1 and DM7.4 of the North Tyneside Local Plan (2017).

26. The development hereby approved shall only be used for the purpose of 16 apartments for occupiers requiring supported living accommodation, and for no other purpose including any other purpose falling within Class C3 of the Town and Country Planning (Use Classes) (England) Order 1987 (as amended).

Reason: To enable the Local Planning Authority to retain control over the use and to safeguard residential amenity and highway safety having regard to policies DM6.1 and DM7.4 of the North Tyneside Local Plan (2017).

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

Consent to Display Advertisement Reqd (I04)

Contact ERH Path Bridleway Xs Site (I07)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The Environment Agency has advised that they must the applicant aware that the current understanding of flood risks to the site may change in the forthcoming weeks. This is due to work we are carrying out in partnership with Northumbrian Water to produce an integrated hydraulic model which looks at the flood risks from sewer flooding and fluvial river flooding. The Environment Agency will be reviewing the newly produced flood outlines which may change our understanding of risk for the proposed development site. Given the application is for supported living apartments the vulnerability is a cause for concern if the site presents itself to be at risk at Flood Zone 2 and 3. Further to this a permit application is needed for any structure within 8 metres of the main river and the applicant should contact the EA to discuss this further.

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer. Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development. The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

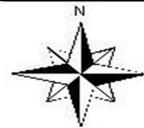


**Application reference: 18/00251/FUL**  
**Location: Action Building Maintenance, Oswin Road, Forest Hall, NEWCASTLE UPON TYNE**  
**Proposal: Demolition of existing structures and redevelopment of the site for two residential buildings comprising a total of 16 supported living apartments, with associated parking and open space (Use Class C3)**

Not to scale

Date: 31.05.2018

© Crown Copyright and database right 2011. Ordnance Survey Licence Number 0100016801



**Appendix 1 – 18/00251/FUL  
Item 2**

**Consultations/representations**

1.0 Internal Consultees

1.1 Highways Network Manager

This application is for the demolition of existing structures and redevelopment of the site for two residential buildings comprising a total of 16 supported living apartments, with associated parking and open space (Use Class C3). The site is accessed from Oswin Road and parking has been provided in accordance with current standards. Suitable pedestrian routes are being provided within the site and conditional approval is recommended.

1.2 Recommendation - Conditional Approval

1.3 Conditions:

ACC11 - New Access: Access prior to Occ

ACC17 - Exist Access Closure: Misc Points, By \*6 months

ACC20 - Visibility Splay: Detail, Before Devel (\*2.4m by 33m by 0.6m)

ACC25 - Turning Areas: Before Occ

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT07 - Construction Method Statement (Major)

SIT08 - Wheel wash

No part of the development shall be occupied until a scheme to manage refuse collection has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

No development shall commence until a scheme for the provision of secure undercover cycle parking shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety.

1.4 Informatives:

I05 - Contact ERH: Construct Highway Access

I07 - Contact ERH: Footpath/Bridleway X's Site

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily

close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surround Public Right of Way network.

### 1.5 Ecology Officer

1.6 The above application is located within a wildlife corridor and adjacent to allotments within the Forest Hall area. The Ecological Appraisal submitted with the application shows that the majority of the site is hard standing of no ecological value with a building to be demolished. A bat risk assessment has been undertaken on the building which has assessed the building of negligible value to roosting bats with no impacts envisaged from demolition of the building.

1.7 The scheme has little impact on biodiversity and a landscaping scheme that includes native trees and shrubs, meadow areas and bird/bat boxes will enhance the site and the wildlife corridor.

1.8 Therefore, from an ecological perspective, I have no objection to this scheme subject to the following conditions being attached to the application:-

-A detailed landscape plan must be submitted to the Local Authority for approval prior to development commencing. Planting should include a range of native species trees, shrubs and wildflower areas of value to wildlife.

-3no. bird boxes to be integrated into new buildings. Details of bird box specifications and locations to be submitted to the Local Authority for approval prior to development commencing.

-2no. bat boxes to be provided on buildings or trees within the development. Details of bat box specifications and locations to be submitted to the Local Authority for approval prior to development commencing

-Existing trees located within or adjacent to the site must be adequately protected through appropriate tree protection measures. Details to be submitted to the Local Authority for approval prior to development commencing

### 1.9 Design

1.10 The shape of the site presents significant challenges to achieve a good design that sits well in the surrounding context. The application has been subject to pre-application discussions. Design concerns were subsequently raised with the submitted plans. To address these concerns the applicant has made positive changes to the design.

1.11 The apartments are two storeys with a variation in height, block form and building line. This reduces the overall mass, creates interest and helps the scheme to sit well within the existing residential setting. There is also variation in the material palette proposed which is used to improve the appearance.

1.12 The north elevation is particularly challenging to achieve a good design for due to issues with overlooking and party walls. The revised design has improved this elevation which now incorporates pitch roof elements and dummy windows to improve the design.

1.13 The two storey apartments are located up to the boundary of the allotment site. The north facing elevations will cast a shadow over part of the allotments which would have a negative impact on their function.

1.14 Concerns were previously raised about the quality of accommodation with a lack of windows and reasonable daylight in some rooms. To address this, the scheme has increased the size of windows and added roof lights.

1.15 Overall, the scheme is well designed for this challenging site. Some adverse effects of overshadowing some allotments should be noted.

#### 1.16 Local Lead Flood Authority (LLFA)

1.17 A Flood Risk Assessment (FRA) was submitted as part of the application. The proposal is to discharge the development surface water into the adjacent culvert at a restricted rate of 5 litres per second. The ground levels within the development are to be designed to direct the overland surface water routes away from properties and the finished ground floor levels will be set 150mm above ground level to help protect properties from internal flooding. Conditional approval is recommended.

#### 1.18 Recommendation - Conditional approval

No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management

#### 1.19 Landscape Architect

1.20 The application area (former building maintenance storage yard & office) effectively occupies a linear strip of land dividing residential housing development to the southwest and Allotment Garden areas to the northeast. The northern extremity of the site is currently accessible for vehicle traffic from Oswin Road via Lansdowne Road with the southern end land-locked by further residential development and storage areas. The site perimeter generally borders public open-space, residential gardens and allotment areas, containing sporadic trees, shrubs and hedgerows with occasional sheds and out-buildings.

1.21 The perimeter areas bordering the site contain occasional trees (mainly conifer) which overhang the site in places and may require pruning back. Otherwise the development can be accommodated within the space available.

#### 1.22 Suggested conditions:

No development shall commence on site until a fully detailed scheme for the landscaping of the site has been submitted to and approved in writing by the

Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting, and ground preparation noting the species and sizes for all new planting. The landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details. Any trees and shrubs that die or are removed within five years of planting shall be replaced in the next available planting season with others of similar size and species.

All construction works to conform with (see BS5837: 2012 Trees in Relation to Construction-Recommendations) in relation to protection of existing boundary trees and shrubs.

#### 1.23 Manager for Environmental Health (Pollution)

1.24 I have no objection in principle to this application.

1.25 I have viewed the noise assessment report that has considered the external noise environment for the site. Daytime and night time noise levels are considered low and established that no specific additional acoustic attenuation requirements, beyond the provision of standard double glazing, for the development would be necessary to ensure internal noise levels meet the World Health Organisation and BS8233 requirements for living rooms to achieve an internal noise level of 35 dB LAeq and bedrooms a level of 30dB LAeq at night and external amenity areas will not require any mitigation.

1.26 If planning consent is to be given I would recommend the following:

HOU04  
HOU05  
SIT03

#### 1.27 Contaminated Land Officer

1.28 It is acknowledge that a Phase 2 report has been submitted as part of this investigation and has stated the following:

In all areas of proposed soft landscaping, it is recommended that site levels be reduced by 600mm below finished garden levels, or to the surface of undisturbed natural deposits, whichever is the lesser, with site levels being reconstructed by the placement of 600mm of clean imported topsoil, placed under a strict validation regime comprising 1nr analyses per 50m<sup>3</sup>.

No remedial works required under areas of permanent hard standing.

Where made ground soils remain in at 600mm below finished garden levels, then a suitable geotextile fabric such as 'Terram 1000', or similar must be placed at the interface of insitu/ imported topsoil cover.

After 6nr rounds of gas monitoring, a maximum Gas Screening Value (GSV) of 0.0002l/hrs is calculated for CO<sub>2</sub>. Using this GSV value, the risk to the proposed development was assessed in line with Situation A as defined in CIRIA C665, and on this basis the site complies with Characteristic Situation 1. Under Characteristic Situation 1, gas protective measures are not required.

1.29 However it is noted that:

1.30 WS1 and WS7 only had one viable reading each the rest of the monitoring times the monitoring wells were flooded. No readings were taken at falling pressure. Gas 006 should be applied. There is insufficient information submitted to give an informed assessment of the ground gas regime at this site.

1.31 Further works that have been identified by the report include Prepare Phase III Remediation Strategy Report and Prepare Phase IV Validation / Completion Report. Based on the information submitted Con 001 c -e should be attached.

#### 1.32 Team Leader – Play Sites and Allotments

1.33 The existing properties do not currently overshadow the allotments and are set well back from the allotment site (10-16m distance).

1.34 The shadow study drawing (fig 7) appears to show that the new buildings will cause shadow for almost half the length of the allotment gardens adjacent to the development. This may reduce productivity and create problems in retaining current tenants and letting these gardens in the future, this in turn may impact Allotment Service revenue.

1.35 In addition the extremely close proximity of the new homes will allow residents to overlook the site this may further reduce the amenity of the gardens for tenants as they will be continually overlooked. Non opening windows and or opaque/patterned glass only to the north elevation.

#### 1.36 Strategic Commissioning Manager – Adults

We have been in discussion with the developer about this and we have worked closely with them on the design and what they are planning to develop on site.

We do have a commissioning need to support this client group, this type of provision would be in line with commissioning intentions and would allow us to support vulnerable adults with mental health problems in the community. In addition, we would be looking to commission a care and support provider to deliver on-site 24/7 support to the individuals living there to meet their needs and also to manage any risks that may arise. This is similar to other models of care and support we have commissioned recently and works really well for individuals by maintaining the right balance of independence and having on-site support that can be accessed as required.

#### 1.37 Public Rights of Way Officer

1.38 The west side of the application site is tight against an existing public footpath K Killingworth 6 which is one of a network of adjacent paths linking to Great Lime Road and Killingworth Village.

1.39 It appears given the constraints there may be a need to temp divert/close the path depending on project delivery.

1.40 Also, given the possible increased traffic (during and post) there is an opportunity to improve pedestrian access from the existing footway (102 Lansdowne Road) to Killingworth 6 by constructing a raised footway over the junction and tying this into a link path to the public footpath line.

1.41 We have also recently deleted one of the paths to the north west and as part of community engagement a number of improvements were highlighted:

1.42 Raised continuous footway; replace existing access controls on Forest Hall 1 and remove same on Killingworth 6; provide drop kerbs and splay path width to the east side of Forest Hall 2 to improve access; and provide and mount new destination signage at strategic points along the associated paths.

## 2.0 Representations

2.1 Two letters of objection have been received. These objections are set out below:

-I would like more information please on why this development may affect my property as stated in your correspondence dated 9th March 2018. I would also like to know the clientele needs of people supported in the property development, i.e elderly care.

-Nuisance: disturbance.

-Out of keeping with surroundings.

-Inadequate parking provision.

-Five parking bays for 16+ residents is insufficient. Parking within the area is already an issue due to the property types and any further vehicles not parked within the premises will further impact the area.

-The resident type may adversely affect the property value of the current residents, in this current climate of financial uncertainty; I believe this would hinder any opportunities for selling in the near future due to financial liabilities.

## 3.0 External Consultees

### 3.1 Northumbrian Water

3.2 In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

3.3 Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment 41495/4001/001 Rev: B*". In this document it states

Surface water will discharge to the culverted river Letch to the west of the site and foul water will discharge via a new connection into the combined sewer at the south of the site close to existing manhole 9101.

3.4 We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment 41495/4001/001 Rev: B" dated "16/04/2018". The drainage scheme shall ensure that foul flows discharge to the combined sewer at a new manhole close to existing manhole 9101 and ensure that surface water discharges to the existing culverted watercourse.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

3.5 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy.

### 3.6 Newcastle International Airport (NIA)

3.7 The proposal has been assessed by the Aerodrome Safeguarding Team and given its location and modest nature it is not considered that the proposal would result in any detriment to the safe operations of the Airport. Only cranes above 50m in height would present an issue, which it is assumed will not be needed. NIA would not therefore offer any objection to this application.

### 3.8 Tyne and Wear Archaeology Officer

3.9 This long thin site follows the line of an extension to the Killingworth Waggonway, which was built in 1802 to West Moor Pit. Killingworth Waggonway is famous for its association with George Stephenson's development of steam locomotives at Killingworth Colliery beginning with 'Blucher' in 1814.

3.10 There was also a saw mill on the site in the mid-19<sup>th</sup> century.

3.11 It is probably unlikely that significant remains of the railway will survive under the existing buildings and hardstanding.

3.12 No archaeological work is required.

### 3.13 Environment Agency

3.14 We have no objections to the proposed development and the following comments/advice to offer:

### 3.15 Flood Risk Advice – To LPA/Applicant

3.16 Based on the current application being Flood Zone 1 we no flood risks grounds to object to the proposed development. However, we must make the LPA and applicant aware that the current understanding of flood risks to the site may change in the forthcoming weeks. This is due to work we are carrying out in partnership with Northumbrian Water to produce an integrated hydraulic model which looks at the flood risks from sewer flooding and fluvial river flooding.

3.17 We will be reviewing the newly produced flood outlines which may change our understanding of risk for the proposed development site. Given the application is for supported living apartments the vulnerability is a cause for concern if the site presents itself to be at risk at Flood Zone 2 and 3.

3.18 Further to this a permit application is needed for any structure within 8 metres of the main river and the applicant should contact the EA to discuss this further.