

Item No: 5.4
Application No: 15/00698/FUL
Date valid: 21 July 2015
Target decision date: 20 October 2015
Author: Haley Marron
☎: 0191 643 6330
Ward: Cullercoats

Application type: full planning application

Location: 16 John Street, Cullercoats, Tyne And Wear, NE30 4PL,

Proposal: Demolition of existing building and erection of apartment block containing 12 apartments (Further amended plans received and dated 25.09.2015).

Applicant: Mr Mark Holmes, C/o Agent

Agent: Jon Tweddell Planning Ltd, FAO Mr Jon Tweddell 68 Acklington Road
Amble Morpeth Northumberland NE65 0NG

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues in this case are:

- Whether the principle of residential development is acceptable;
- The impact of the proposal upon the character and appearance of the surrounding area;
- The impact upon amenity of neighbours living conditions with particular regard to light, outlook and privacy;
- Impact of traffic noise on the living accommodation of future occupiers
- Whether sufficient car parking and access would be provided.

1.2 Members need to consider the principle of the proposed use and determine whether the development is acceptable in terms of the impact on the Conservation Area, residential amenity and highway safety.

2.0 Description of the site

2.1 The application relates to a commercial site on John Street in Cullercoats. The site is currently occupied by CMC Car and Van Sales who operate from a single storey building and hard standing to the front. The site is broadly rectangular in shape and measures 0.64sqm. There are 2no. vehicular access points into the site.

2.2 The northern boundary of the site is occupied by 2.0m high fencing which runs along the gable elevation of No.22 John Street.

2.3 The southern boundary of the site is occupied by the gable elevation of No.12 John Street and a brick wall.

2.4 The western boundary of the site abuts the rear lane of St Oswin's Avenue and is bound by a palisade fence and tree planting behind the building. Beyond the rear boundary is a car repairs business; gym/dance studio and residential garages.

2.5 The site is located in dense built up area, characterised by residential and commercial development with other local uses including coffee shops, cafes, restaurants, hot food takeaways, a hairdressers and betting shop. The site is within minutes walking distance of the beach and Cullercoats Metro Station is close by.

2.6 The site is located within the Cullercoats Conservation Area.

3.0 Description of the Proposal

3.1 Full planning permission is sought for the demolition of the existing car sales building and erection of 12no. two bed apartments with associated parking, access and landscaping.

3.2 The apartments are proposed in a three storey building. The building is of traditional design with pitched roof, full height bay windows and traditional banding.

3.3 The building will front John Street and will have one vehicular access point. The other access point will be stopped up.

3.4 Fourteen parking spaces are proposed to the rear of the building. Twelve spaces are proposed for residents and two for visitors.

3.5 There will be shared areas for bin storage and cycle parking. Refuse will be collected from the rear lane off St Oswin's Avenue via a ramp from the site. A Management Company will place the bins in the rear lane ready for collection and return them to site once emptied.

3.6 The applicant proposes to remove the trees to the rear boundary and replant with new semi mature trees. New planting is also proposed within the car park.

4.0 Supporting information

4.1 The applicant has submitted the following information in support of the application:

Planning Heritage Statement
Tree Survey
Noise Report
Coal Mining Report
Contamination Report

5.0 Relevant Planning History

5.1 12/00429/FUL Change of use to car valeting and wash, vehicle access is for a drive in, drive out and there would be no change to access. Permitted 20.06.2012.

6.0 Development Plan

6.1 North Tyneside Unitary Development Plan (adopted March 2002)

6.2 Direction from Secretary of State under paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP (August 2007).

7.0 Government Policy

7.1 National Planning Policy Framework (March 2012)

7.2 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

8.0 Main Issues

8.1 The main issues in this case are:

- Whether the principle of residential development is acceptable;
- The impact of the proposal upon the character and appearance of the surrounding area;
- The impact upon amenity of neighbours living conditions with particular regard to light, outlook and privacy;
- The impact of noise on the living conditions of future occupiers
- Whether sufficient car parking and access would be provided.

9.0 Principle

9.1 The NPPF operates under a presumption in favour of sustainable development. It states that development proposals which accord with the development plan should be approved without delay. Housing applications should be considered in the context of the presumption in favour of sustainable development. The reuse of previously developed land is encouraged.

9.2 UDP Policy H5 states that proposals for housing development on sites not identified for this purpose in this UDP will only be approved where the site is on previously developed land within the built up area; the proposal is acceptable in terms of its impact on the site, local amenity, the environment and adjoining land uses; the proposal can be accommodated within the existing infrastructure and does not have an adverse impact on urban open space provision.

9.3 The application site consists of previously developed land and is located within an established built up area. The proposal accords with the Government's objectives, set out in the NPPF.

9.4 Officer advice is that the principle of residential development on the site is acceptable.

10.0 North Tyneside 5-year Housing Land Supply (July 2014)

10.1 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 five year supply of housing, plus an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been persistent under delivery, the buffer should be increased to 20%.

10.2 The starting point for calculating the 5-year housing land supply is the housing requirement set out in the Development Plan. For some time for North Tyneside the figure used to identify housing need for the Borough was that set out within Regional Spatial Strategy that was revoked in April 2013. It has since been established through a High Court ruling in September 2013 that housing requirements set out in the now revoked RSS is no longer a sufficiently robust target to inform planning decisions.

10.3 Going forward the Council will identify its own housing requirement in the Local Plan and any target must be suitably evidenced and independently tested to provide a robust basis for decision making. However, until adoption of the Local Plan, the Council will need to rely on other best available evidence of housing need to inform its housing requirements.

10.4 The starting point for establishing evidence of housing need is the latest Office of National Statistics (ONS) household and population projections. Taking into account the ONS household projection and recent housing delivery in North Tyneside at least 950 homes per year could be required to meet the Borough's requirements. However, the Council is working closely with neighbouring authorities to establish an approach to housing delivery that best meets each Local Authority's ambitions for growth. Work is still ongoing to establish an adopted housing target for the borough. Latest evidence indicates a minimum potential five year housing land supply target between 2014/15 and 2018/19, including a 5% buffer, of 5,619 new homes.

10.5 North Tyneside's total potential five year housing land supply identified within the January 2015 SHLAA and Housing Land Supply Assessment, is 3,438 homes (including delivery from sites yet to gain planning permission). There is therefore a shortfall of 2,181 homes.

10.6 The Council therefore does not have an identified 5 year supply of housing land, and remains dependent upon further approvals of planning permission to achieve and subsequently maintain its housing supply.

10.7 The provision of 12no. apartments will make small but important contribution towards the identified housing needs of North Tyneside.

11.0 Impact on the Character of the Area

11.1 The NPPF states that the Government still 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 The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

11.3 In respect of designated heritage assets the NPPF states that in determining planning when determining the impact on the significance of a heritage asset great weight should be given to the assets 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 or development within its setting.

11.4 Policy E16/2 `Conservation Areas` of the North Tyneside Unitary Development Plan states that development which would not preserve or enhance the character, appearance or setting of a Conservation Area will not be permitted. In assessing a development, particular consideration will be given to its design, scale, layout and materials; the treatment of surrounding spaces; and its relationship to surrounding development. This guidance is backed up by the criteria contained within Development Control Policy Statement No. 8 `Development within Conservation Areas`.

11.5 Policy H11 Design Standards and Development Control Policy Statement No.14 `New Housing Estates - Design and Layout` of the North Tyneside UDP refer to design and layout standards for new residential development including, scale, density, massing, construction, landscaping and materials, provision for parking, access, pedestrian and vehicle circulation and the impact of the proposal on its site, local amenity, the environment and adjoining land uses.

11.6 LDD11 `Design Quality` applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should compliment the form and character of the original building.

11.7 The Cullercoats Character Appraisal (2009) is also relevant.

11.8 The site is located within Cullercoats Conservation Area in a prominent position on John Street. The site is within minutes walking distance of the beach and Cullercoats Metro Station is close by. The site is located in dense built up area, characterised by residential and commercial development with other local uses including coffee shops, cafes, restaurants, hot food takeaways, a hairdressers and betting shop.

11.9 The surrounding area is characterised by two and three storey buildings which have been built in strong linear forms. There is a mixture of house styles and designs ranging from terraced housing dating from the 1900's; flat roof apartments dating from the 1960's and housing dating from the 1980's. The predominant material in the Conservation Area is brick.

11.10 The proposed development is three storeys in height which is considered appropriate in relation to the three storey properties immediately adjacent to the site. There is also existing three storey development opposite the site at Dove Court and further north along John Street. Three storey developments are also prevalent along Front Street at Winslow Court and Victoria Court.

11.11 The development provides for a well designed traditional development which follows the strong linear building forms that are prevalent within the Conservation Area. The development boasts good detailing and proportions and Officers consider that the traditional approach is acceptable in this location.

11.12 The proposed range of materials and various elements of the design, such as full height projecting bays, banding and window fenestration to the elevations will assist to break up the scale and massing of the building.

11.13 The existing car sales flat roof building currently on the site has little architectural or historical significance and there are no objections to its removal in this regard.

11.14 The Council's Conservation Officer has verbally advised that he supports the scheme. He has however, requested further amendments to the proposed window fenestration. The applicant is currently responding to this request. The final comments of the Conservation Officer will therefore be reported in an addendum.

11.15 The Council's Urban Design Officer supports the application subject to appropriate materials being agreed.

12.0 Impact on amenity of neighbouring properties and land

12.1 The NPPF always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

12.2 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.

12.3 UDP Policy H5 also relates to impact of a development on its site, local amenity, the environment and adjoining land uses.

12.4 UDP Policy H11 Design Standards and Development Control Policy Statement No.14 'New Housing Estates - Design and Layout' of the North Tyneside UDP refer to design and layout standards for new residential development including the impact of the proposal on its site, local amenity, the environment and adjoining land uses. DCPS No. 14 also sets out minimum

privacy distances, which should be maintained between dwellings to protect privacy and outlook. For 3-storey development a separation distance of 31m is required between facing windows.

12.5 There are 3-storey flats opposite the site and 2-storey residential properties to the rear on St Oswin's Place. At its closest points the development would be located approximately 20m from Dove House located opposite the site and approximately 25m from residential properties to the rear. Objections have been received from residents concerned about the loss of privacy.

12.6 These distances do not comply with the distances set out in DCPS14 however the development is deemed acceptable, as DCPS14 does allow for reduced distances on infill sites.

12.7 Moreover, Officers consider the front to front distances to be acceptable as it is important to enhance the streetscene and to continue the building line along John Street. It is also noted that separation distances in the area are already substandard notably between the three storey flats at Dove Court and John Street.

12.8 To the rear of the site, 25m separation distance is deemed acceptable as there will be no direct overlooking. The development will be sited at an angle to the properties on St Oswin's Place and it is noted that the off shoots closest to the application site have no window to the rear elevation.

12.9 To the north and south of the site, the development sits gable to gable with No.12 and No.22 John Street. The development will not project significantly beyond either property therefore impact on these properties will be minimal.

12.10 Members must determine whether the development complies with the NPPF and UDP policies H5, DCPS14 and LDD11 'Design Quality.'

13.0 Impact of traffic noise on the living accommodation of future occupiers

13.1 One of the core planning principles in NPPF, is to encourage the effective use of land by re-using land that has been previously developed, provided it is not of high environmental value. This proposal would re-use land that is previously developed and is not of high environmental value and therefore in this respect it would be in accordance with NPPF.

13.2 NPPF also states that amongst other matters planning decisions should aim to 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.

13.3 Policy E3 seeks to minimise the impact of pollution on the environment and will support measures to reduce existing pollution to the lowest practicable levels

13.4 Policy H11 states that the local planning authority will require that any proposals take into account the impact of the proposal on its site, local amenity, the environment and adjoining land uses.

13.5 The noise survey submitted considers noise from road traffic using John Street and Beverly Terrace; noise from the industrial premises to the rear and potential noise from the adjacent commercial premises.

13.6 The main source of noise that has the potential to affect future occupiers is traffic noise from John Street. The Manager of Environmental Health has no objection to the application but recommends conditions to protect residents from noise, including the provision of acoustic glazing and ventilation to habitable rooms fronting John Street.

13.7 Members must determine whether the development complies with the NPPF and UDP policies E3 and H11.

14.0 Landscaping

14.1 Trees and landscaped features make a significant contribution to the character and appearance of the urban area and to nature conservation. Trees in parks and public open spaces, in private gardens and grounds and on streets and highways are all significant in this respect.

14.2 Policy E14 in the North Tyneside Unitary Development Plan, which states that the Local Planning Authority will seek to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development and whenever possible in other suitable locations.

14.3 Policy 16/2 in relation to conservation areas states development which would not preserve or enhance the character, appearance or setting of a conservation area will not be permitted. In assessing a development particular consideration will also be given to the impact on trees.

14.4 The trees affected by the proposals are a row of trees along the rear boundary behind the existing building, consisting of self seeded cherry trees and a sycamore tree located to the south east corner.

14.5 A tree survey and report has been submitted. Nine trees and one group (G1) has been surveyed. None of the trees surveyed have been classed as A (high quality) or B (moderate quality).

14.6 The report concludes that seven trees, (including the tree group) are low quality with an estimated remaining life expectancy of at least 10yrs and have been categorised as 'C'.

14.7 The remaining three trees have been categorised as 'U' as they are in such a condition that they cannot realistically be retained. The latest amended plans, show the applicant's intention to remove all trees to the rear of the site and replace with new planting. Objections have been received on these grounds.

14.8 In response to objections received throughout the course of the application, the applicant has explored whether it is feasible to retain the trees. However given the siting of the trees in relation to the proposed car park, the applicant's arborist submits that new planting with good, well chosen semi mature trees is a better course of action because cherry trees are renowned for causing damage to ground surfaces such as lawn, tarmac, slabs, block pavements due to their habit of above ground root growth.

14.9 Given the quality and condition of the existing trees on site, the Council's Landscape Architect has no objections to the application providing semi mature trees are re planted. The existing trees on site, although appear in good condition have health issue and structural damage. She considers replacement semi mature planting is suitable mitigation for the loss of the trees which will in time, serve to screen the development from the rear and soften the appearance of the development to the benefit of the Conservation Area. In the interests of visual amenity and screening of the site, a condition is recommended to ensure an appropriate landscaping scheme is agreed for the site.

14.10 If Members are minded to approve the application, they must decide whether the proposal acceptable in terms of the above the NPPF and UDP policies E14 and E12/6.

15.0 Highway Issues

15.1 The National Planning Policy Framework states that transport policies have an important role to play in facilitating sustainable development, but also contributing to wider sustainability and health objectives. The guidance states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

15.2 Policy T8 seeks to encourage cycling by amongst other matters ensuring that cyclists' needs are considered as part of new development and where appropriate requiring that facilities including parking are provided.

15.3 Policy T9 states that the needs of pedestrians, including people with disabilities and special needs will be given a high priority when considering transport and development issues.

15.4 Policy T11 states that parking requirements will in general be kept to the operational maximum and should include adequate provision for people with disabilities and special needs

15.5 Supplementary Planning Document 'LDD 12 Transport and Highways' sets out the Council's adopted parking standards.

15.6 Every objection received in relation to this planning application refers to highway matters.

15.7 The Highways Network Manager has been consulted and objects to the application on the grounds of overdevelopment, inadequate access and parking.

15.8 The proposed development seeks to alter one of the existing accesses whilst closing a second access; however the proposed access point quickly narrows to a pinch point less than the minimum 4.1m required to allow two-way traffic to safely pass. The applicant submits given the small number of units, the likelihood of two vehicles passing at the same time is limited. He also suggests residents will get used to being careful and give priority to each other. The applicant has also offered a barrier to be installed half way up the access so cars have to stop and give way to approaching vehicles from either direction. The Highways Network Manager considers the above to be unacceptable solutions.

15.9 Parking has been provided less than the maximum standards set out in LDD12. For 12 two bedroom apartments, 16 car parking spaces would be required, however only 14 spaces are provided.

15.10 There are also concerns regarding the proposed parking layout. Bays seven and eight are on the limit of the acceptable reversing distance (of 6m) due to the layout of the building. Furthermore, bay thirteen does not have adequate reversing distance due to the location of the proposed bin store.

15.11 Whilst it is acknowledged that the site has reasonable links with public transport, it is considered that visitors may park on the adjacent highway and exacerbate existing parking problems, to the detriment of road safety and particularly during the summer months when Cullercoats is a popular leisure destination.

15.12 In terms of refuse arrangements the applicant has advised that the refuse will put in the rear lane by a Management Company ready for collection and returned to site once emptied. The Highways Network Manager has no objections to this element of the proposal. The Council's Refuse Manager also has no objections, but if Members are minded to approve the application, he requests a planning condition be imposed to ensure the Management Company are required to meet their responsibilities for placing the bins in the lane ready for collection and returning them to site.

15.13 For reasons relating to access and parking, it is considered that the proposal would represent overdevelopment of the site. The application is recommended for refusal on the grounds it is contrary to the NPPF and UDP policy T11 and LDD12.

16.0 Flood Risk and Drainage

16.1 The site is within flood zone 1 and less than 1 hectare. A flood risk assessment is therefore not required. Northumbrian Water has been consulted and do not object to the development. They recommend that a drainage scheme for the disposal of surface and foul water should be required by condition.

16.2 The Council as Local Lead Authority raises no objections to the application subject to the imposition of the condition recommended by Northumbrian Water.

17.0 Ground Conditions

17.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

17.2 UDP policy E3 seeks to minimise the impact of pollution on the environment. The NPPF is consistent with the aims of this policy and the conclusions in the committee report remain the same.

17.3 Policy E13 states that in pursuing environmental improvement within the urban environment the local planning authority will give priority to the improvement of those parts which are in most in need of regeneration and to those with a high level of public accessibility and or visibility such as physical transport corridors and town centres.

17.4 The site is within a Coal Mining Referral Area. The applicant has submitted a Coal Mining Risk Assessment. The Assessment identifies that the site has been subject to past coal mining activity, namely historic shallow coal workings.

17.5 The Coal Authority has been consulted and recommend further intrusive site investigations should be undertaken prior to development. They raise no objection providing a condition is imposed to ensure the investigation and any remediation required is fully implemented.

17.6 Furthermore, the Council's Contamination Officer recommends conditions relating to gas monitoring and contamination to ensure the possibility and remediation of contamination is fully investigated.

17.7 It is the advice of Officers that the applicant has demonstrated that the application site is, or can be made safe and stable for the proposed development.

17.8 If Members are minded to approve the application, they must decide whether the proposal acceptable in terms of the above the NPPF and UDP policy.

18.0 Archaeology

18.1 The NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal taking account of the available evidence and expertise.

18.2 UDP policy E19 seeks to protect the sites and settings of sites of archaeological importance. The NPPF is consistent with this policy.

18.3 The County Archaeologist has been consulted and she has no comments or objections to the application.

18.4 Members need to decide whether the development complies with the NPPF and UDP policy E19.

19.0 Planning Obligations

19.1 The Council's Supplementary Planning Document LDD 8 on Planning Obligations is a material consideration with substantial weight. Planning obligations are considered an appropriate tool to ensure that the environment is safeguarded and that necessary infrastructure and facilities are provided to mitigate impacts, ensure enhancements and achieve high quality environment where people choose to live, work, learn and play and should comply with local, regional and national planning policies.

19.2 Regulation 122 Community Infrastructure Levy (CIL) Regulations 2010 also came into force in April 2010 and makes it unlawful for a planning obligation to be taken into account in determining a planning application, if it does not meet the three tests of whether an obligation is:

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

19.3 In line with LDD8 'Planning Obligations', the Local Planning Authority Council has carried out internal consultation with colleagues and has identified the potential for obligations towards:-

Improvements towards existing play facilities (play sites at Links road and opposite Beverley Tce) (£4,074)

Improvements towards Marden Quarry Park (£2,748)

19.4 As the proposals will generate new residents into the area, contributions towards these facilities in the area are considered necessary and would be directly related to the development and would be fairly and reasonably related in scale and kind and would comply with the CIL Regulations.

19.5 The applicant has agreed to both contributions. If Members are minded to approve the application, the obligations can be secured by a S106 legal agreement.

20.0 Conclusion

20.1 The principle of residential use in this location is acceptable and has been justified in accordance with government guidance and local planning policy.

20.2 The development is considered acceptable in respect of scale, height and massing. It relates well to the adjacent three storey building and it is clear that three storey development is a characteristic of the area. Full comments regarding the impact on the Conservation Area will be reported in an addendum albeit initial advice suggests the development is a welcome replacement for the existing building on site.

20.3 The development is considered acceptable in terms of amenity and on the impact of intended occupiers. Despite their appearance, the trees on the site have health issues and their loss can be suitably mitigated for by way of a new landscaping scheme.

20.4 There are no objections to development in terms of ground conditions, flood risk, drainage or archaeology.

20.5 The applicant has also agreed to the S106 contributions requested.

20.6 However, the proposal must be considered in its entirety and there are objections to the development on highway grounds. It is considered that the proposal would represent over development of the site as the proposed access, parking layout and parking standards are unacceptable.

20.7 The application is therefore recommended for refusal as it is contrary to the NPPF and UDP policies T11 and LDD12.

RECOMMENDATION: Application Refused

Conditions/Reasons

1. The proposed development is considered to be overdevelopment of the site by virtue of the following:

The proposed access is considered to be too narrow and will lead to vehicles backing up onto the adjacent highway to the detriment of road safety.

The proposed level of parking is considered to be inadequate and will lead to vehicles parking on the adjacent highway in an area that already suffers from parking problems, to the detriment of road safety.

The proposed parking layout does not include the appropriate reversing distance on all of the proposed bays and as such will be difficult to manoeuvre, which may make them unusable and lead to vehicles parking on the adjacent highway to the detriment of road safety.

The development is contrary to the NPPF and UDP policies T11 and LDD12.

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

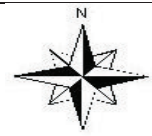
The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the proposal would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. In the absence of amendments or conditions which could reasonably have been imposed to make the development acceptable it was not possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.



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Location: 16 John Street, Cullercoats, Tyne And Wear, NE30 4PL
Proposal: Demolition of existing building and erection of apartment block containing 12 apartments (Further amended plans received and dated 25.09.2015).

Not to scale
 Date: 16.10.2015

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Item 5.4

Appendix 1 – 15/00698/FUL

Consultations/representations

1.0 Highways Network Manager

1.1 This application is for the demolition of existing building and erection of apartment block containing 12 apartments. The site is currently used for car sales and is accessed from John Street. The proposed development seeks to alter one of the existing accesses whilst closing a second access; however the proposed access point quickly narrows to a pinch point less than the minimum 4.1m required to allow two-way traffic to safely pass.

1.2 Parking has been provided less than the maximum standards set out in LDD12. For 12 apartments with two bedrooms 16 spaces would be required, however only 14 spaces are proposed and bays 7 & 8 are on the limit of the acceptable reversing distance of 6.0m due to the proposed layout of the building. Furthermore, bay 13 does not have adequate reversing distance due to the location of the proposed bin store. Whilst it is acknowledged that the site has reasonable links with public transport, it is considered that visitors may park on the adjacent highway and exacerbate existing parking problems, to the detriment of road safety and particularly during the summer months when Cullercoats is a popular leisure destination.

1.3 A refuse vehicle cannot enter the site, turn and leave in a forward direction; however the applicant has indicated that a Management Company will move the bins onto the rear lane on collection days and will then take them back into the site when they have been emptied.

1.4 For the reasons outlined above and on balance, the application is considered to be overdevelopment of the site and recommended for refusal.

1.5 Recommendation - Refusal

1.6 Reasons:

1.7 The proposed access is considered to be too narrow and will lead to vehicles backing up onto the adjacent highway to the detriment of road safety.

1.8 The proposed level of parking is considered to be inadequate and will lead to vehicles parking on the adjacent highway in an area that already suffers from parking problems, to the detriment of road safety.

1.9 The proposed parking layout does not include the appropriate reversing distance on all of the proposed bays and as such will be difficult to manoeuvre which may make them unusable and lead to vehicles parking on the adjacent highway to the detriment of road safety.

2.0 Local Lead Flood Authority

2.1 This application is for the demolition of the existing building and erection of

apartment block containing 12 apartments. There are no objection in principle to subject to conditions and informatives as agreed with Northumbrian Water.

3.0 Refuse Manager

3.1 I think it will be difficult to wheel a full 1100 litre bin up this gradient for collection.

3.2 The Council would therefore request that the bins are placed in the back lane ready for collection.

4.0 Landscape Architect

4.1 The site is a car sales lot with trees on the rear site boundary behind the existing building. There are three distinct groups of trees on the northern, southern and eastern boundaries comprising mainly of self set cherries and sycamore. A tree survey and report has been submitted to support the application. 9no. individual trees and 1no group (G1) has been surveyed.

4.2 The report concludes that 7no trees, including the group of trees (G1) are low quality with an estimated remaining life expectancy of at least 10yrs and have been categorised as 'C' in accordance with BS 5837 and 3no trees have been categorised as 'U' as they are in such a condition that they cannot realistically be retained.

4.3 None of the trees surveyed have been classed as A (high quality) or B (moderate quality). The latest plans show that none of the existing trees are to be retained.

4.4 The trees have been categorised as 'C' and although appear in good condition, further inspection has revealed that the dense canopy is the result of epicormic or 'reaction' growth from stub ends from previous poor pruning works. As a result the trees have been damaged or 'over pruned' resulting in the formation of poor structural branch patterns. This can subsequently result in structurally weakened tree stems which can shorten the life of the tree.

4.5 However, the trees, afford a level of public amenity making a modest but worthwhile contribution to the character and appearance of the Conservation Area, and it is important that this contribution is maintained. In this case, this is an opportunity to establish new tree planting that is an improvement on the current stock of trees on site.

4.6 In order to achieve this, the applicant has proposed the planting of semi mature trees to maintain the level of screening provided between the existing properties and the development site. Semi mature trees start at approximately 5.0 to 5.5m high when they arrive on site and therefore can provide immediate impact and an element of screening. This is considered an acceptable level of mitigation with new tree planting that will maintain the character of the conservation area as well as ultimately providing the same level of screening that the residents currently enjoy.

4.7 No tree specification details have been provided but this can be conditioned along with number and location.

5.0 Conservation Officer

5.1 The Conservation Officer has requested further minor amendments to the window fenestration. The applicant is currently responding to this request. The final comments of the Conservation Officer will be circulated in an addendum.

6.0 Urban Design

6.1 The design and layout is well designed and follows pre-application engagement with the Planning Authority.

6.2 The proposal is well positioned to create an active frontage onto the street and provide natural surveillance. The design takes cues from the surrounding context and results in a well designed traditional aesthetic with good detailing and proportions.

6.3 Parking is located to the rear of the building which ensures an attractive street scene. The dual entrances to the front and back of the building also facilitate ease of use.

6.4 The proposed materials are not all supported such as the PVCu gutters, downpipes and fascias. High quality natural materials should be agreed as part of application.

7.0 Environmental Health (Pollution)

7.1 I have viewed the noise assessment that has considered noise from road traffic using John Street and Beverly Terrace, noise from the industrial garages to the rear of the site and potential noise from the adjacent commercial shops.

7.2 The noise assessment has concluded that noise from the commercial shops will not give rise to intrusive noise levels and industrial noise to the rear of the site was not audible at the façade location for the proposed residential flats.

7.3 The noise assessment indicates that noise from road traffic using the John Street will need to be mitigated. If residents choose to open windows for habitable rooms facing directly onto John Street, they will be exposed to high road traffic related noise levels that will result in the internal noise levels being above the recommended levels within BS8233.

7.4 A noise scheme will therefore be required to ensure noise arising from road traffic using John Street and Beverly Terrace is appropriately mitigated to ensure habitable rooms achieve a good standard internally to ensure an internal equivalent noise level of 30 dB for bedrooms and 35 dB in living rooms and no exceedance of the Lmax noise level in bedrooms at night of 45 dB in accordance to BS8233.

7.5 If it is the intention of planning to approve I would recommend the following conditions;

7.6 Prior to development, submit and implement on approval of the local Planning Authority a noise scheme providing the details of the window glazing specification in accordance to the noise report reference NT11759 to ensure internal equivalent noise level of 30 dB LAeq for all habitable bedrooms with no exceedances of the maximum level of 45 dB(A) and 35 dB LAeq for all living rooms as described in BS8233:2014 .

7.7 Prior to development, the ventilation scheme for habitable rooms facing onto John Street and Beverley Terrace must be submitted for approval in writing and thereafter implemented to ensure an appropriate standard of ventilation that meets as a minimum System 3 of Table 5.2c of Approved Document F. Each habitable room must have a variable control installed for ventilation and be fitted with a mechanical extract vent.

7.8 Also conditions:HOU04, HOU05 and SIT03

8.0 Manager Environmental Health (Contamination)

8.1 Due to the proposed sensitive end use, the suspected Underground Storage tank and that the site is in a Coal Referral Area, the following should be attached:

8.2 Gas 01, Gas 02, Gas 03 and Con 01

9.0 Tyne and Wear Archaeologist

9.1 The County Archaeologist has no comments to make.

10.0 Representations

10.1 Throughout the course of this application 18no letters of objection have been received. The objections can be summarised as follows

10.2 Parking

Inadequate parking provision proposed
Parking problems in the area
Streets already congested
Buses struggle to get past
No permit parking in force
Parking must be on site
Most homes have two car these days

10.3 Amenity

Loss of privacy
Loss of views
Loss of light

10.4 Character of the area

The building must be in keeping with the conservation area
The plans do not take account of the trees
Retention of the trees would retain the character of the area
Retention of the trees would benefit neighbours and new residents in terms of privacy, screening and noise mitigation
Loss of trees would affect nesting birds

11.0 Historic England

11.1 We do not consider it necessary for this application to be notified to Historic England.

12.0 Northumberland & Newcastle Society

12.1 The Tyneside Committee of the Northumberland & Newcastle Society were in favour of the scheme in principle, including the articulation of the structure to follow the street line. It was noted however that the projecting bay windows shown on plan were not shown on the side elevations. It was felt also that the design was lacking in character and not sufficiently interesting to be an asset to the character of the conservation area. In particular the design of the front entrances was weak and a more positive treatment would enhance the scheme. The roofing material should be natural slate.

13.0 Northumbrian Water

13.1 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.

13.2 Having assessed the proposed development against the context outlined above we have the following comments to make:

13.3 The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

13.4 Condition: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

13.6 The Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

Soakaway
Watercourse, and finally
Sewer

13.7 If sewer is the only option the developer should contact our pre-development enquiry team on 0191 419 6646 or email developmentenquiries@nwl.co.uk to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

14.0 The Coal Authority

14.1 The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

14.2 The Coal Authority Response: Material Consideration

14.3 I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

14.4 The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment Report (dated April 2015, produced by Wardell-Armstrong), which accompanies this planning application.

14.5 The Coal Mining Risk Assessment Report correctly identifies that the application site has been subject to past coal mining activity, namely unrecorded probable historic shallow coal workings.

14.6 The Coal Authority Recommendation to the LPA:

14.7 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report in paragraphs 4.5 and 4.6; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

14.8 The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development, requiring these site investigation works prior to commencement of development.

14.9 In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

14.10 A condition should therefore require prior to the commencement of development:

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

14.11 The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.